European Union Aviation Safety Agency

Comment-Response Document 2016-19

RELATED NPA 2016-19 — RMT.0681 — 24.5.2019

Executive Summary

The objective of RMT.0681 is to ensure that the delegated and implementing acts of the EASA Basic Regulation (Regulation (EU) 2018/1139) and the related AMC & GM are compatible with the specific obligations stemming from Regulation (EU) No 376/2014, thereby contributing to fostering effective systems for occurrence reporting, follow-up and analysis. An NPA stemming from this RMT was published in December 2016.

The changes proposed with RMT.0681 aim at mitigating the risks of overlaps and ambiguities that exist in the current regulatory framework due to the coexistence of reporting requirements in the delegated and implementing acts of the EASA Basic Regulation and in Regulation (EU) No 376/2014 and its delegated and implementing acts. The proposed changes are expected to increase legal certainty, support EASA Standardisation inspections in the area of Regulation (EU) No 376/2014, and support the implementation of effective occurrence-reporting systems as part of safety management.

Considering the interdependencies between this RMT and a number of concurrent EASA RMTs and with a view to limiting the number of Opinions issued in 2018, EASA decided to not issue a stand-alone Opinion for this RMT and hand over the rulemaking deliverables for each affected EU aviation regulation 'Part' to the domain-specific rulemaking units. It was also decided to publish this CRD to provide feedback to stakeholders and to extract specific guidance material developed as part of RMT.0681 to make it available as safety promotion material.

The domain-specific rulemaking units will consolidate and further process the regulatory material developed with RMT.0681 together with other pending RMTs for each domain. Effective coordination of these domain-specific rulemaking streams by a dedicated project manager shall prevent misalignment between resulting rule changes. The following provides an overview of RMTs through which the changes proposed are planned to be implemented:

N	EU aviation regulation Part (and related AMC & GM)	RMT	Target Opinion	Target Decision
1	Part 21	RMT.0251 Phase II	2020/Q1	2021/Q3
2	Part-M & Part-CAMO	RMT.0278 & RMT.0251 Phase II	2021/Q3	2022/Q3
3	Part-145	RMT.0251 Phase II	2020/Q1	2021/Q3
4	Part-ARA/Part-ORA (Aircrew)	RMT.0599	2019/Q3	2020/Q4
5	Part-ARO/Part-ORO (Air Operations)	RMT.0599	2019/Q3	2020/Q4
6	Part ADR-AR/Part-ADR-OR	RMT.0591	2021/Q1	2021/Q2
7	Part-ATM/ANS.AR/Part-ATM/ANS.OR	RMT.0719 (Part-MET)	2020/Q1	2021/Q3
8	Part ATCO-AR/Part ATCO-OR	RMT.0668	2022	2023
9	AMC 20-8	RMT.0643	N/A	2019/Q2

Table of contents

1. Issue/rationale

Regulation (EU) No 376/2014[1] on the reporting, analysis and follow-up of occurrences in civil aviation contains specific obligations for EASA, Member States' competent authorities, individuals and approved organisations. These obligations exist in parallel with the reporting obligations of the European Union Aviation Safety Agency (EASA) Basic Regulation (Regulation 2018/1139[2]) and its delegated and implementing acts. The Essential Requirements laid down in the Annexes to the Basic Regulation require organisations subject to that Regulation to establish occurrence-reporting systems as part of their management system. The requirements for occurrence reporting are further specified in the delegated and implementing acts of the EASA Basic Regulation. Unlike Regulation (EU) No 376/2014, the delegated and implementing acts of the EASA Basic Regulation apply to organisations established in third countries when approved by EASA.

Although the aforementioned regulations have the same purpose and broadly the same outcomes, there are key differences, overlaps and ambiguities that require resolution and eventual alignment. In particular, the link between occurrence-reporting requirements and safety management/management system requirements applicable to competent authorities and organisations respectively must be clarified. These potential issues can be addressed by updating the requirements in the affected delegated and implementing acts in order to render them fully consistent with Regulation (EU) No 376/2014. The basic principle remains that compliance with one regulation does not exempt organisations from compliance with the other regulation. However, this should not give rise to two parallel reporting systems and the obligation to report can be discharged by using one single reporting channel.

The proposed changes will provide clarity on the relevant authority and organisation requirements related to the implementation of mandatory and voluntary reporting systems, the analysis and follow-up of occurrences or groups of occurrences, the implementation of 'just culture' principles, as well as the exchange of safety-significant information and the protection of the source of information.

These requirements are closely linked to the implementation of management systems by organisations and authorities.

The proposed changes will in particular address the following issues:

— Regulation (EU) No 376/2014 does not apply to organisations not having their principal place of business in an EU Member State3. It is therefore necessary to further specify the requirements

[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) (http://eur-lex.europa.eu/legal-content/EN/TXT/?qid=1527161698770&uri=CELEX:32014R0376).

[2] Regulation (EU) 2018/1139 of the European Parliament and of the Council of 4 July 2018 on common rules in the field of civil aviation and establishing a European Union Aviation Safety Agency, and amending Regulations (EC) No 2111/2005, (EC) No 1008/2008, (EU) No 996/2010, (EU) No 376/2014 and Directives 2014/30/EU and 2014/53/EU of the European Parliament and of the Council, and repealing Regulations (EC) No 552/2004 and (EC) No 216/2008 of the European Parliament and of the Council and Council Regulation (EEC) No 3922/91 (OJ L 212, 22.8.2018, p.1) https://eur-lex.europa.eu/legal-content/EN/TXT/?qid=1535612134845&uri=CELEX:32018R1139.

[3] Or, in the area of ATM/ANS, to organisations not located in the territory subject to the provisions of the Treaty establishing the European Union and responsible for providing services in the airspace of the territory to which the Treaty applies.

and acceptable means of compliance for those organisations in the delegated and implementing acts of the EASA Basic Regulation so that they meet the intent of Regulation (EU) No 376/2014.

— The delegated and implementing acts of the EASA Basic Regulation set forth a number of reporting requirements, in terms of reportable events and conditions and of reporting channels between organisations (such as reporting to the design approval holder (DAH)), which are not addressed in Regulation (EU) No 376/2014. It is necessary to clarify how these relate to the requirements set forth in Regulation (EU) No 376/2014.

The proposed changes will support organisations in implementing the requirements of Regulation (EU) No 376/2014 as part of their management system (or quality system), rather than through the establishment of a separate system.

For any reportable events and conditions set out in the delegated and implementing acts of the EASA Basic Regulation that are currently not covered under Regulation (EU) No 376/2014 and its delegated and implementing acts, it is proposed that the systems established for the implementation of Regulation (EU) No 376/2014 are used to capture the related reports. However, it is acknowledged that these events and conditions will require separate reporting formats and may not qualify for storage in the European Central Repository (ECR) or application of the European Risk Classification Scheme (ERCS).

2. Summary of changes

2.1. General

Changes are proposed to the below rules:

— Initial Airworthiness: Part 21 and related AMC & GM;

— Continuing Airworthiness: Part-M, Part-145 and related AMC & GM;

— Aircrew: Part-ARA, Part-ORA and related AMC & GM;

— Air Operations (Air OPS): Part-ARO, Part-ORO and related AMC & GM;

— Aerodromes (ADR): Part ADR.AR, Part ADR.OR and related AMC & GM;

— Air Traffic Management (ATM)/Air Navigation Services (ANS): Part-ATM/ANS.AR, Part-ATM/ANS.OR;

— Air Traffic Controllers (ATCOs): Part ATCO.AR, Part-ATCO.OR and related AMC & GM; and

— AMC-20 'General Acceptable Means of Compliance for Airworthiness of Products, Parts and Appliances'

The main IR changes proposed for the above domains as initially proposed with the NPA and amended following the analysis of NPA comments are summarised below. The changes consider where general EASA authority and organisation requirements are already in place (all domains except initial and continuing airworthiness).

— Any remaining references to Directive 2003/42/EC[4], as well as to Regulations (EC) Nos 1321/2007[5] and 1330/2007[6], are removed as these legal acts were repealed by Regulation (EU) No 376/2014.

— Any remaining references to Regulation (EU) No 996/2010[7] related to Article 19 'Obligation to notify accidents and serious incidents' thereof is removed as this Article was repealed by Regulation (EU) No 376/2014.

— All existing occurrence-reporting requirements are updated to:

- be aligned as far as practicable with the definition of 'occurrence' in Regulation (EU) No 376/2014;

4 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) (http://eur-lex.europa.eu/legal-content/EN/TXT/?qid=1478785175933&uri=CELEX:32003L0042).

5 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 (OJ L 294, 13.11.2007, p. 3) (http://eur-lex.europa.eu/legal-content/EN/TXT/?qid=1478784931616&uri=CELEX:32007R1321).

6 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) (http://eur-lex.europa.eu/legal-content/EN/TXT/?qid=1478784994489&uri=CELEX:32007R1330).

7 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) (http://eur-lex.europa.eu/legal-content/EN/TXT/?qid=1478785043261&uri=CELEX:32010R0996).

- require organisations having their principal place of business in a Member State to implement the Regulation (EU) No 376/2014 compliant system catering for mandatory and voluntary reporting as part of their management system;
- establish the corresponding reporting requirements for organisations not having their principal place of business in a Member State where approved by EASA; and
- establish the form and manner for reporting of items that are not included in Implementing Regulation (EU) 2015/1018, which lays down a list classifying occurrences in civil aviation to be mandatorily reported according to Regulation (EU) No 376/2014.

— All organisation management system requirements are updated to clarify that the management system must consider any additional relevant requirements whether stemming from the EASA Basic Regulation and its delegated and implementing acts or from Regulation (EU) No 376/2014 and its delegated and implementing acts.

— All authority requirements (or equivalent Section B requirements) are proposed to be reviewed to clarify:

- that the sharing with EASA of safety-significant information stemming from the occurrence reports stored in the national database is without prejudice to the obligations stemming from Regulation (EU) No 376/2014;
- that, in the establishment of policies and procedures as part of the authority's management system, the authority ensures compliance with any additional requirements stemming from Regulation (EU) No 376/2014;
- that changes to the competent authorities' management system must consider the possible effects on the competent authority's capability to perform its tasks and discharge its responsibilities stemming from Regulation (EU) No 376/2014; and
- the management system requirement (ARX.GEN.200) on the establishment of procedures for participation in a mutual exchange of information and assistance with other competent authorities in the context of Regulation (EU) No 376/2014.

— In addition:

- references to Regulation (EC) No 216/2008 are replaced by references to Regulation (EU) 2018/1139; and
- references to 'implementing rules' are updated to refer to 'delegated and implementing acts'.

The scope of the proposed changes and the additional changes at IR level for each domain are explained below.

2.2. Initial airworthiness (Part 21)

Changes are proposed to the reporting obligations of any holder of a type certificate (TC), restricted type certificate (RTC), supplemental type certificate (STC), European technical standard order (ETSO) authorisation, major repair design approval or any other relevant approval deemed to have been issued

under Part 21, production organisations, and design organisations and the related Section B requirements (for the changes to Section B, refer to '2.1 -General').

— A new point 21.B.45(c) is added to ensure that EASA receives safety-significant information stemming from occurrence reports received by Member States' competent authorities.

2.3. Continuing airworthiness (Part-M and Part-145)

Changes are proposed to the reporting requirements addressed to persons, to Part-M Subpart-F maintenance organisations, Part-M Subpart-G continuing airworthiness management organisations and Part-145 maintenance organisations and the related Section B requirements (for the changes to Section B refer to 'Changes — General').

— M.A.202 'Occurrence reporting' is reviewed to make it applicable to persons only, while organisational occurrence-reporting requirements are now proposed with the new M.A.620 and M.A.718.

— In Section B of Part-M and of Part-145, the new points M.B.106 & 145.B.62 'Information to the Agency' are added for alignment with the other domains.

2.4. Aircrew (Part-ARA and Part-ORA)

Changes are proposed to the reporting requirements for approved training organisations having their principal place of business in a Member State or in a third country, and to the related authority requirements. Changes to Part-ARA are limited to those described in 'Changes — General'.

ORA.GEN.160 is amended to define that reports related to any incident, malfunction, technical defect, exceeding of technical limitations, occurrence that would highlight inaccurate, incomplete or ambiguous information, contained in the operational suitability data shall be made:

— in a form and manner established by the competent authority; and

— as soon as practicable, but in any case, within 72 hours of the organisation identifying the event or condition to which the report relates unless exceptional circumstances prevent this.

2.5. Air operations (Part-ARO and Part-ORO)

Changes are proposed to the reporting requirements for air operators subject to Part-ORO and the related authority requirements. Part-ORO only applies to organisations having their principal place of business in a Member State. Changes to Part-ARO are limited to those described in 'Changes — General'.

— ORO.GEN.160 is amended to define that reports related to any incident, malfunction, technical defect, exceeding of technical limitations, occurrence that would highlight inaccurate, incomplete or ambiguous information, contained in the operational suitability data shall be made:

- in a form and manner established by the competent authority; and
- as soon as practicable, but in any case, within 72 hours of the organisation identifying the event or condition to which the report relates unless exceptional circumstances prevent this.

— ORO.GEN.160 is further amended to consider additional reporting requirements for occurrences related to the transport of dangerous goods, as laid down in the relevant requirements of the

applicable Annexes to Regulation (EU) No 965/2012 (Annex IV (Part-CAT), Annex VI (Part-NCC), Annex VII (Part-NCO), and Annex VIII (Part-SPO)).

2.6. Aerodromes (Part-ADR.AR and Part-ADR.OR)

Changes are proposed to the reporting requirements for airport operators and providers of apron management services. Only aerodrome operators are required to establish and maintain an occurrence-reporting system, including mandatory and voluntary reporting and follow-up that meets the requirements of Regulation (EU) No 376/2014 and of the EASA Basic Regulation and their respective delegated and implementing acts. Changes to Part-ADR.AR are limited to those described in 'Changes — General'.

— ADR.OR.C.030 is amended to define the form, manner and timelines for reports related to any malfunction, technical defect, exceeding of technical limitations, occurrence or other irregular circumstance of aerodrome equipment.

— ADR.OR.D.030 is amended to clarify that the safety reporting system established by the aerodrome operator for all personnel and organisations operating or providing services at the aerodrome shall meet the requirements of the EASA Basic Regulation and Regulation (EU) No 376/2014 and their respective delegated and implementing acts.

2.7. Air traffic management/air navigation services (Parts ATM/ANS.AR and ATM/ANS.OR):

Changes are proposed to the reporting requirements for service providers of air traffic management (ATM)/air navigation service (ANS) and other ATM Network functions, both located in the territory subject to the provisions of the Treaty establishing the European Union and those located outside the territory subject to the provisions of the Treaty establishing the European Union, when responsible for providing services in the airspace of the territory to which the Treaty applies.

— ATM/ANS.OR.A.065 is amended to define the form, manner and timelines for reports related to any malfunction, technical defect, exceeding of technical limitations, occurrence or other irregular circumstance of ATM/ANS systems and constituents (e.g. CNS, AIS).

— ATM/ANS.OR.A.065 is further amended to define equivalent reporting requirements for those service providers that are not subject to Regulation (EU) No 376/2014.

— Existing AMC and GM to ATM/ANS.OR.A.065 are amended as follows:

- AMC1 ATM/ANS.OR.A.065 'Occurrence reporting' is amended to address more specifically the procedures to be established and the allocation of responsibilities for reporting, as well as to highlight the need to apply safeguards.
- GM1 ATM/ANS.OR.A.065 is deleted, its contents are now included in the new AMC3 ATM/ANS.OR.A.065.
- Point (a) of AMC1 ATM/ANS.OR.A.065(a) is replaced by new text explaining the principles underlying the list of reportable occurrences in Regulation (EU) 2015/1018.
- The new AMC3 ATM/ANS.OR.A.065 is added to address the case of single reports for multiple certificate holders.

- The new AMC1 ATM/ANS.OR.A.065(c) is added to address reporting between organisations, it includes the text of the deleted GM1 ATM/ANS.OR.A.065.
- GM1 ATM/ANS.OR.A.065(b) 'Occurrence reporting' is re-identified as GM1 ATM/ANS.OR.A.065(c).
- The new AMC1 ATM/ANS.OR.A.065(e) is added to address the case of organisations to which Regulation (EU) No 376/2014 and its delegated and implementing acts do not apply.

2.8. Air traffic controller training organisations (Part-ATCO.AR and Part-ATCO.OR)

Changes are proposed to the reporting requirements for air traffic controller training organisations, both for those located in the territory subject to the provisions of the Treaty establishing the European Union and those located outside the territory subject to the provisions of the Treaty establishing the European Union. The reporting requirements only apply where a training organisation provides on-the-job training.

— ATCO.OR.B.040 is amended to define the form, manner and timelines for reports related to any malfunction, technical defect, exceeding of technical limitations, occurrence or other irregular circumstance of ATM/ANS systems and constituents (e.g. CNS, AIS).

— ATCO.OR.B.040 is further amended to define equivalent reporting requirements for those service providers that are not subject to Regulation (EU) No 376/2014.

2.9. AMC 20-8

Changes to AMC 20-8 are required to ensure alignment with Regulation (EU) No 376/2014 and to remove elements already sufficiently addressed in other parts of the airworthiness regulations. The main changes proposed are summarised below:

— reporting timelines and follow-up obligations are aligned with Regulation (EU) No 376/2014;

— further guidance on reporting between organisations is provided — this eliminates the need to include such guidance in Part 21, Part-M and Part-145 respectively;

— the existing list of reportable occurrences, superseded by Regulation (EU) 2015/1018 providing the list of occurrences that are subject to mandatory reporting, is removed; and

— a new list is added to define reportable occurrences for organisations and persons that are not subject to Regulation (EU) No 376/2014.

3. Summary of the outcome of the consultation

The distribution of NPA comments for the main NPA segments is shown below:

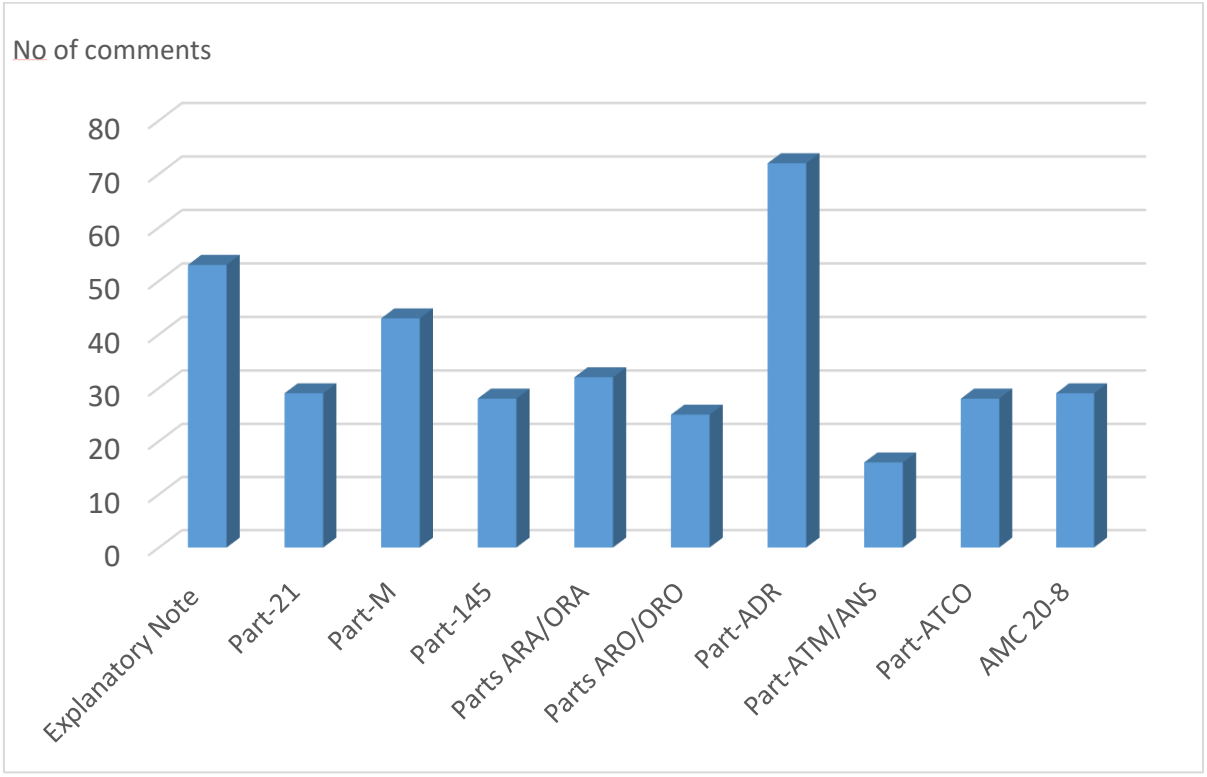

Figure 1 — comment distribution

The 355 comments posted via the EASA Comment-Response Tool (CRT) included 118 duplicate comments (meaning comments repeating comments made by different stakeholders). The below graph presents how the 237 unique comments were addressed by EASA.

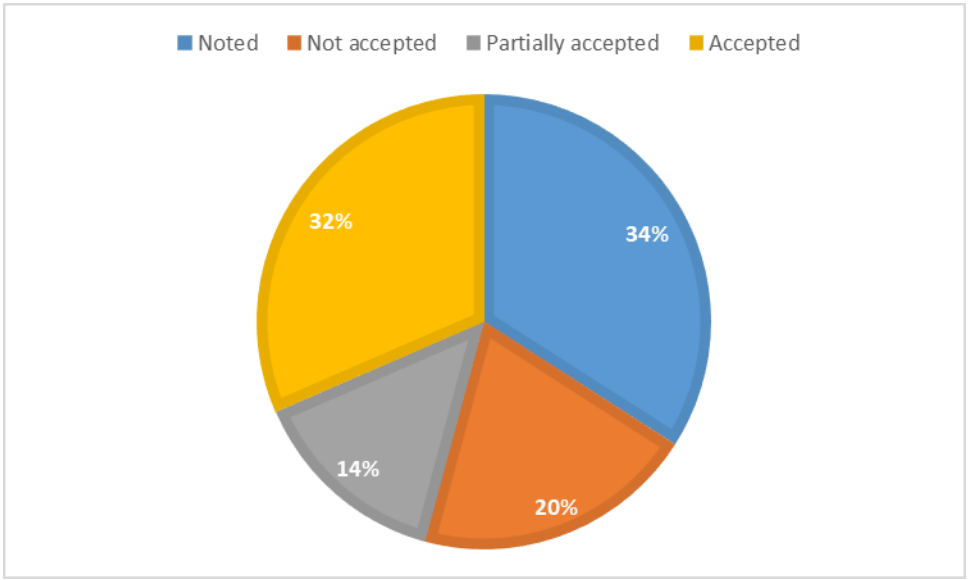

Figure 2 — EASA comment response

Two open questions were addressed to the stakeholders in the NPA as follows:

The Agency seeks the views of stakeholders on the need for, as well as on the main items to be included in, future rulemaking as regards reviewing and enhancing the general organisation requirements related to safety management, across domains.

A number of NPA comments indicated general support for such rulemaking activity and suggested this should in particular address the changes introduced with ICAO Annex 19 Second Edition, in relation to interfaces/reporting between organisations, consistent requirements for internal safety reporting and safety analysis schemes in the different domains and to support the implementation of just culture policies.

Other commenters called for a stabilisation of the existing regulatory framework and a 'cool down' period before introducing more 'horizontal' elements, in particular to minimise the potential negative economic impact on small and medium-sized enterprises. It was also proposed to perform specific ex post evaluations and to assess the maturity of safety management including related standardisation aspects to support future rulemaking in the area of safety management.

The Agency seeks the views of stakeholders on the need for, as well as on the main items that could be transferred into, a set of 'cross-domain' AMC and GM (similar to AMC-20, but not limited to airworthiness) to address all common elements of organisation's management and occurrence-reporting systems, with the objective to ensure overall consistency, while eliminating duplication of common contents in the different domain-specific AMC and GM.

Only a few comments were received for this open question. Most of them expressed support for the proposal to create AMC and GM covering common elements relating to organisation's management and occurrence-reporting systems, but suggested that EASA consider creating a group for the drafting of such material to facilitate contributions from stakeholders of relevant domains.

It was also commented that such efforts should be undertaken for the implementation of the EASA strategy/roadmap for simpler, better and performance-based general authority and organisation requirements and that in the meantime, AMC-20 may be used to include common AMC and GM, provided that proper cross-referencing is ensured in the different delegated and implementing acts of the EASA Basic Regulation.

One commenter expressed that priority should rather be given to the harmonisation of the occurrence evaluation to ensure that the occurrence data can be used to refine risk assessments.

Extracting common elements of organisations' management and occurrence-reporting systems could be done in the context of the implementation of the EASA strategy/roadmap for simpler, better and performance-based general authority and organisation requirements by means of RMT.0706 'Update of authority and organisation requirements'[8].

EASA proposes that AMC 20, only applicable to airworthiness organisations, be used to include relevant AMC and GM stemming from RMT.0681 for those organisations, thereby limiting duplication in the related regulatory material. In addition, it proposes to create new safety promotion material clarifying what it means to implement a system for mandatory and occurrence reporting compliant with Regulation No (EU) 376/2014. The draft text for such guidance is included in Appendix B to this CRD. It

[8] This RMT is de-prioritised in EPAS 2019-2023.

considers a number of points raised in NPA comments and is intended to be used as a 'quick reference guide', complementing the guidance material issued by the European Commission.

4. Main issues raised in NPA comments

4.1. Referencing Regulation (EU) No 376/2014 in the delegated and implementing acts of the EASA Basic Regulation

Mixed views were expressed on how to reconcile Regulation (EU) No 376/2014 and the delegated and implementing acts of the EASA Basic Regulation: A number of comments, mainly from the aerodromes community, indicated that occurrence-reporting requirements as well as the need for a systemic approach to processing such reports through 'mechanisms' shall be understood to be completely covered by Regulation (EU) No 376/2014. Other commenters, including a number of national aviation authorities (NAAs), expressed support for the amendments proposed to the delegated and implementing acts of the EASA Basic Regulation, not only to clarify the link with existing reporting requirements which are not addressed in Regulation (EU) No 376/2014, or to support the implementation of occurrence-reporting schemes as part of organisations' management systems, but also to ensure that stakeholders have full visibility on all requirements that apply to them.

Several NPA comments also highlighted the difficulties created by the coexistence of 'parallel legislation' for aviation safety management and invite the European Commission and EASA to consider the creation of a unified legal framework for safety management in line with ICAO Annex 19.

4.2. Designation of different competent authorities for the implementation of Regulation (EU) No 376/2014 and the EASA Basic Regulation and their delegated and implementing acts respectively

Several NPA comments requested to further specify references to 'competent authority' in the context of Regulation (EU) No 376/2014 Article 6(3) and to review the guidance material proposed with the NPA addressing clear allocation of tasks and coordination aspects where different competent authorities are designated. EASA accepted those comments and proposes to issue safety promotion material addressing the coordination between competent authorities, being an essential element within SSP implementation (Basic Regulation, Article 7). No further rule changes are proposed as the designation of competent authority is sufficiently addressed in existing Regulations:

A State has the prerogative to decide to which of the existing authorities the competences on 'establishing a mechanism to independently collect, evaluate, process, analyse and store details of occurrences reported pursuant to Regulation (EU) No 376/2014 Articles 4 (MOR) and 5 (VOR)' should be allocated. Competences are already established as per the applicable Regulations (Regulation (EU) No 376/2014 and the EASA Basic Regulation and its delegated and implementing acts).

4.3. Differences in terminology and scope of what needs to be reported

A number of NPA comments suggested a review of the various definitions used in the existing occurrence-reporting requirements and align them with the definition of 'occurrence' included in Regulation (EU) No 376/2014. EASA proposes to align them with the Regulation (EU) No 376/2014 definition, but to also amend the latter to include not only 'events', but also 'conditions', to read:

'any safety-related event or condition that endangers or, if not corrected or addressed, could endanger an aircraft, its occupants or any other person'

It is important not to limit reporting to past events and also to cater for those activities that are not directly involved in aircraft operations (in particular in the airworthiness domain). Such reporting is intended to support the identification of latent conditions that may lead or contribute to accidents and incidents, at the earliest possible stage. This is consistent with Regulation (EU) 2015/1018, which includes details of 'occurrences' with several listed items constituting conditions rather than events.

A number of NPA comments suggested that the reference to 'any safety-related event that endangers or could endanger…' is too broad to be useful and that more specific terminology should be provided to avoid misinterpretation. However, the reference is intentionally broad since it ensures that new events and conditions are reported in addition to the scenarios already seen or easily imagined. EASA considers that further specifying or limiting the items that qualify for reporting may discourage reporting. The principle of occurrence reporting is that any occurrence that endangers, or could endanger an aircraft, its occupants or any other person should be reported. While Regulation (EU) 2015/1018 provides legal clarity on fulfilling the obligations of Regulation (EU) No 376/2014, in practical terms it cannot be considered as being exhaustive.

In the future, the definition of 'occurrence' in Regulation (EU) No 376/2014 may be amended to add a reference to 'condition'. However, the European Commission will not initiate any change to Regulation (EU) No 376/2014 until feedback is available from standardisation activities to get a clearer view on the implementation of that Regulation. Also, by 16 November 2020 the European Commission shall publish and send to the European Parliament and to the Council an evaluation report on the implementation of that Regulation. Following the 'better regulation' principles, if appropriate and on the basis of that report, the Commission may make proposals to amend Regulation (EU) No 376/2014.

4.4. Terminology: use of the terms 'safety' and 'flight safety' in the airworthiness rules

One NPA comment from industry challenged the use of those terms in the domain of initial and continuing airworthiness, claiming that 'safety' cannot be fully described and covered by the continuing airworthiness activities and that, while this term is globally recognised and understood by the aviation community as the objective to reach, it shall not be mistaken for the term 'airworthiness' that only entails a series of activities necessary, but not sufficient, to reach this objective. The comment suggested that although occurrences originating from the continuing airworthiness activities may impact the full safety chain, the selection of the term 'safety' in this specific context should be avoided. EASA maintains the use of the term 'safety' which is defined in ICAO Annex 19 as: 'The state in which risks associated with aviation activities, related to, or in direct support of the operation of aircraft, are reduced and controlled to an acceptable level'. In this respect, the use of the term 'safety' supports the overall principle of reporting that should encompass any event or condition representing a significant risk to aviation safety (mandatory reporting) or that may represent an actual or potential aviation safety risk (voluntary reporting). To partially address the points made, it is proposed to replace the reference to 'endanger flight safety' by the Regulation (EU) No 376/2014 terminology/definition of occurrence '…if not corrected or addressed could endanger an aircraft, its occupants or any other person'.

Reconsidering more generally the use of the terms 'safety' and 'risk' in the delegated and implementing acts of the EASA Basic Regulation exceeds the scope of RMT.0681. This recommendation could be

considered as part of the implementation of the EASA strategy/roadmap for simpler, better and performance-based general authority and organisation requirements (RMT.0706[9]).

4.5. Authority requirements on 'immediate reaction to a safety problem' and 'information to the Agency'

Some NPA comments suggested that these existing requirements in ARA/ARO.GEN.125 and ARA/ARO.GEN.135 (and the equivalent requirements in the ADR and ATM/ANS rules) are superseded by Regulation No (EU) 376/2014. The EASA opinion is that these existing requirements complement the relevant Regulation (EU) No 376/2014 requirements by ensuring that competent authorities and EASA take adequate and timely action whenever a safety issue calls for immediate reaction and by ensuring proper coordination.

These existing requirements also consider that additional reportable occurrences are defined in the delegated and implementing acts of the EASA Basic Regulation and more generally ensure that EASA receives safety-significant information stemming from occurrence reports addressed to competent authorities, for the purpose of its safety action planning under the European Plan for Aviation Safety (EPAS). The requirements are complemented by new AMC and GM to clarify the meaning of safety-significant information and describe the elements to be shared with EASA.

Some NAAs commented that the information to be shared should consider the occurrence reports received rather than those stored in the national database. EASA does not consider this change appropriate as there may be cases where a historical safety issue reappears and in that case EASA would need both the old and new safety-significant information.

4.6. Where to address requirements for the State as opposed to requirements for the competent authority?

Some NAAs commented that, while the proposed NPA text asking for a clear allocation of responsibilities between different authorities is welcome, such allocation can only be done at the level of the State due to the different competences and hierarchies. States must define the allocation of responsibilities to the different entities and competent authorities, establish, and maintain related coordination mechanisms as part of their State Safety Programme (SSP) responsibilities. Therefore, commenters suggested that the ARA/ARO.GEN requirements on allocation of tasks to different competent authorities as proposed with the NPA be addressed to the States and that these should be included into the EASA Basic Regulation or Regulation (EU) No 376/2014. EASA generally agrees with those comments and proposes that the wider issue of regulating safety management at State level be assessed in the context of implementing the EASA strategy/roadmap for simpler, better and performance-based general authority and organisation requirements (RMT.076).

4.7. Reporting between organisations

Several NPA comments questioned the need to review the provisions on reporting between organisations as part of this rulemaking task. EASA considers that effective reporting between organisations is essential to support the overall objectives of occurrence reporting and to ensure effective risk management at the interfaces between organisations. However, EASA agrees to amend the resulting text by removing the related provisions in those domains where SMS is not yet applicable

[9] This RMT is de-prioritised in EPAS 2019-2023.

(airworthiness) and address the issue as part of the dedicated rulemaking task (RMT.0251 — Phase II). The changes proposed with RMT.0681 will be limited to reviewing and clarifying existing reporting lines between organisations where this is needed to support occurrence reporting to the competent authority.

A significant number of comments were made by the aerodromes community regarding ADR.OR.D.030 'Safety reporting system'. This may indicate that the relevant requirements are not fully understood: The reporting to the aerodrome operator by other organisations providing services or operating at an aerodrome is done in the context of the implementation of the SMS of the aerodrome operator and it covers only aerodrome-related occurrences. This type of cross-organisational reporting is necessary in order to ensure the effectiveness of the SMS of the aerodrome operator, and to ensure that relevant corrective actions are taken in a timely manner, as set forth in the essential requirements for aerodromes of the Basic Regulation.

In response to specific NPA comments, EASA proposes to review the AMC provision on aerodrome operators to establish arrangements with all organisations operating or providing services at the aerodrome defining their reporting obligations under the safety-reporting system of the aerodrome operator, by removing the need for written arrangements, as this was found too stringent and creating unnecessary administrative burden in particular for operators of large aerodromes.

Reporting in the case of organisations with multiple approvals/multiple reporting of the same occurrence Many NPA comments from industry requested that in the case of multiple approved organisations, it should be acceptable to provide a single report. Other commenters requested that organisations should not be requested to report if there is evidence that the issue was already reported by another organisation. Commenters claim that requiring each approval holder/organisation to report will create burden and result in a lot of duplicate/multiple reporting without adding value for safety.

According to Regulation (EU) No 376/2014, the possibility for a single report is only provided where the 'reporters' have the same function. The baseline requirement to report for each type of approval is based on the premise that different parts of the approval holder/organisation may hold different information on the same occurrence. The reports will either contain different information because of the different role of the organisation, or they will not be reportable in the same way. For example, reports from the air operator and from air traffic control (ATC) are often different, and both are needed as they will provide the competent authority with the necessary data in order for it to classify the occurrence. In addition, each approval holder/organisation must report to their competent authority and these reports may be different, depending on the case.

EASA considers that where the multiple approved organisation ensures that its report includes all relevant information from the perspective of the different approvals held and addresses all relevant specific mandatory data fields (e.g. bird strike reported by the air operator certificate (AOC) holder also including all relevant information provided by their Part-145 organisation following inspection of the aircraft), the intent of Regulation (EU) No 376/2014 is met and it should be possible to provide a single report to the competent authority. However, where there are different competent authorities for the approvals held, the organisation must provide separate reports to each competent authority, where the content of each report reflects the capacity of the approval for which the organisation is reporting.

AMC will be included to clarify this in the context of multiple approved organisations implementing integrated systems for mandatory and voluntary reporting.

It is further considered that for reporting to the DAH (Part 21 or equivalent organisations in the aerodromes and ATM/ANS domains), the same principles should apply to determine whether a single report or individual reports should be made by each approval holder/organisation.

4.8. Multiple reporting of the same occurrence by different organisations

In the case of reporting of the same occurrence from different organisations (i.e. not the same organisation with multiple approvals), the principle of multiple organisations reporting the same occurrence, either to another organisation or to the competent authority is based on the following:

— The information from each organisation may be different or the emphasis and conclusions of an analysis/investigation may be different.

— The competent authority may be different.

— Even a 'no additional comments' response added to a report originating from another organisation provides the competent authority with information.

Therefore, EASA considers that submitting a single report bears the risk that a number of occurrences would not be reported at all or they would be reported too late. Also, it may be assumed that the administrative burden of checking that a report has been submitted may be equal to submitting it anyway. However, it is possible within the European Co-ordination Centre for Accident and Incident Reporting Systems (ECCAIRS) to record who has received a copy of the report and therefore competent authorities may choose to use this as a way of minimising initial reports.

4.9. Use of ECCAIRS

Several NPA comments indicated problems with the use of ECCAIRs due to the number of data fields. It is important to recall that the common mandatory data fields are all relevant and only the relevant specific mandatory data fields should be completed. Other comments highlighted problems due to the use of different ECCAIRS versions. It is important that competent authorities keep up to date with ECCAIRS versions so that this problem is minimised. Smaller Member States may choose between the administrative burden of frequent updates and the administrative burden of manually adding reports, but Member States should not expect organisations to put up with additional costs because they are not up to date with ECCAIRS.

The Commission and EASA are exploring possible methods of modernising ECCAIRS that would enable more streamlined reporting and collaborative analysis. The current ECCAIRS software will be replaced by a modern suite in 2020. New functionalities will be implemented as per user's requirements.

In response to specific NPA comments, EASA confirms that an ECCAIRs compliant reporting system provided by the competent authority means that users of that system are automatically compliant with the reporting system requirements pursuant to Regulation (EU) No 376/2014. This means that organisations that are using this system do not need to have their own ECCAIRs compliant reporting system. This point will also be clarified in the GM that will be issued as EASA safety promotion leaflet (see Annex I).

4.10. Timeline for providing the final results of the analysis (Regulation (EU) No 376/2014, Article 13(5))

Many comments from industry and authorities indicated that it is not realistic to expect a comprehensive analysis to be done within the 3-month deadline. In line with the Commission guidance[10] it is acknowledged that 'analysing an occurrence may take longer than three months, especially in the event of a complex investigation or where the services of a specialist investigator are required. The follow up requirements are not intended to jeopardise the quality and thoroughness of an occurrence analysis. It may be detrimental to safety if rushed in order to be completed within the *encouraged three months* period without properly establishing root cause and determining relevant remedial action.' (see pages 44 and 45)

4.11. Just culture and protection of safety information

Several NPA comments from industry associations and unions proposed that the just culture elements in the occurrence-reporting delegated and implementing acts and the AMC related to safety policy be better aligned with Regulation (EU) No 376/2014. EASA accepts these comments and will amend the AMC material to reflect the exact wording of Article 16 of Regulation (EU) No 376/2014.

Regarding protection of information, it will be clarified that reports must appropriately safeguard the confidentiality of the identity of the reporter and of the persons mentioned in the report, including in cases where Regulation (EU) No 376/2014 does not apply.

4.12. Reporting related to data captured through automated systems — FDM-related reporting

A number of NPA comments indicate a need to clearly dissociate the idea of retrospective safety reports requested for events detected by such automated systems from mandatory occurrence-reporting schemes in the context of Regulation (EU) No 376/2014. EASA acknowledges the risk of confusion resulting from the use of the term 'report', which is associated with mandatory occurrence reporting, whereas the retrospective reporting supports the internal analysis of significant flight data monitoring (FDM) events by the operator. The 'report' an operator needs for this purpose may take any form possible. What matters is to get the contextual information necessary for a better analysis of significant FDM events. The related AMC to ORO.AOC.130 will be reviewed accordingly.

4.13. Reporting to Member States where services are provided

A number of comments were made to request organisations to also report to the Member States where services are provided, in addition to reporting to the Member State where the organisation has its principal place of business. These comments are not accepted as the requirements for exchange of information between authorities defined in Article 9(3) of Regulation (EU) No 376/2014 override the need for such reporting. This is for cases where an occurrence is either of interest to the other Member States or EASA, or possibly requires safety action to be taken by the other Member States or EASA.

It should also be considered that all competent authorities have access to the ECR and that the EASA authority requirements contain provisions for immediate reaction to a safety problem. Nevertheless, the Commission, EASA and Member States are considering ways to further improve this exchange of information.

[10] http://www.aviationreporting.eu/AviationReporting/documents/Guidancematerial376-2014.pdf

4.14. Reporting to the State of Registry

Existing Part-M and Part-145 requirements for reporting to the State of Registry are maintained to address cases where the aircraft is registered in a third country. Within the EASA Member States the requirements for exchange of information between authorities as defined in Article 9(3) of Regulation (EU) No 376/2014 override the need for reporting to the State of Registry.

4.15. Reporting requirements for third-country organisations

Several NPA comments indicated that the proposed occurrence-reporting requirements and related AMC should be reviewed to include 'equivalent requirements' and the list of reportable occurrences for organisations approved by EASA not having their principal place of business in a Member State.

EASA accepted these comments and proposes to review the provisions as follows:

— The requirement for mandatory reporting (IR level) will clarify the provisions for the initial reports, including the 72-hour timeline.

— AMC will be added to include the provisions for follow-up reporting, define the information to be provided for mandatory reports on the basis of Annex I to Regulation (EU) No 376/2014 and include the list of reportable occurrences on the basis of Regulation (EU) 2015/1018. For the airworthiness domain, such provisions are proposed to be included only once, in AMC 20-8. The existing list of reportable occurrences in AMC 20-8 will be replaced with the items listed in Regulation (EU) 2015/1018, Annex II.

4.16. Other relevant comments not directly related to the alignment with Regulation (EU) No 376/2014

NPA comments indicated the need for a separate RMT for changes introduced by ICAO Annex 19 'Safety Management' Second Edition. These changes could be addressed as part of RMT.0706 'Update of authority and organisation requirements'[11].

[11] This RMT is de-prioritised in EPAS 2019-2023.

5. Individual comments and responses

In responding to comments, a standard terminology has been applied to attest EASA's position. This terminology is as follows:

(a) **Accepted** — EASA agrees with the comment and any proposed amendment is wholly transferred to the revised text.

(b) **Partially accepted** — EASA either agrees partially with the comment, or agrees with it but the proposed amendment is only partially transferred to the revised text.

(c) **Noted** — EASA acknowledges the comment but no change to the existing text is considered necessary.

(d) **Not accepted** — The comment or proposed amendment is not shared by EASA.

(General Comments)	-

comment	*1* comment by: *NHF Technical committee* In general, Norsk Helikopteransattes Forbund (NHF) support the updates and the clearifications in the rule text. NHF strongly support open and honest reporting, based on just culture priciple.
response	Noted.

comment	*54* comment by: *Lee Carslake* This whole NPA is inappropriate as it confuses the fundamental principals of voluntary reporting and mandatory reporting. The two subjects are totally seperate. Should organisations be required to provide voluntary reports to the competent authority, the likely outcome is the destruction of the company cultures which have been developed over a long period of time. Individuals will think twice about voluntary reporting for fear of punitive action further down the line knowing that the report will need to be provided to the competent authority. While the NPA has some merits, these are far outweighed in my opinion by the above outlined confusion.
response	Partially accepted. Regulation (EU) No 376/2014 sets the necessary legal framework to encourage individual reporters to go beyond the strict compliance with the mandatory reporting obligations and share those issues perceived by them as a threat to the aviation system with the relevant party (organisation or competent authority, as applicable). Therefore, any occurrence or safety-related information considered as safety relevant by reporters should be reported. The reporting of all relevant information should be strongly promoted and front-line professionals should be encouraged to share their experiences. The NPA text reflects the requirements set out in Regulation (EU) No 376/2014 for the establishment by organisations of systems that enable mandatory and voluntary reporting, and further indicates where mandatory reporting is required. In terms of voluntary reporting, the NPA text does not include any requirements as to when the voluntary reporting system shall be used: There is no legal requirement under Regulation (EU) No 376/2014 for reporting occurrences outside of the situations that qualify for mandatory reporting. All NPA provisions related to voluntary reporting will however be reviewed to clarify that voluntary reporting mainly relates to safety-related information which is perceived by the reporter as an actual or potential hazard to aviation safety. This also relates to reporting details of occurrences that may not be captured through the mandatory reporting system and is intended for reporting of occurrence by individuals which are not subject to mandatory reporting.

	It will also be clarified that just culture principles are to be applied both for mandatory and voluntary reporting.
comment	*66* comment by: *Luftfahrt-Bundesamt* LBA comment We generally agree with the comments of the BAF. The special requirements in the context of wildlife strike hazard reduction according to ICAO Annex 14, Volume I, chapter 9.4 are not adequately addressed. In addition to a procedure for recording and reporting wildlife strikes, Annex 14 requires the collection of information on the presence of wildlife on or around aerodromes and an ongoing evaluation of the wildlife hazard. Furthermore, wildlife strike reports shall be forwarded to ICAO for inclusion in the IBIS database. Please see our comments on the relevant paragraphs.
response	Noted. The proposed provisions aim at aligning the provisions of Regulation (EU) No 139/2014 with those of Regulation (EU) No 376/2014. The provisions of paragraph 9.4 of Annex 14 are already addressed in Regulation (EU) No 139/2014 and AMC1 ADR.OR.D.030, as well as ADR.OPS.B.020 and the related AMC. Regulation (EU) No 139/2014 contains specific requirements for the forwarding of such reports to ICAO.
comment	*123* comment by: *ACI Europe* ACI Europe strongly welcomes the intent and efforts of EASA to streamline, simplify and promote easy understanding and clarification of the existing hierarchy of regulations. It is in this light that these consolidated comments should be read and understood. ACI Europe welcome and its members support the efforts by the Agency to review and enhance the general organisation requirements related to safety management, across domains. Avoidance of duplication across regulations coupled with clarification and establishing the hierarchy between the various pieces of regulation will make the application of the regulation more convenient for the users and will reduce potential misinterpretations of regulatory requirements by all stakeholders.
response	Noted.
comment	*142* comment by: *Swedish Transport Agency, Civil Aviation Department (Transportstyrelsen, Luftfartsavdelningen)* **Swedish Transport Agency answer regarding NPA 2016-19, Alignment of implementing rules and acceptable means of compliance/guidance material with Regulation (EU) No 376/2014 – occurrence reporting**

The Swedish Transport Agency is of the opinion that the objective of the NPA 2016-19 is well achieved in the proposed update of the implementing rules of Regulation (EU) No 216/2008 and the related acceptable means of compliance/guidance material in order to align with Regulation (EU) 376/2014.

The Swedish Transport Agency is of the opinion that the suggested changes primarily clarify the affected regulations and their AMC/GM. We are also positive to the fact that the NPA clarifies the requirements on individuals and organizations in relation to (EU) 376/2014, (EU) 996/2010 and (EU) 216/2008. Hence, we support the overall suggested changes in the NPA.

There are sentences in the AMC/GM that are written as conclusive rules regarding authority requirements when a competent authority responsible for occurrence reporting is different from the one responsible for the oversight of the organisation. This is explained and written at page 9 in the NPA. However, AMC/GM should be written as guidance and hence these sentences should be rewritten, see for instance GM1 ARA.GEN.200 page 36 and GM1 ATCO.AR.B.001, page 69 (for further details see remarks in the material). If the sentenced are meant to be conclusive it should be moved to the regulations, if it is a guidance it should also be stated in the GM for (EU) 376/2014.

We also have a few remarks on the language to some part of the NPA, these are attached to the concerned chapters.

The decision in this matter has been made by Civil Aviation and Maritime Director Ingrid Cherfils. Charlotte Billgren, head of section, the latter submitting the answer, took part in the final handling of the matter.

Ingrid Cherfils
Civil Aviation and Maritime Director

response

Noted.

The detailed comments to the NPA language will be addressed. Text included in GM will be reviewed and where relevant, such text should also be included in the Commission guidance. It will be ensured that conclusive rules will not be included as AMC or GM.

comment

181 comment by: *Condor Flugdienst GmbH*

1. EU 376/2014 Article 7 4 (b) and AMC 1 ORO.GEN160 (b)(9)(1) „...[the databases […] shall use formats which are] compatible with the ECCAIRS software and ADREP taxonomy. and „…an interface is established between the organisations…"
= Discrepancy between ECCAIRS taxonomy version 3.4.0.1 and 3.4.0.2: NAA is requesting 3.4.0.2, reporting system provider is only supporting version 3.4.0.1 --> Clear guidance on current valid version is needed

2. EU 376/2014 Annex I 1 "Common Mandatory Fields"
(7) Event Type = ADREP list on Event Types is too long for practical usage --> no trends identifiable (same applies for Descriptive and Explanatory factors)
(5) Classification = Occurrence class Hazard is needed to be able to identify issues proactive

3. GM1 ORA.GEN.160 (a) (j) "Organisations are required to ensure that reports addressed to competent authority contain at least the information listed in Annex I to Regulation (EU) No 376/2014."
= Clear guidance on which fields need to be transferred exactly as at the moment NAAs ask for different fields (e.g. Injuries vs. Total number vs. fatal, minor, serious)

4. EU 2015/1018 Annex I 5. (4) "Wildlife strike including bird strike"
= Double work for airlines as bird strikes have to be reported to ECCAIRS portal and to national committee for the prevention of bird strikes

Noted.

1 — ECCAIRS is designed to be backwards compatible and therefore provided that the competent authority is up to date, there is normally not a problem with using a slightly different version. In the case of versions 3.4.0.1 and 3.4.0.2, ECCAIRS is not backwards compatible, which is why there is a problem. The competent authority needs to agree with its reporting organisations which versions will be used, since in some cases the update will not affect ECCAIRS attributes reported by that organisation. Maintaining up to date ECCAIRS versions at competent authority level will be part of EASA's standardisation of Regulation (EU) No 376/2014 implementation. The Commission, EASA and Member States are working towards an ECCAIRS update that will resolve these problems.

2 — The taxonomy is structured such that the individual event type categories can be grouped. For example:

- Equipment
  - Aerodrome and ATM Equipment
    - Aerodrome and ATC Support Systems
      - ASDE/ AMASS Corruption
      - ASDE/ AMASS Failure
      - ASMCGS Corruption
      - ASMCGS Failure
      - ATC Lighting Panel Failure
      - DME Failure
      - Glideslope Failure
      - ILS Failure
      - Localiser Failure
      - Marker Beacon Failure
      - Microwave Landing Systems (MLS) Failure
      - Precision Approach Path Indicator (PAPI) Failure
      - Precision Approach Radar (PAR) Failure
      - Surface Movement Radar Corruption
      - Surface Movement Radar Failure
      - Visual Approach Slope Indicator (VASI) Failure

The event types may be recorded and/or analysed either as the precise event types, such as advanced surface movement guidance and control system (ASMCGS) corruptions, or at a higher level such as occurrences related to aerodrome and ATM equipment, or as occurrences related to equipment. This supports both detailed and less specific/higher-level coding and analysis, depending on both the information that is available and the analysis that is required.

3 — Annex I to the Regulation provides the list of mandatory data fields which must be applied. The 'common mandatory data fields' must be completed for all occurrences, using

	'not applicable' or 'unknown' where necessary. The 'specific mandatory data fields' should be applied to relevant occurrences. For example, if an occurrence is not at an aerodrome then the aerodrome-related data fields are not necessary. Regarding the injury fields, the Regulation requires that in addition to supplying the total number of injuries, the number of fatal, serious and minor injuries should be supplied. In cases where this is not yet known, the fields should be completed with preliminary information. The Regulation takes into account the need to supply preliminary information by providing a deadline for initial and follow-up reports. Point 4: Noted. In order for the aerodrome operators to mitigate the risks associated with the presence of wildlife on or in the vicinity of aerodromes, it is necessary to gather relevant information. In this way, an aerodrome operator is enabled to take adequate and timely actions to address such issues and to provide a safe operating environment to the users of the aerodrome. The proposed provision is in line with the content of ICAO Doc 9137 Part 3 'Wildlife control and reduction'.
comment	*188* comment by: *German NSA (BAF)* What is generally missing throughout the whole document is a reference to other employees other than ATCOs and ATM providers. From the perspective of an authority, a clear reference to the duties, the responsibility and the reporting chain (e. g ATSEPs, MET-observers, AIS-officers and other qualified staff) is missing. This document is intended to address everyone in the aeronautical world. Thus, in our opinion it is necessary to act with the same level of detail in regard to CNS-, AIS- and MET providers. The principle, to be followed, should be "treat same things equal". CNS-, AIS- and MET providers are not mentioned at all. Proposal: It is proposed to either add a chapter referring to CNS-, AIS- and MET providers or amend the particular references.
response	Not accepted. This comment is related to the applicability of mandatory reporting to natural persons as per Regulation (EU) No 376/2014 Article 4(6). It should be noted that ATM/ANS.OR.A.065 applies to all service providers, including the ones mentioned in the comment. In the context of the applicability of Regulation (EU) No 376/2014 to e.g. MET providers, practically, reporting of MET issues would come from ATCOs and pilots as those are the only ones who would manifest any safety implications. These categories of personnel can be captured under the voluntary reporting system. It should also be considered that they should report occurrences as part of the internal reporting schemes established as part of the service providers' management systems (SMS/QMS).

	There are no plans to update Regulation (EU) No 376/2014 in the near future to include CNS, AIS and MET providers.
comment	*205* comment by: *Federal Office of Civil Aviation (FOCA), Switzerland* The Federal Office of Civil Aviation (FOCA) appreciates the opportunity to comment on this NPA and congratulates the effort to address potential overlaps between the Basic Regulation and Regulation (EU) No 376/2014. However, duplication seems to remain to a certain extent because of the requirements in both Part-M and Part-145 to report "any safety-related event or condition that endangers or, if not corrected or addressed, could endanger flight safety" to the competent authority. As is pointed out in the NPA this covers more than what continuous airworthiness and maintenance organisations have to mandatorily report under Regulation (EU) No 376/2014. It is unclear how duplication can be prevented in Member States that designated different competent authorities to manage occurrences reported pursuant to Articles 4 'Mandatory reporting' and 5 'Voluntary reporting' of Regulation (EU) No 376/2014 and for the oversight of persons and organisations in accordance with Regulation (EC) No 216/2008 and its implementing rules respectively.
response	Partially accepted. Regarding possible duplication: Part-M and Part-145 refer to any safety-related event or condition that endangers or, if not corrected or addressed, could endanger flight safety. Regulation (EU) No 376/2014 defines 'occurrence' as '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'. It is proposed to adapt the wording in Part-M and Part-145 to be better aligned with the definition of occurrence in Regulation (EU) No 376/2014, as follows: The organisation shall report '(…) any safety-related event or condition which endangers or which, if not corrected or addressed, could endanger an aircraft, its occupants or any other person'. Also, it will be clarified that the system established under Regulation (EU) No 376/2014 shall be used for the reporting of any additional items qualifying for mandatory reporting that are defined in the delegated and implementing acts of the EASA Basic Regulation (e.g. OSD-related reporting). Regarding the possibility to establish different competent authorities for reporting under Regulation (EU) No 376/2014 and for the oversight of persons and organisations under the EASA Basic Regulation and its delegated and implementing acts, it is important to highlight that Member States, as part of the SSP implementation, establish effective coordination mechanisms between the different authorities. Clarification will be provided in the form of safety promotion material to specify that the organisational set-up in terms of competent

	authorities designated under Regulations (EU) No 376/2014 and (EC) No 216/2008, and their delegated and implementing acts respectively should not result in a duplication of the reporting obligations for persons or organisations subject to those Regulations.
comment	*206* comment by: *Laura Paulais* The FNAM (Fédération Nationale de l'Aviation Marchande) is the French Aviation Industry Federation / Trade Association for Air Transport, gathering the following members: CSTA: French Airlines Professional Union (incl. Air France) SNEH: French Helicopters Operators Professional Union CSAE: French Handling Operators Professional Union GIPAG: French General Aviation Operators Professional Union GPMA: French Ground Operations Operators Professional Union EBAA France: French Business Airlines Professional Union And the following associated members: FPDC : French Drone Professional Union UAF: French Airports Professional Union **Introduction**: The comments hereafter shall be considered as an identification of some of the major issues the French industry asks EASA to discuss with third-parties before any publication of the proposed regulation. In consequence, the following comments shall not be considered: - As a recognition of the third-parties consultation process carried out by the European Parliament and of the Council; - As an acceptance or an acknowledgement of the proposed regulation, as a whole or of any part of it; - As exhaustive: the fact that some articles (or any part of them) are not commented does not mean FNAM has (or may have) no comments about them, neither FNAM accepts or acknowledges them. All the following comments are thus limited to our understanding of the effectively published proposed regulation, notwithstanding their consistency with any other pieces of regulation. **General Comments** The FNAM welcomes any regulatory action that would reduce the noticed overlap between the two following concurrent regulations which reinforces administrative burden: the EASA's SMS requirements and the EU "Occurrence Reporting in Civil Aviation" developed by the European Parliament and the Council. This burden is particularly heavy for small organisations. It raises issues regarding the perimeter between the two regulations and the different levels of decision: on the one hand, the European Council and Parliament, on the other hand, EASA. The FNAM invites the EASA to continue to gather European Council/Parliament and EASA regulations, or to expel Occurrence Reporting from one of these two regulations.
response	Noted.

	This comment will be considered in the context of the EASA strategy/roadmap for simpler, better and performance-based general authority and organisation requirements with the objective of creating consolidated, common general authority and organisation requirements.
comment	*264* comment by: *DGAC France* A clarification would be appreciated on the fact that occurrences analysis are due from organisations and not from the competent authority. As for today, DGAC France feels that is expected to be done by the authority (It is agreed to be done by the Authority when send by individuals and not organisations.)
response	Noted. Regulation (EU No 376/2014 Article 13 requires organisations to implement a process to analyse individual occurrences, but it also requires Member States and EASA to develop a process to analyse the information relating to occurrences which are directly reported to them by natural persons or under voluntary occurrence reporting.
comment	*273* comment by: *ADV - German Airports Association* 1. Es sollte deutlich gemacht werden, dass die Airports das Recht haben, ALLE für ihren Airport abgegebenen Reports in der Datenbank einzusehen. Hierfür sollte ein entsprechendes Verfahren beschrieben werden. (Betrifft ADR.AR.A) 2. Die Analysepflicht der Airports wird durch andere Organe stark eingeschränkt. Neben Polizei und Staatsanwaltschaft eignet sich vor allem die BFU (German AIB)Informationen an, die dann für das SMS der Flughäfen nicht – oder erst teilweise nach Veröffentlichung der Untersuchungsberichte zugänglich sind.
response	Noted. EASA understands that the comment refers to access to the content of the ECR. In this case, access to such information is subject to the provisions of Regulation (EU) No 376/2014. In particular, Article 10 (2) foresees that 'interested parties established within the Union shall address requests for information to the point of contact of the Member State in which they are established.' This practically means that an aerodrome operator may have access to reports concerning its aerodrome. The analysis of events by the aerodrome operators should take place in line with the applicable provisions. The way in which the civil aviation investigation authorities handle the information regarding accidents and incidents is regulated in Regulation (EU) No 996/2010 on the investigation and prevention of accidents and incidents in civil aviation. This is outside the scope of this task, which is limited to the alignment of the delegated and implementing acts of the EASA Basic Regulation with the relevant provisions of Regulation (EU) No 376/2014.
comment	*330* comment by: *AESA*

	The proposal includes requirements, coming from the Sectorial Implementing Rules, which go beyond those established by Regulation 376/2014. Whilst it is understood the wish and need to keep that information flowing into the system, some elements would need to be clarified, in particular the level of protection that information would enjoy, and the provisions of the Basic Regulation where that is contained, and the format in which that information shall be provided (in pàrticular, if ADREP taxonomy and ECCAIRS database should be used, which fields shall be compulsory) or the use of the European Risk Classification Scheme, as for occurrence reporting under Reg. 376/2014). The most adequate way to require that information would be through an amendment of Regulation 376/2014, so any confusion and legal uncertainty for those obliged to report would be avoided, and that should be launched subsequently, but in the interim the above issues should be clarified.
response	Noted. As these are not new requirements, the reporting should continue as before and where adaptations need to be made to forms and taxonomies, these will be made as part of continual improvement.

comment	*373* comment by: *Neil Hickey* With reference to the proposed wording of the NPA, a requirement to report events with a potential safety implication (as opposed to the current requirement of events that seriously hazard safety) is too onerous on operators and maintenance organisations and could essentially require every event that occurs on or around an aircraft to be reported to the national authority, original manufacturer, design organisation etc. Our organisation is committed to encouraging reporting by all staff of any issue they wish to raise and we continue to investigate reports on all types and severity of events and forward to the authorities as appropriate. However this NPA as worded will remove the ability of organisations to assess and manage their own risks within their organisations and will result in a multiplication of the quantity of reports submitted to the ECAIRS system which will also require oversight by the national authority.
response	Accepted. Regulation (EU) No 376/2014 sets the necessary legal framework to encourage individual reporters to go beyond the strict compliance with the mandatory reporting obligations and share those issues perceived by them as a threat to the aviation system with the relevant party (organisation or competent authority, as applicable). Therefore, any occurrence or safety-related information considered as safety relevant by reporters should be reported. The reporting of all relevant information should be strongly promoted and front-line professionals should be encouraged to share their experiences. All NPA provisions related to voluntary reporting will be reviewed to clarify that there are no legal obligations to share the information captured as part of an organisation's internal reporting scheme with the competent authorities in all cases. It will also be clarified that just culture principles are to be applied both for mandatory and voluntary reporting.

comment	*374* comment by: *Neil Hickey* The legislation should take into account organisations that have multiple departments such as operator, training, part 145, part M, part 21 so that one report from an organisation can satisfy the requirements to report an event to the national authority and onwards to the ECCAIRS database. As an operator we currently report events more than once due to the nature of the report. Example: in the case of a birdstrike in flight with damage Ryanair submits a report as an operator and also a report from Ryanair as a Part 145. We feel it would be beneficial in preventing duplication of reports and work for the regulations to recognise this and allow one report from the organisation satisfy the requirements of reporting events.
response	Accepted. In accordance with Regulation (EU) No 376/2014, the possibility for a single report is only provided where the 'reporters' have the same function. The baseline requirement to report for each type of approval is based on the premise that different parts of the approval holder/organisation may hold different information on the same occurrence. The reports will either contain different information because of the different role of the organisation, or they will not be reportable in the same way. For example, reports from the air operator and from ATC are often different, and both are needed as they will provide the competent authority with the necessary data in order for it to classify the occurrence. In addition, each approval holder/organisation must report to their competent authority and these reports may be different, depending on the case. EASA considers that where the multiple approved organisation includes in its single report all relevant information from the perspective of the different approvals held, addresses all relevant specific mandatory data fields and clearly identifies on behalf of which approval the report is made, the intent of Regulation (EU) No 376/2014 is met and it should be possible to provide a single report to the competent authority, subject to agreement with the authority. AMC will be included to clarify this in the context of multiple approved organisations implementing integrated systems for mandatory and voluntary reporting.

NPA 2016-19 — EXECUTIVE SUMMARY p. 1-2

comment	*48* comment by: *René Meier, Europe Air Sports* bla
response	Noted.
comment	*129* comment by: *CAA Norway* CAA Norway have examined the NPA 2016-19 and we have taken into consideration that the proposed amendment has a content in which we want to support, and we have no specific comments on the content as such.

	Furthermore, CAA Norway noted that the proposal seems to be consistent with the requirements imposed by Regulation (EU) 376/2014 and the way we believe that the requirements will and shall be implemented in the Member States.
response	Noted.

comment	*367* comment by: *Aero-Club of Switzerland* The Aero-Club of Switzerland thanks the authors of NPA 2016-19 on Occurrence Reporting as promoted with Regulation (EU) No 376/2014. This regulation, being a political paper, has never been popular among our communities. Even explanatory publications did not change this mindset, neither among the flight crews nor among the maintainers of aircraft. As within the next few months, hopefully, a new Basic Regulation will be published we are today of the opinion that all activities regarding Occurrence Reporting should be stopped immediately, and that a restart only may be initiated after the implementation of such a new Basic Regulation, this to avoid doing three times or four times the work we had to do twice up to now. Please forgive me my being a bit rude, Occurrence Reporting could become an administrative nightmare.
response	Not accepted. Regulation (EU) No 376/2014 is not entirely new as it replaces the Occurrence Reporting Directive 2003/42/EC that was supposed to be implemented in the national legal framework. In addition, the new EASA Basic Regulation will not fundamentally change the occurrence-reporting requirements. The reporting of aviation safety occurrences is vital to the prevention of aircraft accidents. It contributes to the understanding of where safety risks lie in the aviation system and helps decision makers in organisations and competent authorities (both at national and European level) to adopt relevant measures. The information and safety intelligence needed to support safety improvement in the industry, in the Member States and in the EU largely relies on individuals reporting occurrences when they happen. Without this information, the realities of aviation safety issues cannot be properly understood and addressed. Therefore, the reporting of safety occurrences by aviation professionals is fundamental to ensure the safety of aviation activities within the organisation that employs them or uses their services, but also more generally in the overall European aviation system. A key principle underlying Regulation (EU) No 376/2014 is that where reporting requirements also exist in other European rules and are consistent with those contained in Regulation (EU) No 376/2014, the co-existence of two or more set of rules should not lead to multiple reporting systems. One system is considered sufficient to comply with the various legal obligations that are covering similar aspects. Whereas certain specifications may be contained in different legal acts or based on different legal basis, they are all considered as part of a single overall European safety system.

1. Procedural information p. 3-4

comment

5 comment by: *John Hamshare*

We believe that many organisations have struggled to implement a compliant/compatible systems for incident reporting and that the ECCAIRs system has proved to be more complicated and time consuming than previous national reporting portals.
Alignment with said regulation may well have been achieved in terms of policies, procedures and manuals but the practicality of reporting incidents using ECCAIRs portals or trying to convert from other formats to an ECCAIRs compatible format has been inefficient and has the potential to deter reporters from reporting all incidents.

response

Noted.

EASA and the Commission are currently in discussion regarding the future of ECCAIRS and ways of streamlining reporting.

comment

366 comment by: *ECOGAS*

ECOGAS represent mainly but not only SME organisations active in all categories of aircraft maintenance.
If we don't comment a **general** point, you may consider that we are in agreement.

However be aware that we do not comment specific paragraphs for air ops, part 145, Part M, but ATM etc. as those are commented by those organisations.

1.2 We consider a RIA a necessary condition for any regulation. SME's based on past experience are afraid they will face once more overheads without a benefit. A RIA would demonstrate this to be true or false.

response

Not accepted.

This rulemaking task is transposing existing requirements into the delegated and implementing acts of the EASA Basic Regulation and an impact assessment was performed by the Commission prior to the promulgation of Regulation (EU) No 376/2014. A key principle underlying Regulation (EU) No 376/2014 is that where reporting requirements also exist in other European rules and are consistent with those contained in Regulation (EU) No 376/2014, the co-existence of two or more set of rules should not lead to multiple reporting systems.

In addition, as defined in Regulation (EU) No 376/2014 Article 6(2), by agreement with the competent authority, small organisations may put in place a simplified mechanism for the collection, evaluation, processing, analysis and storage of details of occurrences. They may share those tasks with organisations of the same nature, while complying with the rules on confidentiality and protection pursuant to Regulation (EU) No 376/2014.

2. Explanatory Note p. 5-14

comment	*6* comment by: *John Hamshare* A single reporting channel must be easy to use in order to generate as many reports as possible. It must also capture all of the relevant information in order for incident analysis to be effective. The current ECCAIRs portal is time consuming and includes several unnecessary steps, e.g. duplication of location of reporter, no default lists once a location has been selected, it does not capture all of the information which previous systems have captured, e.g. for bird strike reporting, and the system has a reputation for not being intuitive. The ECCAIRs portal asks for information which is irrelevant to some particular types of incidents and does not appear to filter the field options based upon the initial report entries. If the single reporting channel is not improved in terms of the user experience then there will definitely be a knock-on effect in terms of numbers of reports.
response	Noted. See response to comment No 5.

comment	*20* comment by: *ATL* Explanatory note Para 2.1 Sub Para 4: Regulation (EU) No 376/2014 does not apply to organisations not having their principal place of business in an EU Member State[12], but staff of any EASA-approved organisations not having their principal place of business in an EU Member State are covered by Regulation (EU) No 376/2014. However, taking into account the objective of that Regulation, i.e. to ensure that relevant information is provided to the relevant competent authority in order for it to address potential safety issues, and considering that this type of occurrence reporting is also covered by the Basic Regulation and applicable Bilateral Aviation Safety Agreements (BASAs), EASA already receives the requested information through channels established in accordance with those existing rules and agreements. *Please* expand as it appears ambiguous and requires clarification. Are you stating that the organisation is not affected but the staff are?
response	Noted: Organisations established outside the EU (i.e. whose principal place of business is not located in an EU Member State) are not subject to Regulation (EU) No 376/2014, even if they are EASA-approved. However, taking into account the objective of that Regulation, which is to ensure that relevant information is provided to the relevant authority so it can address potential safety deficiencies, and the fact that this type of occurrence reporting is also covered under the EASA Basic Regulation and the EU/US Bilateral Aviation Safety Agreement

[12] Or, in the area of ATM/ANS, to organisations not located in the territory subject to the provisions of the Treaty establishing the European Union and responsible for providing services in the airspace of the territory to which the Treaty applies.

(BASA), EASA already receives the requested information from those organisations through channels established under those rules and agreements and therefore no additional action needs to be taken.

The issue of ground handling is a bit more complex:

In some cases, due to self-handling operated by certain airlines, staff employed by airlines that are not subject to Regulation (EU) No 376/2014, are themselves subject to reporting obligations under Regulation (EU) No 376/2014, when operating in an EU aerodrome. This results from Article 4(6) (g) which requires the reporting of occurrences 'from a person who performs a function connected with the ground handling of aircraft, including fuelling, load sheet preparation, loading, de-icing and towing at an airport covered by Regulation (EC) No 1008/2008'. The list of occurrences to be reported by such person is included in Section 2 of Annex IV to Regulation (EU) 2015/1018. As Regulation (EU) No 376/2014 does not specify the recipient of the occurrence report in such case (as both the employing organisation and the States responsible for the oversight of this employing organisation are not subject to Regulation (EU) No 376/2014), the self-handling airline should coordinate with the aerodrome in which it operates and the EU Member State in which the aerodrome is located to agree on the best way for their staff to report the occurrence.

comment

24 comment by: *DFS Deutsche Flugsicherung GmbH*

page 8 point (b)
EASA has drafted two ways of reporting that organisations have to follow: (1) safety-related events or conditions; and (2) any accident or serious incident according to Regulation (EU) No 996/2010.
This principle is then repeated in the relevant rule for each organisation.

Our general concern is:
sub-points (1) and (2) should have the same analogy. We support the way in sub-point (2), where the relevant Regulation is mentioned. This should be applied for sub-point (1) as well, as this provides legal clarity and prevents confusion.
We suggest to change sub-point (1) in all relevant organisational requirements as follows:
(1) any occurrences, as defined in Regulation (EU) No 376/2014 in conjunction with Regulation (EU) No 2015/1018.

response

Not accepted.

Accidents and serious incidents, as defined within Regulation (EU) No 996/2010, are also subject to Regulation (EU) No 376/2014 (Article 2(7)). This should not interfere with the implementation of Regulation (EU) No 996/2010 and in particular, the notification of occurrences to the safety investigation authority (SIA) of the State of Occurrence in the context of Article 9 of that Regulation (Recital 3).

It means double reporting could be required in a situation where a person subject to mandatory reporting obligations in accordance with Regulation (EU) No 376/2014 Article 4(6) has to report an accident or a serious incident listed in Regulation (EU) 2015/1018. In such cases, this person shall report the accident or serious incident in accordance with Article 4(6)

of Regulation (EU) No 376/2014 and shall also notify without delay the competent SIA of the State of Occurrence thereof in accordance with Article 9 of Regulation (EU) No 996/2010. The different reporting streams have existed for some time in occurrence reporting. Regulation (EU) No 996/2010 requires that accidents and serious incidents are reported to the State of Occurrence. Occurrence reporting (under the original Directive and later in Regulation (EU) No 376/2014 requires that occurrences (that is, accidents, serious incidents and incidents) are reported to the competent authority of the organisation.

The text in point (b) is applicable to all organisations, including those that are not subject to Regulation (EU) No 376/2014. For this reason, it should not include a reference to Implementing Regulation (EU) 2015/1018. For the same reason, EASA decided to remove the reference to Regulation (EU) No 996/2010. RMT.0681 is not intended to align the delegated and implementing acts of the EASA Basic Regulation with Regulation (EU) No 996/2010.

comment

31 comment by: *CANSO*

Page 8 point (b)

CANSO Comment:
EASA has drafted two ways of reporting that organisations have to follow: (1) safety-related events or conditions; and (2) any accident or serious incident according to Rgulation (EU) No 996/2010.
This principle is then repeated in the relevant rule for each organisation.

Our general concern is:
sub-points (1) and (2) should have the same analogy. We support the way in sub-point (2), where the relevant Regulation is mentioned. This should be applied for sub-point (1) as well, as this provides legal clarity and prevents confusion.

Suggested Resolution:
We suggest to change sub-point (1) in all relevant organisational requirements as follows:
(1) any occurrences, as defined in Regulation (EU) No 376/2014 in conjunction with Regulation (EU) No 2015/1018.

response

Refer to the response to comment No 24.

comment

55 comment by: *AIRBUS*

1. PARAGRAPH / SECTION :
NPA 2016-19, page 12/100, paragraph (b)-2

2. PROPOSED TEXT / COMMENT:

…this AMC clarifies among other items that any organisation reporting to the organisation responsible for the design is expected to actively support any investigations that may be initiated, to provide timely response to information requests, and to make available affected components for the purpose of the investigation, subject to an agreement

with the respective component owners23 (for Part-21, Part-M and Part-145, this material is included in AMC 20-8 to limit duplication);

3. RATIONALE / REASON / JUSTIFICATION:

No change. Airbus fully supports this amendment which will be helpful for timely risk assessment issuance.

response

Noted.

comment

67 comment by: *Luftfahrt-Bundesamt*

Attachment #1

LBA comment

1. “master GM text” for authority requirements (p. 9):
[see also GM1 M.B.106 (p. 27)
GM1 145.B.62 (p. 30)
GM1 ARA.GEN.200 (p. 36)
GM1 ARO.GEN.200 (p. 46)
and (outside the LBA scope) in parts 21, ADR, ATCO]
The use of “must” in guidance material is inappropriate, as “guidance” can literally never be mandatory.

2. Formal error:
As to 2.4, page 7, please correct 'Article 9' instead of Article 19'.

3. and 4. Questions on pages 12 and 14:

The Agency seeks the views of stakeholders on the need for, as well as on the main items to be included in, future rulemaking as regards reviewing and enhancing the general organisation requirements related to safety management, across domains.

LBA answer:

In general the European Rulemaking system should shift from “working for rulemaking” to “making the rules work”.
As already included in the current EPAS we support the idea of the “cooling down period”.
In different domains this period of “settlement” will start at different times.
As inherent part of this period some specific ex-post-evaluations should be performed. In addition the maturity of implemented safety management systems including standardisation aspects in whole Europa should be ensured first.
Therefore at the moment we do not see an urgent common need to address this issue in near future except in the case of detected significant disproportional requirements.

The Agency seeks the views of stakeholders on the need for, as well as on the main items that could be transferred into, a set of 'cross-domain' AMC and GM (similar to AMC-20, but not limited to airworthiness) to address all comm elements of organisation's management

and occurrence-reporting systems, with the objective to ensure overall consistency, while eliminating duplication of common contents in the different domain-specific AMC and GM.

LBA answer:

We refer to the ongoing ten years project on applying common set of general authority and organisation requirements across all aviation domains (confidential document attached).
In the survey launched for this in 2016 we indicated our general support in this regard.
In the meantime AMC-20 might be used for AMC/GM only if the loop is closed to the various IRs/Domain AMC by means of adequate cross-linking.

response

Points 1 and 2: Accepted.

Points 3 and 4: Noted.

Response to point 1 — use of 'must' in GM:

The GM will be reviewed and where necessary the related delegated and implementing acts will be amended.

Response to point 2:

The typo in point 2.4, page 7 of the Explanatory Note will be corrected ('Article 9' instead of Article 19').

Response to point 3: 'reviewing and enhancing the general organisation requirements related to safety management' and point 4 'cross-domain AMC and GM (similar to AMC-20), but not limited to airworthiness':

The comments are noted. Since the NPA was published, EASA elaborated its roadmap for simpler, better and performance-based general authority and organisation requirements. The issues raised in the two open questions addressed to the stakeholders in NPA 2016-19 could be addressed as part of the roadmap implementation. EASA does not envisage the development of an AMC 20-8-like document with common elements of organisation's management and occurrence-reporting schemes as part of the rulemaking deliverables produced by RMT.0681.

comment

70 comment by: *Avinor AS*

The Agency posted this question in the Explanatory Note:
The Agency seeks the views of stakeholders on the need for, as well as on the main items to be included in, future rulemaking as regards reviewing and enhancing the general organisation requirements related to safety management, across domains.

Avinor comment:

	Provisions in one regulation should not be repeated in another regulation. NPA 2016-19 contains text with numerous references to Regulation (EU) No 376/2014. The full requirements for organisations and persons to report occurrences in aviation are covered by that regulation and should therefore not be repeated in Regulation (EU) 139/2014 (or any other regulation under the Basic Regulation (EC) No 216/2008). The detailed requirements now proposed by the Agency appears to include provisions from, and unnecessary cross-references to, Regulation (EU) No 376/2014. This is particularly evident in the proposed amended article ADR.OR.C.030, which appears to restate the requirements of Regulation (EU) No 376/2014. Articles ADR.OR.D.025 and ADR.OR.D.030 are now amended to refer to the requirements of Regulation (EU) No 376/2014 and Regulation (EU) No 996/2010. The need to restate requirements, to which the aerodrome operator is already obliged to comply with, is questioned. The occurrence reporting requirements as well as the need for a systemic approach to processing such reports through "mechanisms" must be understood to be completely covered by Regulation (EU) No 376/2014. It is not clear to what extent "safety reporting" required by Regulation (EU) No 139/2014 is different from "occurrence reporting" also in that regulation. The need for integration of occurrence reporting into the safety-reporting and management systems of the aerodrome operator are not necessary to regulate in IRs (and AMC's) as the requirements for collection and processing of occurrence reports are included in Regulation (EU) No 376/2014. All relevant safety issues are set in that law. How to deal with the reports in a system is a technical issue that, if deemed necessary, could be described in GM. The detailed, descriptive methodology for occurrence reporting for aerodromes in NPA 2016-19 is not required, and creates additional burden. We also believe this statement applies to other domains. In this context it is also relevant to have regard of recital (4) of Regulation (EU) No 376/2014 where it is stated that compliance with that Regulation and Regulation (EC) No 216/2008 should be seen as complementary and "…not give rise to two parallel reporting systems,…". This premise mandates the regulator to ensure a balance between the two regulations, which in our opinion, is not achieved by the proposed text of NPA 2016-19. Instead, EASA propose to maintain two parallel reporting systems for aerodromes; Safety Reporting System (ADR.OR.D.030) as well as Occurrence Reporting (Article 6). It should not be underestimated that the proposed amendment adds further complexity to the regulation. EASA should rather take the approach to simplify text and make it more accessible and easy to read and understand for those to which it applies. Given the above considerations, Avinor welcome an effort by the Agency to review and enhance the general organisation requirements related to safety management, across domains.
response	Noted. Whereas the reporting of occurrences in the EU is overall regulated under Regulation (EU) No 376/2014, there are also a number of more sectorial occurrence-reporting requirements contained in other European Regulations, such as the Safety Reporting System required by ADR.OR.D.030. This situation is recognised by Regulation (EU) No 376/2014 4 (Recital 4) which clarifies that this should not be seen as setting up two parallel systems but only one reporting system. One system is considered sufficient to comply with the various legal obligations that are covering similar aspects. Whereas certain specifications may be contained in different

legal acts or have a different legal basis, they are all considered as part of a single overall European safety system.

For example, the occurrence-reporting system established by Regulation (EU) No 139/2014 covers also the case of providers of apron management services whose role is clearly defined in Regulation (EU) 2018/1139 and which are not covered by the provisions of Regulation 376/2014. Similarly, provisions of (EU) No 139/2014 cover also other cases not covered under Regulation (EU) No 376/2014, such as the reporting to the design organisations of aerodrome equipment. In addition, the references to Regulation (EU) No 376/2014 serve as a legal link between the provisions of the latter with the provisions covering the management system of the aerodrome operator described in Regulation (EU) No 139/2014, and which encompasses its reporting system. Overall, EASA does not share the view that the proposed amended of the relevant provisions of Regulation (EU) No 139/2014 lead to the creation of additional burden.

Regarding the enhancement of the general organisation requirements related to safety management, across domains:

Since the NPA was published, EASA elaborated its roadmap for simpler, better and performance-based general authority and organisation requirements. The issues raised in the two open questions addressed to the stakeholders in NPA 2016-19 could be addressed as part of the roadmap implementation. EASA does not envisage the development of an AMC 20-8-like document with common elements of organisation's management and occurrence-reporting schemes as part of the rulemaking deliverables produced by RMT.681.

comment

71 comment by: *Avinor AS*

<u>The Agency posted this question in the Explanatory Note:</u>
The Agency seeks the views of stakeholders on the need for, as well as on the main items that could be transferred into, a set of 'cross-domain' AMC and GM (similar to AMC-20, but not limited to airworthiness) to address all common elements of organisation's management and occurrence-reporting systems, with the objective to ensure overall consistency, while eliminating duplication of common contents in the different domain-specific AMC and GM.

<u>Avinor comment:</u>
As it stands, the requirements for management and occurrence reporting systems are not fully aligned across all domains. Better alignment of soft law provisions will be helpful in the context of safety coordination arrangements and agreements between different operators at an aerodrome. By introducing common provisions, such coordination efforts will be more efficient and allow for easier identification of safety risks. It is important, however, that such alignment does not alter current requirements in a way that put additional burden on one domain to favour another. Given that condition, as well as proper consideration to our previous comment on general organisation requirements related to safety management, Avinor can support the proposal of the Agency creating draft AMC and GM covering common elements relating to organisation's management and occurrence reporting systems. The Agency should consider creating a group for the drafting of such AMC and GM to facilitate contributions from stakeholders of relevant domains.

response

Noted.

Since the NPA was published, EASA elaborated its roadmap for simpler, better and performance-based general authority and organisation requirements. The issues raised in the two open questions addressed to the stakeholders in NPA 2016-19 could be addressed as part of the roadmap implementation. EASA does not envisage the development of an AMC 20-8-like document with common elements of organisation's management and occurrence-reporting schemes as part of the rulemaking deliverables produced by RMT.0681.

Nevertheless, as part of this rulemaking task, EASA will reassess the need for further alignment of the reporting-related AMC and GM.

comment

91 comment by: *ENAIRE*

(b) The organisation shall report to the competent authority and any other organisation required by the State of the operator to be informed:
(1) any safety-related event or condition that endangers or, if not corrected or addressed, could endanger flight safety; and
(2) any accident and serious incident, as defined in Regulation (EU) No 996/2010.

Comment 1:
Point (b) defines what needs to be reported and to whom. In point (b)(1), the reference to 'any safety-related event or condition that endangers or, if not corrected or addressed, could endanger flight safety' is intended to cover more than what is to be mandatorily reported under Regulation (EU) No 376/2014 and its IRs (reference to voluntary reporting). "Any safety related event than endangers or could endanger". This definition is too broad to be useful. More concretion is needed to avoid misinterpretation between references to organization and NSA. If the evaluation is provided by the reporter, NSA must admit the existence of some occurrences being notified by pilots but not being notified by controllers due to different interpretation. If the sentence covers more than what is obligatory by Regulation 376/2014, then different treatment to mandatory vs voluntary reporting should be contemplated so that NSA does not consider whatever safety related event than endangers or could endanger flight safety as mandatory. This point must be clear.

(d) For organisations not having their principal place of business in a Member State:
(1) Initial reports shall:
(i) be made as soon as practicable, but in any case, within 72 hours of the organisation identifying the condition to which the report relates unless exceptional circumstances prevent this;

Comment 2:
It is understood that the organization receives the report, and interprets it, and then it should be reported to NSA. The interpretation is made by the organization, not the reporter. The 72 hours must be counted when the experts designated by the organisation to handle independently the collection, evaluation, processing, analysis and storage of details of occurrences reported are aware of the report and not when the reporter sends the occurrence report.

(2) where relevant, a follow-up report providing details of actions the organisation intends to take to prevent similar occurrences in the future shall be made as soon as these actions have been identified; those follow-up reports shall:

(i) be sent to relevant entities initially reported to as per paragraphs (b) and (c) above; and

(ii) be produced in a form and manner established by the Agency.

Comment 3
"as soon as these actions have been identified" does not match with the mandatory requirement to send an update at 30 days and a final document not later than 3 months. Actions can be indentified later, especially if you consider groups of occurrences.

response

Noted.

Response to comment 1:

The reference to 'condition' is intended to support the identification of latent conditions that may lead or contribute to accidents and incidents, at the earliest possible stage, when perceived as an actual or potential risk to aviation safety. This also allows for new types of occurrences that cannot be foreseen to be reported. The list included in Regulation (EU) 2015/1018 provides legal clarity but it 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 in that Regulation.

Response to comment 2:

Note that point (d) is included to address the situation of organisations that are not subject to Regulation (EU) No 376/2014.

The comment is however accepted to create a better analogy with Regulation (EU) No 376/2014. The text in point ORA/ORO.GEN.160 (d) will be changed to read:

(1) Initial reports shall:

(i) be made as soon as practicable, but in any case, within 72 hours after the organisation becomes aware of the occurrence, unless exceptional circumstances prevent this;

Clarification:

The 72-hour period normally starts from the moment the organisation learns about the occurrence, usually meaning when they witness the occurrence or are involved in it. It should be understood that in certain specific situations the identification of the occurrence might require an additional stage before the reporting flow starts. For example, for Design or Production Organisations, the time start (T0) is the moment where the individuals carrying out this process in the organisation identify the unsafe or the potential unsafe condition. Therefore, these organisations will have 72 hours to report to the competent authority starting from the moment the process concludes that an occurrence represents an unsafe or potential unsafe condition as per Annex Part 21 to Regulation (EU) No 748/2012.

Response to comment 3:

	Point (d) is included to address the situation of organisations that are not subject to Regulation (EU) No 376/2014. It will be complemented with AMC on follow-up reporting.
comment	*93* comment by: *ENAIRE* *AMC1 ORO.AOC.130* *In addition, through the adoption of Regulation (EU) No 376/2014, an interpretation issue concerning point (g) arose. In fact, point (g) addresses only internal reporting by flight crews for the purpose of analysing FDM events. When an FDM event is considered to bear sufficient risk to justify an analysis in the frame of the operator's SMS, then, a flight crew report is necessary to complete the picture gained through the FDM data. However, a significant risk-bearing FDM event is not necessarily linked to an occurrence for which reporting to authorities is mandated by Regulation (EU) No 376/2014. The new wording clarifies that point (g) refers to another (and older) process than occurrence reporting defined by Regulation (EU) No 376/2014.* **Comment:** FDM is not the only automated system in this situation. Automated Safety Monitoring Systems, as appeared in Regulation 390/2013 Annex I, section 2, point 1.2a, needs to be clarifying in the same terms as the FDM. Separation minima infringements or Runway incursions can be detected in that way but not all of them can be considered to bear sufficient risk to justify an analysis in the frame of the ANSP's SMS.
response	Noted. EASA acknowledges the points made in this comment. A number of differences exist however between FDM in the air operations domain and the automated systems in the ATM/ANS domain. Under Regulation (EU) No 965/2012 (Air OPS Regulation), FDM is mandatory, whereas in the ATM/ANS domain, automated systems are not regulated in the same way as their design and functioning is not standardised at the same level as flight data recorders in air operations, and such automated systems are not always available. Therefore, it is not recommended to transpose the FDM 'logic' to the ATM/ANS domain. The use of automated systems and related reporting are sufficiently addressed in existing AMC and GM. Refer to ED Decision 2014/035/R, AMC11, GM16 and GM17.
comment	*113* comment by: *ACI Europe* For the purpose of clarity and avoidance of duplication, provisions in one regulation should not be repeated in another regulation. NPA 2016-19 contains text with numerous references to Regulation (EU) No 376/2014. The full requirements for organisations and persons to report occurrences in aviation are covered by that regulation and should therefore not be repeated in Regulation (EU) 139/2014 (or any other regulation under the Basic Regulation (EC) No 216/2008). The detailed requirements now proposed by the Agency appears to include provisions from, and unnecessary cross-references to, Regulation (EU) No 376/2014. This is particularly

evident in the proposed amended article ADR.OR.C.030, which appears to restate the requirements of Regulation (EU) No 376/2014. Articles ADR.OR.D.025 and ADR.OR.D.030 are now amended to refer to the requirements of Regulation (EU) No 376/2014 and Regulation (EU) No 996/2010.

The occurrence reporting requirements as well as the need for a systemic approach to processing such reports through "mechanisms" must be understood to be completely covered by Regulation (EU) No 376/2014. It is not clear to what extent "safety reporting" required by Regulation (EU) No 139/2014 is different from "occurrence reporting" also in that regulation. The need for integration of occurrence reporting into the safety-reporting and management systems of the aerodrome operator are not necessary to regulate in IRs or 8 like AMCs as the requirements for collection and processing of occurrence reports are already included in Regulation (EU) No 376/2014 and thus all relevant safety issues are set in law. How to deal with the reports in a system is a technical issue that, if deemed necessary, could be described in GM. The detailed, descriptive methodology for occurrence reporting for aerodromes in NPA 2016-19 is not required, and would create additional burden for ADRs.

In this context it is also relevant to have regard of **recital (4) of Regulation (EU) No 376/2014 where it is stated that compliance with that Regulation and Regulation (EC) No 216/2008 should be seen as complementary and "…not give rise to two parallel reporting systems,…".** This premise mandates the regulator to ensure a balance between the two regulations, which is not achieved by the proposed text of NPA 2016-19. Instead EASA propose to maintain two parallel reporting systems for aerodromes; Safety Reporting System (ADR.OR.D.030) as well as Occurrence Reporting (Article 6).

It should not be underestimated that the proposed amendment adds further complexity to the regulation. EASA should rather rigorously simplify the text and thus make it more accessible and easy to read and understand for users.

response Refer to the response to comment No 70.

comment *114* comment by: *ACI Europe*

The requirements for management and occurrence reporting systems are not fully aligned across all domains. Better alignment of soft law provisions would be helpful in the context of safety coordination arrangements and agreements between different operators at an aerodrome. By introducing common provisions, such coordination efforts will be more efficient and allow for easier identification of safety risks. It is important, however, that **such alignment does not alter current requirements in a way that put additional burden on one domain to favour another**. Given that condition, as well as proper consideration to the previous comment on general organisation requirements related to safety management, the proposal of the Agency creating draft AMC and GM covering common elements relating to organisation's management and occurrence reporting systems is supported. The Agency should consider creating a group for the drafting of such AMC and GM to facilitate contributions from stakeholders of relevant domains.

response Refer to the response to comment No 71.

comment

124 comment by: *Romanian CAA*

RCAA supports NPA 2016-19 and the modification of the implementing rules to Regulation 216/2008, taking into consideration the provisions of Regulation 376/2014. This NPA is useful at least for the following reasons:

- Elimination in the regulations in question of the references to acts repealed by Regulation 376/2014;
- Highlighting the obligations of the competent authorities, through its own management system, to comply, not only with the provisions of Regulation 216/2008, but also, with those of Regulation 376/2014;
- Highlighting the obligations of uniform compliance of aeronautical services providers with provisions of Regulation 376/2014;
- Provision of GM in the situation in which the competent authority for Regulation 216/2008 (CA 216) is not the same with the Competent Authority for Regulation 376/2014 (CA 376), situation allowed by the Regulation 376/2014 and applicable in Romania.

response

Noted.

comment

130 comment by: *Federal Office of Civil Aviation (FOCA), Switzerland*

Comment FOCA to chapter 2.4 (b) Occurrence reporting p. 8:

Proposed new text
(b) The organisation shall report to the competent authority ~~and any other organisation~~ required by the State of the operator to be informed.

Rationale : Reg EU 376/2014 requires direct reporting to the competente authority. A single source of contact is necessary in order to avoid duplication of reports.

Comment FOCA to Chapter 2.4. Overview of the proposed amendments (p. 12): *"The Agency seeks the views of stakeholders on the need for, as well as on the main items to be included in, future rulemaking as regards reviewing and enhancing the general organisation requirements related to safety management, across domains".*

Proposal 1: In future rule making, the agency shall avoid unclearly defined terms combined with the word safety such as: safety-significant, safety-reporting, safety issue, safety action, safety related event, flight safety, etc.
Using the word "safety" automatically brings up the question: what is exactly the risk that is implied and does it remain acceptable or not? For an effective risk management it is important that the discussion is about risks. Safety should only be used as an attribute to define a state for which the risk have been identified (explicitly) and deemed acceptable.

Proposal 2: In future rule making, the agency shall provide the method or supporting tool to determine an acceptable risk level or propose a minimum acceptable risk level (EU Risk classification scheme).

Proposal 3: To lower the subjectivity of the risk identification as far as possible the Agency shall ensure that the severity of the outcome will be determined at the accident (harm) level and not at the level of potential precursor events. This shall be applicable for all the

organizations (ANSP, Airports, operators and maintenance organizations). This practice will also contribute to the harmonization of the risk assessment and occurrence reporting in EU community. It will also significantly ease the usage of the data from the occurrence reporting to refine the estimates in the risk assessments. The promotion of a common terminology between risk assessment and occurrence reporting further ease the compatibility and enhance the effectiveness of the safety risk management system.

Comment FOCA to Chapter 2.4. Overview of the proposed amendments (p. 14): *"The Agency seeks the views of the stakeholders on the need for, as well as on the main items that could be transferred into, as set of 'cross-domain' AMC and GM (similar to AMC-20, but not limited to airworthiness) to address all common elements of organisation's management and occurrence-reporting systems, with the objective to ensure overall consistency, while eliminating duplication of common contents in the different domain-specific AMC and GM".*

Proposal 4: Priority should be given to the harmonization of the occurrence evaluation (EURCS) and ensure that the occurrence data can be used to refine Risk assessments (understanding the barriers).

response

Proposal 1: Noted.

The current NPA wording is globally aligned with the way ICAO Annex 19 uses the term 'safety'. Reconsidering the use of the word 'safety' as an attribute in all of the delegated and implementing acts of the EASA Basic Regulation would require a dedicated rulemaking task and some further discussion with stakeholders. Reviewing the terminology in relation to safety management could be done as part of the implementation of the roadmap for general authority and organisation requirements.

Proposals 2 and 3: Not accepted. / Noted.

The ERCS is shortly to be provided as an Implementing Regulation. Following implementation, a review of the data could be performed to identify whether there is a minimum risk level below which occurrences should not be reported. However, this is a decision to be taken by the Commission following ERCS implementation and not in the context of this NPA. An additional complication would be that to do so would imply that organisations must also use ERCS, whereas they may be using alternative risk classification methods.

Proposal 4: Noted.

Since the NPA was published, EASA elaborated its roadmap for simpler, better and performance-based general authority and organisation requirements. The issues raised in the two open questions addressed to the stakeholders in NPA 2016-19 could be addressed as part of the roadmap implementation. EASA does not envisage the development of an AMC 20-8-like document with common elements of organisation's management and occurrence-reporting schemes as part of the rulemaking deliverables produced by RMT.0681.

comment

136 comment by: *UAF (Union des Aéroports Français)*

"The Agency seeks the views of stakeholders on the need for, as well as on the main items to be included in, future rulemaking as regards reviewing and enhancing the general organisation requirements related to safety management, across domains"

UAF comments

For the purpose of clarity and avoidance of duplication, provisions in one regulation should not be repeated in another regulation. NPA 2016-19 contains text with numerous references to Regulation (EU) No 376/2014. The full requirements for organisations and persons to report occurrences in aviation are covered by that regulation and should therefore not be repeated in Regulation (EU) 139/2014 (or any other regulation under the Basic Regulation (EC) No 216/2008).

The occurrence reporting requirements as well as the need for a systemic approach to processing such reports through "mechanisms" must be understood to be completely covered by Regulation (EU) No 376/2014. It is not clear to what extent "safety reporting" required by Regulation (EU) No 139/2014 is different from "occurrence reporting" also in that regulation.

Provisions from regulation 139/2014 need to be more accessible, easy to read and understand for users.

response

Refer to the response to comment No 70.

comment

147 comment by: *Swedish Transport Agency, Civil Aviation Department (Transportstyrelsen, Luftfartsavdelningen)*

At page 9 the authority requirements are explained regarding when a competent authority responsible for occurrence reporting is different from the one responsible for the oversight of the organisation. However, AMC/GM should be written as guidance and hence these sentences should be rewritten, see GM1 21.B.45, p. 19, GM1 M.B.106, p. 27, GM1 145.B.62, p. 30, GM1 ARA.GEN.200 page 36, GM1 ARO.GEN.200, p. 46, GM1 ADR.AR.B.005, p. 57, and GM1 ATCO.AR.B.001, p. 69. If the sentences are meant to be conclusive it should be moved to the regulations, if it is a guidance it should also be stated in the GM also for (EU) 376/2014.

response

Accepted.

The GM under discussion will be changed to AMC and the text reviewed. Where relevant, such text will also be proposed to be included in the Commission guidance. It will be ensured that conclusive rules will not be included as AMC or GM.

It is proposed to assess the need for further changes clarifying the situation with different competent authorities and their roles with regard to the SSP when implementing the EASA roadmap for simpler, better and performance-based general authority and organisation requirements.

comment

168 comment by: *daa - Dublin & Cork airports*

For the purpose of clarity and avoidance of duplication, provisions in one regulation should not be repeated in another regulation. NPA 2016-19 contains text with numerous references to Regulation (EU) No 376/2014. The full requirements for organisations and

persons to report occurrences in aviation are covered by that regulation and should therefore not be repeated in Regulation (EU) 139/2014 (or any other regulation under the Basic Regulation (EC) No 216/2008).

The detailed requirements now proposed by the Agency appear to include provisions from, and unnecessary cross-references to, Regulation (EU) No 376/2014. This is particularly evident in the proposed amended article ADR.OR.C.030, which appears to restate the requirements of Regulation (EU) No 376/2014. Articles ADR.OR.D.025 and ADR.OR.D.030 are now amended to refer to the requirements of Regulation (EU) No 376/2014 and Regulation (EU) No 996/2010.

The occurrence reporting requirements as well as the need for a systemic approach to processing such reports through "mechanisms" must be understood to be completely covered by Regulation (EU) No 376/2014. It is not clear to what extent "safety reporting" required by Regulation (EU) No 139/2014 is different from "occurrence reporting" also in that regulation. The need for integration of occurrence reporting into the safety-reporting and management systems of the aerodrome operator are not necessary to regulate in IRs or AMCs as the requirements for collection and processing of occurrence reports are already included in Regulation (EU) No 376/2014 and thus all relevant safety issues are set in law. How to deal with the reports in a system is a technical issue that, if deemed necessary, could be described in GM. The detailed, descriptive methodology for occurrence reporting for aerodromes in NPA 2016-19 is not required, and creates additional burden.

In this context it is also relevant to have regard of recital (4) of Regulation (EU) No 376/2014 where it is stated that compliance with that Regulation and Regulation (EC) No 216/2008 should be seen as complementary and "…not give rise to two parallel reporting systems,…". This premise mandates the regulator to ensure a balance between the two regulations, which in our opinion, is not achieved by the proposed text of NPA 2016-19. Instead EASA propose to maintain two parallel reporting systems for aerodromes; Safety Reporting System (ADR.OR.D.030) as well as Occurrence Reporting (Article 6).

It should not be underestimated that the proposed amendment adds further complexity to the regulation. EASA should rather take the approach rigorously simplify the text and thus make it more accessible and easy to read and understand for users.

response Refer to the response to comment No 70.

comment *169* comment by: *daa - Dublin & Cork airports*

As it stands, the requirements for management and occurrence reporting systems are not fully aligned across all domains. Better alignment of soft law provisions would be helpful in the context of safety coordination arrangements and agreements between different operators at an aerodrome. By introducing common provisions, such coordination efforts will be more efficient and allow for easier identification of safety risks. It is important, however, that such alignment does not alter current requirements in a way that put additional burden on one domain to favour another. Given that condition, as well as proper consideration to the previous comment on general organisation requirements related to safety management, the proposal of the Agency creating draft AMC and GM covering common elements relating to organisation's management and occurrence reporting

	systems is supported. The Agency should consider creating a group for the drafting of such AMC and GM to facilitate contributions from stakeholders of relevant domains.
response	Refer to the response to comment No 71

comment	*189* comment by: *German NSA (BAF)* Page 8: 2.4 (b) – Occurrence reporting (Organisation requirements) 'The organisation shall report to the competent authority and any other organisation required by the State of the operator to be informed: (1) any safety-related event or condition that endangers or, if not corrected or addressed, could endanger flight safety; and (2) any accident and serious incident, as defined in Regulation (EU) No 996/2010.' Proposal: The organisation shall report to the competent authority and any other organisation required by the State of the operator to be informed. Furthermore, the organisations shall also report any occurrence to the competent authority of those states wherein services are offered: (1) any safety-related event or condition that endangers or, if not corrected or addressed, could endanger flight safety; and (2) any accident and serious incident, as defined in Regulation (EU) No 996/2010.' In order to avoid duplications as mentioned in 'GM1 21.B.45 Reporting/coordination (b)' it is essential that these reports are addressed to the competent authority where the service is offered and the homeland authority is notified for information only. Thus, the competent authority where the service is offered will forward the reports to the ECR.
response	Not accepted. Article 9(3) of Regulation (EU) No 376/2014 requires that the competent authority forwards information to other Member States' competent authorities or to EASA, whenever it identifies safety matters that are of interest to them or require safety action to be taken by them. Therefore, the reporting proposed after 'Furthermore…' is already required at competent authority level. If organisations were to undertake this activity, more duplication would ensue. Any modifications to reporting into the ECR should be addressed to the Commission as they would require an amendment to Regulation (EU) No 376/2014 rather than to EASA AMC & GM.

comment	*202* comment by: *Christopher Mason* Page 9, Para (b): *'The organizational set-up in terms of competent authorities designated under Regulation (EU) No 376/2014, (EC) No 216/2008, and their implementing rules, must not result in a duplication of the reporting obligations for persons or organizations subject to those Regulations'* Considering the link to be established between the various organizations with regards to occurrence reporting, the competent authorities and/or the Agency may receive in multiple numbers of reports for the same occurrence.

	However, if organizations duplicate the reporting of occurrences, it is the Agency's responsibility to sort the reports that are received in multiple numbers from the organizations and/or from the competent authorities. **Submitted by ERA on behalf of ATR.**
response	Noted. This comment does not call for any change to the NPA text.

comment	*221* comment by: *CAA-NL* **Q1 page 12:** The Netherlands does fully support the creation of a single set of harmonised and horizontal AR/OR rules in compliance to the latest revision of Annex 19 and its GM. This should also encompass the airworthiness Parts.
response	Noted. Since the NPA was published, EASA elaborated its roadmap for simpler, better and performance-based general authority and organisation requirements. The issues raised in the two open questions addressed to the stakeholders in NPA 2016-19 could be addressed as part of the roadmap implementation. EASA does not envisage the development of an AMC 20-8-like document with common elements of organisation's management and occurrence-reporting schemes as part of the rulemaking deliverables produced by RMT.0681.

comment	*222* comment by: *CAA-NL* **Q2 page 14** With the creation of a single set of harmonised and horizontal AR/OR rules in compliance to the latest revision of Annex 19 and its GM it is logical to create a single set of AMC/GM cross domain.
response	Noted. Refer to the response to comment 221.

comment	*227* comment by: *KLM* **Page 7 para 2.3 states:** No IA is provided as this NPA transposes requirements of Regulation (EU) No 376/2014 already applicable since 15 November 2015. **Comment:** As additional reporting requirements in respect to EU 376/2014 are created, an Impact Assessment should have been made.
response	Not accepted. This rulemaking task is transposing existing requirements into the delegated and implementing acts of the EASA Basic Regulation and an impact assessment was performed by

	the Commission prior to the promulgation of Regulation (EU) No 376/2014. A key principle underlying Regulation 376/2014 is that where reporting requirements also exist in other European rules and are consistent with those contained in Regulation (EU) No 376/2014, the co-existence of two or more set of rules should not lead to multiple reporting systems. The NPA proposed to add a new IR for Part-145 (see 145.A.62 'Internal safety reporting scheme') extracting the requirement from the existing 145.A.65. This will be removed from RMT.0681 and proposed with RMT.0251 'SMS for Part-21 and Part-145' for which a full regulatory impact assessment (RIA) will be provided.
comment	*234* comment by: *DSNA* Concerning reviewing and enhancing the general organisation requirements related to safety management, across domains, DSNA does not agree that new requirements is needed. EASA has established a number of new and recent requirements over the last years. It is our experience that the harmonisation of implementation and compliance within and across domains varies throughout Europe. Before envisaging new requirements the focus should be on understanding of requirements by NSA and Operators across domains leading to better standardisation so that a level playing field is established.
response	Noted. Refer to the response to comment 221.
comment	*235* comment by: *DSNA* Concerning the transfer of items into a set of 'cross-domain' AMC and GM, DSNA does not have any opinion other than to avoid changing again the references to applicable requirements. Incorporating frequent changes of requirements in a Management System is a costly effort and may lead to inappropriate references. Stabilization of regulatory framework over the long term is important and should be better taken into account. Operators deal with cross-domain issues through establishment of agreements to handle interface issues and incidents. This aspect should be facilitated by requirements and not over specified to take into account the variability of different operators and situations. A performance based orientation should be applied.
response	Noted. Since the NPA was published EASA started elaborating its roadmap for simpler, better and performance-based general authority and organisation requirements. This shall lead to the publication of prototype rules within a five-year time frame. The issues raised in the two open questions addressed to the stakeholders in NPA 2016-19 will be addressed as part of the roadmap. This means that EASA does not envisage the development of an AMC 20-8-like document with common elements of organisation's management and occurrence-reporting schemes as part of the rulemaking deliverables produced by RMT.0681.

comment *277* comment by: *Austro Control*

Comment 1:

1) Page No. 8-9
2) Paragraph No. 2.4
3) Comment
The challenge addressed in this section is well understood, as Austria faces this situation. Fulfilling GM (b) of the Master text when implementing the OR master text (page 8) is a "mission impossible".
4) Justification
Reg (EU) 376/2014 requires direct reporting to the competent authority designated for this regulation and the master text requires direct reporting to the competent authority for oversight. This automatically induces duplication of reporting lines for the industry. A forwarding of "376-reports" through the system of the oversight authority is NOT foreseen in 376/2014. If more than one oversight authorities exist, each of them have to establish their own reporting system.
5) Proposal (new proposed text, etc.)
Designate the "376/2014 competent authority" as POC for all occurrences in the MS. In addition, a strong requirement for reliable coordination between this authority and the oversight authorit(ies) (as an AMC, not only GM) shall be defined. This also applies to internal processes (single entry plus distribution to the relevant departments responsible for oversight, if all competent authorities are within one organization.

Comment 2:

1) Page No. 8-9
2) Paragraph No. 2.4
3) Comment
It is understood, that organizations, which do not have their principle place of business in a member state cannot be legally obliged to follow Reg 376/2014. However it is left open, which rules organizations, certified by the agency outside the EU have to follow (e. g. Part 145 or Part M organizations) as alternative means, if not 376/2014.
4) Justification
If 376/2014 and their IRs do not apply; no alternative means for this area are defined so far (e. g. list of mandatory reportable occurrences). This applies only to EASA certified organizations.
5) Proposal (new proposed text, etc.)
Rethink the different application of 376/2014 for organizations outside the Union.

Comment 3:

1) Page No. 14
2) Paragraph No. 2.4
3) Comment

Austria supports the idea to transfer all items related to the implementation of Reg (EU) 376/2014 into a 'cross-domain' AMC and GM (similar to AMC-20, but not limited to airworthiness) to address all common elements of organization's management and

occurrence-reporting systems, with the objective to ensure overall consistency, while eliminating duplication of common contents in the different domain-specific AMC and GM.

4) Justification
There exists a comprehensive GM document for the implementation of Reg (EU) 376/2014, which lives outside the AMC / GM regime.

5) Proposal (new proposed text, etc.)
introduce a 'cross-domain' AMC and GM (similar to AMC-20, but not limited to airworthiness) to address all common elements of organization's management and occurrence-reporting systems, with the objective to ensure overall consistency, while eliminating duplication of common contents in the different domain-specific AMC and GM.

response

Comment 1: Accepted.

The delegated and implementing acts defining who is the competent authority will be amended to specify that the competent authority responsible for the management of occurrence reports shall be:

(1) for organisations having their principal place of business in a Member State, the authority designated pursuant to Article 6(3) of Regulation (EU) No 376/2014 by that Member State, or;

(2) for organisations having their principal place of business located in a third country, the Agency.

The need for further changes at IR level to strengthen coordination between different aviation safety authorities within a Member State will be assessed in the context of the implementation of EASA roadmap for common general authority and organisation requirements.

Comment 2: Accepted.

For organisations that are not subject to Regulation (EU) No 376/2014, a specific point (d) is added to include the equivalent requirements for initial reporting. Provisions on follow-up reporting, a list of occurrences classified as qualifying for mandatory reporting on the basis of Regulation (EU) 2015/1018, and mandatory reporting fields on the basis of Annex I to Regulation (EU) 376/2014 will be included at AMC level.

Comment 3: Not accepted.

Since the NPA was published EASA started elaborating its roadmap for simpler, better and performance-based general authority and organisation requirements. This shall lead to the publication of prototype rules within a five-year time frame. The issues raised in the two open questions addressed to the stakeholders in NPA 2016-19 will be addressed as part of the roadmap. This means that EASA does not envisage the development of a cross-domain AMC 20-8-like document with common elements of organisation's management and occurrence-reporting schemes produced by RMT.0681.

comment

311 comment by: *European Cockpit Association*

	ECA considers that there is a clear need for separate RMT for changes introduced by ICAO Annex 19, especially regarding the confidentiality topic. This ICAO Annex and its attachments are amended on a regular basis and these changes should be reflected through adequate EU rulemaking activities.
response	Accepted. The changes introduced by ICAO Annex 19 will be addressed in the context of the activities of a separate rulemaking task (RMT.0706).

comment	*315* comment by: *Head of HANSA* We consider as a contributing factor of significant importance, the harmonization of the "Internal Safety Reporting and Analysis Systems" of the various aviation domains within an organization, through a separate RMT. It is well known that one specific type of occurrence (i.e. Bird Strikes, RWIs, SMIs) may involve different domains within an organization (i.e. ATS, Airport, Flight Standards). Reporting, analysis, severity classification, recording and dissemination of relevant data and information may vary (or not performed at all or partially) according to the expertise of the professionals involved during the processing of the several phases of the occurrence. Overlapses may also occur. All these may lead to not optimal resource allocation and use as well as to safety compromise. By inaugurating and applying procedures that will permit amongst others, cross-checking of reported data, common analysis with all domains involved, same exact entries in the various databases of the organization for common data categories, control over discrepancies in severity classification and a much more correct, complete and all round description of the occurrence (leading to an increase of data quality), the whole aviation environment will have better internal knowledge of the parameters that affect each domain concerning any given "common" occurrence, enhancing thus safety.
response	Noted. The ERCS framework can be used by all different organisations, although its use is not mandatory except for Member States. The delegated and implementing acts of the EASA Basic Regulation do not mandate any particular tools and methods for organisations' risk management as this would remove flexibility and would be too prescriptive.

comment	*331* comment by: *AESA* On 2.4.(b)(1), the text is not in accordance with the definition of "occurrence" in Reg. 376/2014. The addition of 'condition' means not only occurrences must be reported but also hazards. This wording means a change de facto in reporting obligations. Besides more workload, present tools could not be adequate for processing hazards (ECCAIRS, taxonomy, compulsory fields, European Risk Classification Scheme, etc.).

	Various questions also arise: if this extra information must be treated in accordance with 376/2014, on the MS obligations, on the type of protection (just culture) it would have. Is it compulsory the use of ADREP, ECCAIRS? What parts of 376 apply to this information? A different way of reporting other than occurrence information is being opened.
response	Refer to the response to comment No 205.

comment	*363* comment by: *Aero-Club of Switzerland* Page 11/100 Part-145 Remark We believe the new provisions 145.A.60 and 145.A.62 create a new burden for the Part-145 undertakings. From the start we had the feeling that Regulation (EU) No 376/2014 was not well conceived. After studying further texts we still are unhappy with what is proposed now. To 145.A.60: There will always be "further requirements to be aligned", in other words, Occurrence Reporting will become a story without and in sight. To 145.A.62: We are totally unhappy with this statement. The authors try to bring Occurrence Reporting to perfection, however our world is not perfect. They may add as many internal safety-reporting schemes as they might wish. Safety is not generated by reporting but by the selection of capable persons, adequate training and honest pay. Wonder how many of the smaller and medium aircraft maintainers will go out of business saying enough is enough.
response	Partially accepted. On the first point: See response to comment 367. On the second point: Accepted. The NPA proposed to add a new IR for Part-145 (see 145.A.62 'Internal safety reporting scheme') extracting the requirement from the existing 145.A.65. This text will be removed from RMT.0681 and proposed for inclusion with RMT.0251 'SMS for Part-21 and Part-145' for which a full regulatory impact assessment (RIA) will be performed.

comment	*365* comment by: *ECOGAS* 2.2 It would help to have a direct link to the each time quoted article 2.2 to avoid searching it; not everybody has it's full text by heart.
response	Noted.

comment	*368* comment by: *ECOGAS* We consider one single reporting link preferable. We think modern internet and data exchange should enable a single link for all inputs. The several different points to report to will reduce the probabiltiy of reporting.

response

Noted.

The rules need to consider two types of reporting channels:

— reporting to the competent authority; and

— reporting between organisations.

Organisations subject to Regulation (EU) No 376/2014 would normally use either the ECCAIRS portal or a means of reporting established directly with the competent authority (typically larger organisations). Hence there is a single reporting channel for the organisation. Where an organisation needs to report the same occurrence to more than one competent authority (for example where its AOC and Part-145 are established in different Member States), it is envisaged that it is a large organisation that has agreed a method of reporting with the relevant competent authorities. For smaller organisations, on the rare occasions a report being sent via the ECCAIRS portal needs to go to more than one competent authority, it is possible to complete the same form once but send it to more than one competent authority. It is important to note that most cases where more than one competent authority needs to be aware of the report are covered by Article 9(3) or Regulation (EU) No 376/2014, where it is envisaged that the exchange of information is performed at Member State level. For reporting between organisations and subject to applicable requirements (e.g. Part 21 for reporting to the DAH), different channels may exist depending on the systems and processes implemented by those organisations.

comment

369 comment by: *ECOGAS*

In this NPA as in the basic regulation we see a lack of differentiation between different danger potentials. The principle of data driven regulation without requires data aquisition and data managment. However, this data aquisition it should take into account the risk potential in order to avoid to collect data with value below a meaningful critical level and therefore with little or no value. Is it really good to synchronise safety management related requirements accross domains ? One rule does not fit all and if it will fit airlines and majors and ATM's , it is impossible that the same requirement(s) can efficiently fit SME's.

response

Noted.

The definition of a reportable occurrence and the list of occurrences required to be reported were discussed in great detail during the development of Regulation (EU) No 376/2014. The definition is the same across all parts of the industry to ensure as complete a picture as possible of the types of safety hazards and risks facing aviation. Both the Regulation and the supporting guidance material take account of the need for smaller organisations to do things differently — see the 7th recital (whereas …) which starts 'The imposition on organisations of occurrence reporting obligations should be proportionate to the size of the organisation concerned and the scope of its activity.'

In terms of the identification of risk levels, the application of the ERCS provides a harmonised risk classification method for the whole of Europe, across all aviation domains. It will be for the Commission to decide to which extent it will make use of the results of the ERCS in terms

	of adapting the Regulation and this will inevitably follow a period of learning following ERCS implementation. To ensure proportionate application of requirements for safety management, EASA proposes a management system framework, which only introduces high-level requirements at IR level and leaves implementation details at AMC level, thus allowing the use of alternative means of compliance. Also, in line with the General Aviation roadmap, it is not envisaged that SMS will be applied to all approved organisations.
comment	*370* comment by: *ECOGAS* The idea of streamlining, get rid of overlaps, avoid ambiguities is well understood but will have, if not applied with care and **proportionality**, a negative economic impact on SME's.
response	Noted. Through this rulemaking task no additional requirements are proposed to be introduced. Regulation (EU) No 376/2014 foresees that, by agreement with the competent authority, small organisations may put in place a simplified mechanism for the collection, evaluation, processing, analysis and storage of details of occurrences. They may share those tasks with organisations of the same nature, while complying with the rules on confidentiality and protection pursuant to this Regulation.

3. Proposed amendments — 3.1. Draft Regulation (Draft EASA Opinion) — Part-21: SECTION A — TECHNICAL REQUIREMENTS, SUBPART A — GENERAL PROVISIONS, 21.A.3A Failures, malfunctions and defects p. 15-16

comment	*2* comment by: *Rolls-Royce Deutschland / Airworthiness Office - D. Stege* As a consequence of having added the following text in 21.A.3A: ‚Organisations having their principal place of business in a Member State, such system shall include provisions for mandatory and voluntary reporting that meet the requirements of Regulation (EU) No 376/2014 and its implementing rules.' the follow-up sentence in 21.A.3A should be revised to avoid misinterpretation that the mandatory and voluntary reporting system into EASA is meant. It should be clarified that the obligation must be to explain to all known operators only HOW TO FEED such system with data. I propose therefore the following change: Replace: 'Information about this system shall be made available to all known operators …' by 'Information on **how to provide external data into** this system shall be made available to all known operators …'.
response	Accepted. The text in the follow-up sentence to 21.A.3A will be amended to address the point raised, but with slightly different wording, to read:

‘(1). The holder of a type-certificate, restricted type-certificate, supplemental type-certificate, European Technical Standard Order (ETSO) authorisation, major repair design approval or any other relevant approval deemed to have been issued under this Regulation shall:

(i) ~~have~~ establish and maintain a system for collecting, investigating and analysing reports of and information related to failures, malfunctions, defects or other occurrences which cause or might cause adverse effects on the continuing airworthiness of the product, part or appliance covered by the type-certificate, restricted type-certificate, supplemental type-certificate, ETSO authorisation, major repair design approval or any other relevant approval deemed to have been issued under this Regulation; and

(ii) inform known operators of the product, part or appliance and, on request, any person authorised under other associated implementing Regulations about the system established in accordance with point (a)(1)(i), and on how to provide such reports of and information related to failures, malfunctions, defects or other occurrences.

(2.) For organisations having their principal place of business in a Member State, the system established in accordance with point (a)(1)(i) shall include provisions for mandatory and voluntary occurrence reporting and follow-up that meet the requirements of Regulation (EU) No 376/2014 and of Regulation (EU) 2018/1139 and their respective delegated and implementing acts.

comment

3 comment by: *Rolls-Royce Deutschland / Airworthiness Office - D. Stege*

Delete in 21.A.3A (b) the word ‘relevant’. All approval holders (incl. EPA, minor change, …) are covered by Regulation (EU) No 376/2014.

response

Accepted.

The text will be amended as proposed.

comment

156 comment by: *Harkous*

response

comment

212 comment by: *Federal Office of Civil Aviation (FOCA), Switzerland*

Comment FOCA to paragraph 21.A.3A (a):

It should be clarified what is meant by "meet the requirements of Regulation (EU) No 376/2014 and its implementing rules. Are there implementing rules to (EU) Regulation 376/2014? The same wording is found in proposed amendments to Part-M and Part-145.

response

Noted.

The reference to 'and its implementing rules' is currently only related to the IR defining the list of occurrences qualifying for mandatory reporting, but in the future there may be additional delegated and implementing acts. In the future, there will be an additional implementing rule on the European Risk Classification Scheme.

All references to Regulation (EC) No 216/2018 are now updated to refer to Regulation (EU) 2018/1139. References to 'its implementing rules' are updated to refer to 'its delegated and implementing acts'.

comment

263 comment by: *Embraer S.A.*

21.A.3A Failures, malfunctions and defects

[…]

(b) Reporting to the Agency

1. The holder of a type-certificate, restricted type-certificate, supplemental type-certificate, ETSO authorisation, major repair design approval or any other relevant approval deemed to have been issued under this Regulation shall report to the Agency any failure, malfunction, defect or other occurrence of which it is aware related to a product, part, or appliance covered by the type-certificate, restricted type-certificate, supplemental type certificate, ETSO authorisation, major repair design approval or any other relevant approval deemed to have been issued under this Regulation, and which has resulted in or may result in an unsafe condition. The responsible holder is not required to comply with the required report under point 21.A.3A(a) of this Regulation or under requirements of Regulation (EU) No 376/2014 if he determines that it was already reported to the Agency by another person.
Embraer suggests to include this text because this mechanism is common in another report requirement, such as FAA regulation 14 CFR 21.3(d)(1)(ii) and ANAC regulation RBAC 21.3.(d)(1)(ii), to avoid redundant reports to the Agency. This would help the Agency to prevent an increase in the workload and to maintain an accurate accounting of service events.

response

Not accepted.

The report received from one organisation may have a different emphasis and different information compared to the report received from another organisation. This is most relevant with follow-up reports instead of the initial reports. In an airworthiness context, a Part-145 organisation may have conducted an investigation that primarily focusses on the maintenance aspects of the occurrence, without necessarily having full information regarding the design aspects of the occurrence, which should be reported by the design organisation in the case of an unsafe condition.

The same is also true for occurrences in an operational context. For example, with a runway incursion, one would expect the relevant competent authority to receive reports from the ANSP and aircraft operator as a minimum, with the possibility of a report from the aerodrome and other parties involved, depending on the circumstances of the occurrence.

The Commission and EASA work towards further simplifying reporting by organisations.

comment

296 comment by: *Luftfahrt-Bundesamt*

Comment LBA

21.A.3Aa)

The LBA believes the proposed Amendment is not accurate enough. Organisations established or ''having their principal place of business in a Member State'' undergo two types of approvals either by the Agency or by the responsible NAA. Design organisations, which are only approved by the Agency (in this case EASA) share their safety information differently through the ECR, this why it's recommended to assign the obligation to the approval. For Organisations approved by the Agency but not having their principal place of business in a Member State (Check article 8.2 of (EU) No 748/2012) like (e.g. COMTECH AVIATION SERVICES from Australia taken out of the List of EASA approved DOA on EASA-Website) they are also commited to establish and maintain an occurrence reporting system and to report their occurrences to EASA, this why it's recommended in this case also to cover the non-EU organisations which are have an EASA-Approval and also commited to report their occurrences within an occurrence reporting system.

The other point is the term ''that meet the requirements of Regulation (EU) No 376/2014 and its implementing rules''. In **(EU) No 376/2014 No.4** it's arranged that the compliance with (EU) No 376/2014 **should not exempt** the compliance with (EC) No 216/2008 and vice versa which means both regulations should be seen as **complementary**. This why It's recommendable to mention the necessity to also meet the requirements of (EC) No 216/2008 regarding occurrence reporting system.

Proposed Amendment:
a) For organisations having their principal place of business in a Member State, such system shall include provisions for mandatory and voluntary reporting that meet the requirements of Regulation (EU) No 376/2014 and its implementing rules

Modified Proposed Amendment:
a) For organisations **approved by the Agency or by the Member State**, such system shall be **set up of mandatory and voluntary reporting systems** that meet the requirements of the Regulations (EU) No 376/2014 **and (EC) No 216/2008 with their associated implementing rules concurrently**.

response

Accepted.

The text will be amended in line with the point raised. However, the 'qualifier' will be 'organisations having their principal place of business in a Member State'.

comment

360 comment by: *Garmin International*

Recommendation:

Suggest clarifying the "Member State" and "principal place of business" terms in 21.A.3A(a) and other similar instances; e.g., 21.A.129(e) and (f).2, 21.A.165(e) and (f).2, 21.B.45(a), (b), and (c), etc.

Reason for recommendation:

21.A.3A(a) includes the following new text: "For organisations having their principal place of business in a Member State, such system shall include provisions for mandatory and voluntary reporting that meet the requirements of Regulation (EU) No 376/2014 and its implementing rules."
The definition of "Member State" in this context is ambiguous. It is unclear whether the term "Member State" is referring to an EU state in the context of Regulation (EU) No 376/2014 or to an EASA state since 21.A.3A is an EASA soft regulation.

Additionally, the term "principal place of business" is similarly ambiguous. For example, consider a multi-national corporation like Garmin with the following structure:

Garmin Ltd.
Is in Schaffhausen, Switzerland
Is the parent company of Garmin International and Garmin Europe
Holds no EASA ETSOAs or EASA STCs
Is not a part 145 repair station
Garmin International:
Is in Olathe, Kansas, USA
Holds EASA ETSOAs and EASA STCs but holds FAA TSOA for all articles that have EASA ETSOA and has an FAA STC equivalent to all EASA STCs
Makes all 21.3 failure, malfunction, and defect reports to the FAA and relies on FAA to share such reports with EASA in accordance with the
FAA-EASA Technical Implementation Procedure, section 3.1.2 "Sharing of In-Service Reports and Information on Malfunctions, Failures, or Defects"
Has a dual EASA and FAA part 145 repair station
Makes repair station serious defect reports to FAA.
Makes repair station serious defect reports to EASA when such defects are found on a component from an EU-registered aircraft or components received from an EU customer. Otherwise, relies on FAA to share such reports with EASA in accordance with the FAA-EASA Maintenance Implementation Procedure

	(https://www.faa.gov/aircraft/repair/media/Safety_Agreement_Between_US_and_EC.pdf), Annex 1, section 3.3 "Continued Airworthiness", subsection 3.3.1. *Note: These repair station reports are provided to EASA as a conservative measure because the current EASA reporting requirements are ambiguous as to whether reliance on the FAA to share all serious defect reports through the FAA-EASA Maintenance Implementation Procedure is sufficient.* <u>Garmin Europe:</u> Is in Southampton, UK Has a dual EASA and FAA part 145 repair station Makes repair station serious defect reports to EASA In Garmin's view, Regulation (EU) No 376/2014 should be applicable to the Garmin Europe repair station in Southampton, UK but not to either the Garmin Ltd. facility in Schaffhausen, Switzerland or the Garmin International facility in Olathe, Kansas, USA. However, without clarifying the "Member State" and "principal place of business" terms within the EASA material, it is also possible to arrive at an interpretation where because the Garmin Ltd. facility is in Schaffhausen, Switzerland, and because Garmin Ltd. is the parent company of Garmin International, that Garmin International could be expected to file EU 376/2014 reports even though Garmin International is physically located outside the EU.
response	Noted: To address the comment on the ambiguity of the term 'Member State': When the EU Regulations refer to 'Member States', this means Member States of the EU. If there are associated States like Switzerland, Norway, Liechtenstein or Iceland, the Regulation does not apply directly, but via the agreement between EFTA and the EU or Switzerland and the EU. It is not possible to use any other term here. Concerning the proposal to add GM clarifying the term 'principal place of business': A definition of the term is included in Article 1(2)(e) of Regulation (EU) No 748/2012. This provides sufficient clarity, although it is clear that every case has to be assessed individually, applying the definition. Regulation (EU) No 376/2014 is applicable to those organisations having their principal place of business in a Member State (being an EU Member State or associated EFTA State or Switzerland). Regarding reporting obligations under the US/EU BASA: The reporting obligation is replaced by an exchange of information between the FAA and EASA, meaning US organisations only report to FAA, EU organisations only to EASA.

3. Proposed amendments — 3.1. Draft Regulation (Draft EASA Opinion) — Part-21: SECTION A — TECHNICAL REQUIREMENTS, SUBPART F — PRODUCTION WITHOUT PRODUCTION ORGANISATION APPROVAL, 21.A.129 Obligations of the manufacturer p. 16

comment	*157* comment by: *Harkous* In order to make easily the link with the Part 21 § 21A.15 (d) and its associated GM, Airbus strongly recommend to illustrate within the CS Cabin Crew what elements belong to
response	This comment is related to CS Cabin Crew, EASA assumes it does not relate to NPA 2016-19.

comment	*158* comment by: *Harkous* gh
response	Noted.

comment	*278* comment by: *Austro Control* 1) Page No. 16 + 17 2) Paragraph No. 3.1 3) Comment to 21.A.129 and 21.A.165 As only one type of occurrence is subject to the reporting system according Reg (EU) 376/2014 for manufacturers, this might be not a sufficient requirement for a (well recommendable) internal reporting system for those organisations. 4) Justification The only reportable occurrence according 2015/1018 is: Products, parts or appliances released from the production organization with deviations from applicable design data that could lead to a potential unsafe condition as identified with the holder of the type-certificate or design approval. This is a "level A" occurrence. 5) Proposal (new proposed text, etc.) Define specific additional requirements and add "also" in the last sentence of 21.A.129 (e) and 21.A.165 (e). (Rem: This applies in principle also to 21.A.3A (a) (added sentence)
response	Refer to the response to comment No 101 from the UK CAA.

3. Proposed amendments — 3.1. Draft Regulation (Draft EASA Opinion) — Part-21: SECTION A — TECHNICAL REQUIREMENTS, SUBPART G — PRODUCTION ORGANISATION APPROVAL, 21.A.165 Obligations of the holder p. 17

comment	*101* comment by: *UK CAA* **Page No:** 17 **Paragraph No:** 21.A.165, sub-paragraph (f) point 3 **Comment:** Under the current text, the UK CAA receives comparatively few occurrence reports related to production where parts have been released outside design data, as unless

	it results in an unsafe condition the POA can hide behind there being no specific requirement to report to the Competent Authority. In our move to performance-based surveillance, the UK CAA is encouraging the UK POA community to consider <u>any</u> release which is subsequently identified to have possible deviations from the applicable design data as a voluntary occurrence, (i.e. where the Part 21 Subpart G approval has not achieved its primary aim of releasing in conformity to that data), which the CAA can then discuss with them internally as part of performance management. This requires an extent of leverage and negotiation that would be avoided if we could point to a clear requirement. **Justification:** The proposed wording is inconsistent, as although all releases outside of design data must be reported to the next production organisation, these reports are not required to be made to the competent authority. It is understood that the reporting system should not be overwhelmed by notifications that subsequently do not present a risk, but the proposed wording could be improved to ensure that the competent authority has access to the data it needs for effective performance-based oversight. **Proposed Text:** It is suggested that additional text is added in sub-paragraph (f) point 3 as follows:- "3. where the holder of the production organisation approval is acting as a supplier to another production organisation, report also to that other organisation all cases where it has released products, parts or appliances to that organisation and subsequently identified them to have possible deviations from the applicable design data. **<u>Under (EU) No 376/2014, in addition to the mandatory reports generated as a result of identification of an unsafe condition under item 2 above, the Production Organisation is to consider all cases where it has subsequently identified possible deviations after release as voluntary reports to be recorded and investigated internally with the results made available for review by the competent authority of the Member State during surveillance."</u>**
response	Not accepted. Regulation (EU) No 376/2014 created specific requirements for voluntary reporting to increase the potential for generating safety information. The subject of the proposal can be addressed under voluntary reporting, therefore a change in 21.A.165 is not considered necessary. Relevant Regulation (EU) No 376/2014 provisions are included below: Article 13 'Occurrence analysis and follow-up at national level' (covering organisation established in a Member State). '1. Each organisation established in a Member State shall develop a process to analyse occurrences collected in accordance with Articles 4(2) and 5(1) in order to identify the safety hazards associated with identified occurrences or groups of occurrences.' There are also the associated reporting requirements from organisation to competent authority in accordance with Article 5(5) and Article (6):

'5. Each organisation established in a Member State and certified or approved by the Agency shall report to the Agency, in a timely manner, details of occurrences and safety-related information which have been collected pursuant to paragraph 1 and which may involve an actual or potential aviation safety risk.'

'6. Each organisation established in a Member State that is not certified or approved by the Agency shall, in a timely manner, report to the competent authority of that Member State, as designated pursuant to Article 6(3), the details of occurrences and other safety-related information which have been collected pursuant to paragraph 1 of this Article and which may involve an actual or potential aviation safety risk. Member States may require any organisation established in their territory to report the details of all occurrences collected pursuant to paragraph 1 of this Article.'

This will not affect POAs in third countries.

comment

214 comment by: *CAA-NL*

Part 21.A.165
Part 21.A.165(f)2 as proposed by the NPA still contains the text "report to the Agency **and** the competent authority of the Member State..." while it is our understanding that production organisations under (EU) 376/2014 have to report to their competent authority. We propose to bring Part 21 in line with (EU) 376/2014 in this respect and to replace the text above with the following:
2. report to its competent authority being the Agency or the competent authority of the Member State the deviations which could lead to an unsafe condition identified according to point (1).

response

Not accepted

EASA would like to continue receiving reports from production organisations approved by Member States, as is currently the case.

3. Proposed amendments — 3.1. Draft Regulation (Draft EASA Opinion) — Part-21: SECTION B — PROCEDURES FOR COMPETENT AUTHORITIES, SUBPART A — GENERAL PROVISIONS, 21.B.45 Reporting/coordination p. 18

comment

8 comment by: *John Hamshare*

We are interested to know whether item (c) has already started for all Competent Authorities and from which date the safety-significant information has been provided.

response

Noted.

For Part-145, this provision is not yet applicable. It will be introduced with RMT.0251 Phase II. It has been introduced for Part-ARO, Part-ARA, Part-ADR, Part-ATCO and Part-ATM/ANS.

Comment

102 comment by: *UK CAA*

Page No: 18

Paragraph No: 21.B.45, sub-paragraph (c)

Comment: New sub-paragraph (c) has been inserted as follows:

"(c) *Without prejudice to Regulation (EU) No 376/2014, the competent authority of the Member State shall provide the Agency with safety-significant information stemming from the occurrence reports stored in the national database*."

This obligation looks quite onerous as it applies to all occurrence reports in the national database, some of which in the UK occurrence database could be than 40 years old and are no longer relevant to today's risks and safety issues.

Justification: We support the intent of Article 15 of the Basic Regulation which creates an information sharing obligation between EASA and competent authorities but this is fairly high level. However, this statement in 21.B.45 sub-paragraph (c) is much more specific and it could create extra burdens for competent authorities. We would like to limit the scope of this text by removing the reference to all of the reports that are stored in the national database.

Proposed Text: Amend sub-paragraph (c) to read:

"(c) Without prejudice to Regulation (EU) No 376/2014, the competent authority of the Member State shall provide the Agency with safety-significant information stemming from the occurrence reports **it receives."**

Response

Not accepted

When new-safety significant information arises, it may be supported by records already in the national database. In addition, there may be cases where a 'historical' safety issue reappears and in that case EASA would want to receive the old and new safety-significant information.

However, alternative text is proposed:

'Without prejudice to Regulation (EU) No 376/2014, when safety-significant information is identified, the competent authority of the Member State shall provide the Agency with the relevant information stemming from the occurrence reports stored in the national database.'

Comment

215 comment by: *CAA-NL*

Part 21.B.30:
In line with the changes suggested for Part ARA.GEN.210 we like to suggest to include 376/2014 also for the CA of part 21 with the following amendment for 21.B.30(a):
(a) The competent authority of the Member State shall establish documented procedures to describe its organisation, means and methods to fulfil the requirements of this Annex I (Part 21), as well as Regulation (EU) No 376/2014 and its implementing rules. The procedures shall be kept up to date and serve as the basic working documents within that authority for all related activities.

In addition a new GM.21.B.30(a) should be included that mirrors the new GM1 145.B.62:

GM1 21.B.30(a)
COMPETENT AUTHORITY ESTABLISHED IN ACCORDANCE WITH REGULATION (EU) No 376/2014
(a) Where a Member State designates different competent authorities to manage occurrences reported pursuant to Articles 4 'Mandatory reporting' and 5 'Voluntary reporting' of Regulation (EU) No 376/2014 and for the oversight of persons and organisations in accordance with Regulation (EC) No 216/2008 and its implementing rules respectively:
(1) the areas of competence of each competent authority must be clearly defined;
(2) proper coordination must be established between those authorities to ensure effective oversight of all persons and organisations subject to Regulation (EC) No 216/2008 and its implementing rules within their respective remits; and
(3) occurrence reports addressed to the competent authority responsible for the oversight of persons and organisations in accordance with Regulation (EC) No 216/2008 and its implementing rules must be shared with the competent authority established for managing occurrence reports pursuant to Regulation (EU) No 376/2014.
(b) The organisational set-up in terms of competent authorities designated under Regulations (EU) No 376/2014, (EC) No 216/2008, and their implementing rules, must not result in a duplication of the reporting obligations for persons or organisations subject to those Regulations.

Response

Partially accepted.

Part 21.B.30 will be amended as proposed in this comment, for consistency with other delegated and implementing acts of the EASA Basic Regulation. However, the proposed addition of GM based on the text in GM1 145.B.62 is not accepted, as the need for such GM is not supported.

Comment

216 comment by: *CAA-NL*

Part 21.B.35:
In line with the changes suggested for a new Part 145.B.62 we like to suggest to include similar provisions for the CA of part 21 with the following amendment for a new 21.B.35(c):
(c) The competent authority shall without undue delay notify the Agency in case of any significant problems with the implementation of Regulation (EC) No 216/2008 and its implementing rules.

Response

Not accepted.

Part 21.B.35 relates to competent authority internal issues (organisation, procedures). The obligation to notify is already defined (see 21.B.45 (b)).

Comment

332 comment by: *AESA*

To 21.B.45(c):
This is directly regulated by Article 9.3 of 376/2014. This paragraph should be eliminated in order to harmonize with this regulation, or at least use 'In accordance with 376/2014' instead of 'Without prejudice'. The present wording seems to show a different way from that provided for in Reg. 376/2014.

	Besides this, it is not taking into account similar provisions to provide information from the Agency to the MS and among MS as 376/2014 has established.
Response	Partially accepted. In 21.B.45(c), 'in accordance with' will replace 'without prejudice to'. The proposal to remove the whole paragraph is not accepted because: — the activity is a specific component to EASA's safety processes and must be maintained regardless of future evolutions to Regulation (EU) No 376/2014; and — when compared with the Regulation, the GM provides more specific information as to what is expected.

3. Proposed amendments — 3.2. Draft AMC/GM (Draft EASA Decision) — Part-21: SECTION A, SUBPART A — GENERAL, GM 21.A.3A(b) Occurrence reporting p. 18

Comment	*56* comment by: *AIRBUS* **1. PARAGRAPH / SECTION :** NPA 2016-19, page 18/100, Section A Subpart A paragraph 1. **2. PROPOSED TEXT / COMMENT:** For occurrence reporting, refer to the latest edition of AMC 20-8 (see AMC-20 document) and to the list of reportable occurrences provided in Regulation (EU) 2015/1018. **3. RATIONALE / REASON / JUSTIFICATION:** No change. Airbus fully supports this amendment as it simplifies the reporting criteria.
Response	Noted.

3. Proposed amendments — 3.2. Draft AMC/GM (Draft EASA Decision) — Part-21: SECTION B, SUBPART A — GENERAL PROVISIONS, AMC1 21.B.45(c) Reporting/coordination p. 18

Comment	*9* comment by: *John Hamshare* Has this AMC already been enacted by any Competent Authorities or will it only start once the NPA has concluded?
response	Refer to the response to comment No 8.
comment	*51* comment by: *Bavarian Aviation Authority* EASA needs to assure that safety-significant information reach potential recipients affected at any time. Having to appoint only one person (without additionally naming a deputy or department) may jeopardize aviation safety, since there is a risk of safety- and time critical information not being forwarded quickly enough. It has to be guaranteed that even in case

of illness or absence of the announced person, critical information will still be forwarded from EASA to the concerned recipients and vice versa.

Same applies to:
AMC1 M.B.106(b)
AMC1 145.B.62(b)
AMC1 ARA.GEN125(b)
AMC1 ARO.GEN.125(b)
AMC1 ADR.AR.A.025(b)
AMC1 ATCO.AR.A.020(b)

response

Not accepted.

As with any formal role, the activity should be delegated when the individual is not able to fulfil the role due to absence.

comment

297 comment by: *Luftfahrt-Bundesamt*

Comment LBA

21.B.45c)

It's not specified **to where and how and till when** the sharing of safety information between the Authority and the Agency should be carried out. Moreever it's mentioned clearly in **(EU) No. 376/2014 Art. 9 No. 3** that significant safety information, which require an immediate action, should be forwarded as soon as possible to the Agency. This specification is missing in the proposed amendment.

*Proposed Amendment:*Without prejudice to Regulation (EU) No 376/2014, the competent authority of the Member State shall provide the Agency with safety-significant information stemming from the occurrence reports stored in the national database*Modified Proposed Amendment:*The competent authority of the Member State shall **transfer** all safety information derived from the occurrence reports after being stored in the national database **to the European Central Repository (ECR) within 30 days**. Safety-significant information derived from occurrence reports shall be shared with the Agency as soon as possible.

response

Not accepted.

Please refer also to the response to comment No 102.

The 'modified proposed amendment' is not accepted because it is not necessary to repeat the requirements for transferring occurrences to the ECR. The activities under discussion here relate to providing EASA with safety-significant information, which may be the result of an analysis of several occurrences or the investigation of one occurrence.

3. Proposed amendments — 3.2. Draft AMC/GM (Draft EASA Decision) — Part-21: SECTION B, SUBPART A — GENERAL PROVISIONS, GM1 21.B.45 Reporting/coordination p. 19

comment

152 comment by: *Swedish Transport Agency, Civil Aviation Department (Transportstyrelsen, Luftfartsavdelningen)*

see our comment on page 9 regarding that AMC/GM should be written as guidance and hence these sentences should be rewritten or moved to the regulation.

response

Refer to the response to comment No 102.

comment

298 comment by: *Luftfahrt-Bundesamt*

Comment LBA

GM1 21.B.45

Indeed in (EU) No.376/2014 Art. 6 - No. 3 it's allowed for a Member State to designate more than one entity to handle occurrence reporting, but it still **declares that one of them at least should be appointed as a point of contac**t responsible for the transfer of safety information.

Proposed Amendment:
(a)
Where a Member State designates different competent authorities to manage occurrences reported pursuant to Articles 4 'Mandatory reporting' and 5 'Voluntary reporting' of Regulation (EU) No 376/2014 and for the oversight of persons and organisations in accordance with Regulation (EC) No 216/2008 and its implementing rules respectively:

Modified Proposed Amendment:
(a) Where a Member State designates different competent authorities, **it shall designate one of them as point of contact** to manage occurrences reported pursuant to Articles 4 'Mandatory reporting' and 5 'Voluntary reporting' of Regulation (EU) No 376/2014 and for the oversight of persons and organisations in accordance with Regulation (EC) No 216/2008 and its implementing rules respectively.

response

Not accepted.

The GM here relates to ensuring that the respective roles of the competent authority for occurrence reporting and the competent authority for oversight are clearly defined. The single point of contact referred to in Article 4 and Article 5 of Regulation (EU) No 376/2014 relates to transfer of information to the ECR. These are separate activities.

The GM proposed with the NPA will however be deleted:

A State has the prerogative to decide to which of the existing authorities the competences on 'establishing a mechanism to independently collect, evaluate, process, analyse and store details of occurrences reported pursuant to Regulation (EU) No 376/2014 Articles 4 (MOR) and 5 (VOR)' should be allocated. Competences are already established as per the applicable Regulations (Regulation (EU) No 376/2014 and the EASA Basic Regulation and its delegated and implementing acts). It is therefore not proposed to further specify references to 'competent authority' as part of this RMT. Safety promotion material on the coordination between competent authorities will be provided, as this is an essential element within SSP implementation.

comment

312 comment by: *European Cockpit Association*

3.2.4 GM1 21.B.45 (a) (1)

Although internal procedures might be in place, there are cases in certain Member States (e.g. Croatia) where areas of competence are not publicly disclosed (not available to potential reporters). This results in uncertainty on the scope of shared information and reporter protection.

Proposed amendment
"... **and suitable information made available to potential reporters (or interested parties)"**

OR

"... **and disclosed"**.

Change "must" into "should" since this is Guidance Material.

Rationale: see comment above.

response

Noted.

The Agency agrees with the general point and will amend the GM accordingly. It is however not planned to include such guidance with the rulemaking deliverables, but to make it available as safety promotion material.

Refer also to the response to comment 298.

3. Proposed amendments — 3.2. Draft AMC/GM (Draft EASA Decision) — Part-21: SECTION B, SUBPART A — GENERAL PROVISIONS, GM1 21.B.45(c) Information to the Agency p. 19

comment

10 comment by: *John Hamshare*

We welcome the introduction of the guidance in GM1, GM2 and GM3 of this section 21.B.45(c).

response

Noted.

See also the response to comment No 108.

comment

131 comment by: *Federal Office of Civil Aviation (FOCA), Switzerland*

Comment FOCA to GM1 21.B.45(c) Information to the Agency p. 19 : suggestion to delete point (a)

~~(a) a conclusive safety analysis which summarises individual occurrence data and provides an in-depth analysis of a safety issue, and which may be relevant for the Agency's safety action planning;~~

Rationale: In-depth safety analysis and risk assessment has to be done by the organization, not the authority, otherwise this would be a big burden. This text was found in other chapters as well.

response

Not accepted.

This GM explains the meaning of the term 'safety-significant information'. AMC 21.B.45(c) requires that where safety-significant information exists that is relevant in the context of Part 21 (and elsewhere where the text is repeated), it is passed to EASA.

Article 13 of Regulation (EU) No 376/2014 specifies the obligations placed on Member States regarding the analysis and follow-up of occurrences. One of the main points of occurrence reporting is that statistical analysis may be performed using multiple occurrences of a similar nature but from different organisations. Therefore, it cannot be solely done at organisational level.

It is important to note that this GM relates to a safety issue, not to individual occurrences. Therefore, the text is considered appropriate. The 'analysis' in this context is not an investigation of an individual occurrence, but an analysis of aggregate data.

comment

313 comment by: *European Cockpit Association*

3.2.5. GM1 21.B.45 (c) (a)

	The scope and depth of analysis is left to the organisation concerned, with no mechanism for relevance control. This typically leads organisations with weak safety culture to conclude the analysis with human error therefore missing the opportunity for real system improvement. Proposed amendment New (c) (c) **"should the Member state competent authority or the Agency decide the occurrence has not been analysed sufficiently to reveal safety-significant information, it will request further analysis from the organisation concerned."** Rationale: similar mechanism exists in GM3 ARA.GEN.125 (b), page 36.
response	Not accepted. Regulation (EU) No 376/2014 Articles 7(2) and 13(4) as well as the corresponding oversight requirements in the delegated and implementing acts of the EASA Basic Regulation provide sufficient leverage on this. According to (EU) No 376/2014 Article 7(2), occurrence reports referred to in paragraphs 5, 6 and 8 of Article 6 shall include a safety risk classification for the occurrence concerned. That classification shall be reviewed and if necessary amended, and shall be **endorsed by the competent authority of the Member State or the Agency**. In accordance with the common ERCS referred to in paragraph 5 of this Article and Article 13(4), a competent authority of a Member State may request organisations to transmit to it the preliminary or final results of the analysis of any occurrence of which it has been notified but in relation to which it has received no follow-up or only the preliminary results.

3. Proposed amendments — 3.2. Draft AMC/GM (Draft EASA Decision) — Part-21: SECTION B, SUBPART A — GENERAL PROVISIONS, GM2 21.B.45(c) Information to the Agency p. 19-20

comment	*314* comment by: *European Cockpit Association* 3.2.6 GM2 21.B.45 (c) As above, there is no mechanism to request more in-depth analysis. Proposed amendment Same as 3.2.5. GM1 21.B.45(c) (a)
response	Refer to the response to comment No 313.

comment	*333* comment by: *AESA* On GM2 21.B.45(c): A closer approach to the European Risk Classification Scheme should be used. MS and the Agency will have to use this scheme, so a closer wording to the ERCS seems to be adequate.
response	Accepted.

	The terminology will be amended to be aligned with the concepts that will underlie the ERCS. The guidance material will be amended to add 'a risk assessment establishing the severity and probability of all the possible consequences of the safety issue'.

3. Proposed amendments — 3.3. Draft Regulation (Draft EASA Opinion) — Part-M: SECTION A — TECHNICAL REQUIREMENTS, SUBPART B — ACCOUNTABILITY, M.A.202 Occurrence reporting p. 21

comment	*57* comment by: *AIRBUS* **1. PARAGRAPH / SECTION :** NPA 2016-19, page 21/100, point M.A.202 **2. PROPOSED TEXT / COMMENT:** It is proposed to amend the title of M.A.202 to read: "M.A.202 Occurrence reporting **for persons (excluding persons working for an approved organisation)**" **3. RATIONALE / REASON / JUSTIFICATION:** Requirements of point M.A.202 are located in the Section A Subpart B that is common to two populations: persons carrying out their duty on behalf of an organisation and persons performing on their own behalf. It is proposed that point M.A.202 title be clarified to ensure that the requirements applicable to persons working for an organisation are not supplemented with other similar, but different, requirements. Consideration should also be given to possible evolutions of requirements in the future: Point M.A.202 requires reporting (amongst others) to the organisation responsible for the type design or supplemental type design, while point M.A.718 requires reporting (amongst others) to the organisation responsible for the design of the aircraft or component. Note: It means that, for example, point M.A.202 does not ensure that the holder of a major repair design approval issued under Regulation (EU) No 748/2012 will obtain the data to report all the occurrences to be reported to the Agency in compliance with point 21.A.3A (AMC M.A.202(a) affected as well)
response	Comment 1: Accepted. New text: 'A person responsible in accordance with M.A.201 who does not work for an organisation approved in accordance with this Regulation shall report the following: (iii)'……. . Comment 2: Partially accepted. A more generic wording will be adopted to refer to 'design approval holder', to cover all possible cases (TC, STC, aircraft, component, ETSO, repairs and changes etc.). GM will be added to clarify that: '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.' Refer also to the response to comment No 58.
comment	*162* comment by: *Royal Netherlands Aviation Organisation* in 2016 -2017 various contacts of mine in both Germany and the Netherlands have reported occurances with aircraft constructions and mechanism (GLIDERS) to the authorities (EASA and National). Reporting occurances to the authorities is extremely disappointing for people who are hopeful that their action to report occurances is welcomed by the authorities and that they are rewarded with feedback and follow up. NOTHING BUT SILENCE is the only answer from national authorities and EASA. The result is simple. all the good will and all the good intentions of Sailpane owners, operators, technicians and CAMO staff vanishes immediately. EASA STOP producing PAPER. Just start to respond. Inform people that you received their reports within 24 hours. Inform people within a week what you are going to do with the report. Inform people wihtin a month what the reuslts are and which actions are going to be taken!!!!
response	Noted. EASA agrees that providing feedback to reporters is a good practice. As such, the Internal Occurrence Reporting System (IORS) always provides an acknowledgement of receipt of the report. Statistical analysis is then carried out and published in the Annual Safety Review and in the annual IORS Facts and Figures brochure. Both Airworthiness Directives and Safety Information Bulletins are created on the basis of occurrence reports that have been assessed via EASA's formal processes as requiring intervention. However, with approaching 6 000 initial and follow-up reports per year, it would not be practicable to respond to each reporter in detail and we do not believe that this would be a good use of public funds.
comment	*200* comment by: *J. Soyka BBA* If an owner gets informed about an occurrence iaw. 145.A.60 (c) by the maintenance organisation the owner has to send the same occurrence report again to the involved parties (authorities, (S)TC-Holder). To my mind a limitation should be included that an owner does not need to repeat the occurrence report if he/she has evidence that it already has been reported by the maintenance organisation sufficiently and the owner can't deliver any additional useful information.
response	Not accepted. Reporters need to consider precisely what they are required to report (a safety event, unsafe condition, etc.), the relevant information they hold, the scope of any investigation they might conduct and the competent authority to which they report. All of them are likely to be different for each reporting organisation/ aircraft owner.

	See also the response to comment No 374.
comment	*228* comment by: *KLM* By adding subpara (d) to M.A. 202 additional reporting requirements in respect to EU 376/2014 are created. For legal certainty all requirements related to occurrence reporting should be in one Regulation; the EU 376/2014. All other Regulations should refer to EU 376/2014. If it is felt necessary to amend the occurrence requirements, EU 376/2014 (or EU 2015/1018) should be amended. Delete paragraph (d) completely. Refer only to EU 376/2014.
response	Partially accepted. In the case of persons addressed in M.A.202 (meaning not those who would normally report through the approved organisation for which they work), it can be assumed that Regulation (EU) No 376/2014 always applies, so the elements included in point (d) are not required. Further changes are proposed to fully align M.A.202 with Regulation (EU) No 376/2014 as follows: 'M.A.202 (a) A person responsible in accordance with M.A.201 who does not work for an organisation approved in accordance with this Regulation shall report any safety-related event or identified condition of an aircraft or component that endangers or, if not corrected or addressed, could endanger an aircraft, its occupants or any other person. The last part of point (a) is proposed to be amended based on comment 299.
comment	*279* comment by: *Austro Control* 1) Page No. 21 2) Paragraph No. 3.3 3) Comment to M.A.202 As the reporting obligation of M.A.202 and Reg (EU) 376/2014 are facing often different MS, a duplication of reporting is not avoidable. 4) Justification Reg 376/2014 requires either to reports through the system of the organization to the MS who issued the Part M approval or to the MS, who issued the license. 5) Proposal (new proposed text, etc.) Issue comprehensive GM to support the fulfilment of this "split" reporting obligations.
response	Partially accepted. M.A.202 will be amended to specify that it only applies where the person is not working for an approved organisation (pilot/owner, independent certifying staff).

comment *299* comment by: *Luftfahrt-Bundesamt*

Comment LBA

M.A.202

The definition of an occurrence according to **(EU) No.376/2014 Art. 2 - No. 7** covers more than one element that can be affected or endangered and **not necessarily only the flight safety**.'' 'occurrence' means 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** ''. This why in our point of view it's indeed recommended to capture all the elements mentioned in the defintion of occurrence.

Proposed Amendment:
(a) Any person responsible in accordance with M.A.201 shall report to the competen t authority
designated by the State of Registry, to the organisation responsible for the type desi gn or supplemental type design and, if applicable, to the Member State of the operator any safety-related event or identified condition of an aircraft or component that endangers or, if not corrected or addressed, could endanger flight safety.

Modified Proposed Amendment:
(a) Any person responsible in accordance with M.A.201 shall report to the competent authority designated by the State of Registry, to the organisation responsible for the type design or supplemental type design and, if applicable, to the Member State of the operator any safety-related event or identified condition of an aircraft or component which endangers or which, if not corrected or addressed, **could endanger an aircraft, its occupants or any other person.**

respons e

Accepted.

It is proposed to amend M.A.202 (also considering other NPA comments) along the lines suggested in the comment.

comment *334* comment by: *AESA*

On M.A.202 (a):
In order to be coherent with 376/2014 it must be specified it does not apply to legal persons and it applies only where no organisation as CAMO, Part 145 , etc. is needed.

response Refer to the responses to comments Nos 57 and 279.

comment *335* comment by: *AESA*

	On M.A.202 (d): All this is regulated by 376/2014. "In accordance with" should be used instead of 'Without prejudice'. The present wording seems to show a different way from 376 to report this information.
response	Refer to the response to comment No 228.

3. Proposed amendments — 3.3. Draft Regulation (Draft EASA Opinion) — Part-M: SECTION A — TECHNICAL REQUIREMENTS, SUBPART F — MAINTENANCE ORGANISATION, M.A.620 Occurrence reporting p. 21-22

comment

217 comment by: *CAA-NL*

M.A.620(a):
As it is possible for EASA under M.1.2(ii) to approve an Part M-F organisation outside of the 'EASA territory', we think it is necessary to change M.A.620(a) in line with M.A.718(a) and to add a M.A.620(d) in line with M.A.718(d)
(a) The organisation shall implement an occurrence-reporting system, including mandatory and voluntary reporting. For organisations having their principal place of business in a Member State, such system shall meet the requirements of Regulation (EU) No 376/2014 and its implementing rules.
...
(d) For organisations not having their principal place of business in a Member State:
(1) initial reports shall:
(i) be made as soon as practicable, but in any case, within 72 hours of the organisation identifying the condition to which the report relates unless exceptional circumstances prevent this;
(ii) be made in a form and manner established by the Agency; and
(iii) contain all pertinent information about the condition known to the organisation;
(2) where relevant, a follow-up report providing details of actions the organisation intends to take to prevent similar occurrences in the future shall be made as soon as these actions have been identified; those follow-up reports shall:
(i) be sent to relevant entities initially reported to as per paragraphs (b) and (c) above; and
(ii) be produced in a form and manner established by the Agency.

response

Noted.

The comment is valid but there are currently no foreign Subpart F organisations and EASA does not plan to issue such approvals. Subpart F will be phased out and replaced by Part-CAO (see Opinion No 05/2016).

comment

280 comment by: *Austro Control*

1) Page No. 22
2) Paragraph No. 3.3
3) Comment to M.A.620
The reporting requirements of Reg (EU) 376/2014 and IR 2015/1018, which is required in M.A.620 (a) and M.A.620 (b) and (c) are additive.

4) Justification
When comparing IR 2015/1018 Annex II and M.A.620 (b) (1) one will identify only few similarities in the scope of occurrences (which were cover by AMC 20-8 so far).
5) Proposal (new proposed text, etc.)
Add relevant items of AMC 20-8 into IR 2015/1018.

response

Noted.

This comment will be provided to the European Commission to consider it for future amendments of Regulation (EU) 2015/1018.

comment

300 comment by: *Luftfahrt-Bundesamt*

LBA comment

M.A.620

The use of ''Implement'' could be interpreted as using an existing reporting system to be integrated. However it's requires to establish and maintain an occurrence reporting system.

Proposed Amendment:
(a) The organisation shall implement an occurrence-reporting system, including mandatory and voluntary reporting, that meets the requirements of Regulation (EU) No 376/2014 and its implementing rules.

Modified Proposed Amendment:
(a) The organisation shall **establish and maintain** an occurrence-reporting system, including mandatory and voluntary reporting, that meets the requirements of Regulation (EU) No 376/2014 and its implementing rules

response

Accepted.

The text and all equivalent paragraphs in other delegated and implementing acts of the EASA Basic Regulation will be amended as proposed.

comment	*336* comment by: *AESA* To M.A.620 (b): Under 376/2014 it is possible that an Authority has special agreement with an organisation (p.e. ECCAIRS compatibility, simplified report system). If this organisation has to report to more than one Member States Authorities it is possible an accepted mean it is not accepted by the other Authority (376/2014 establish machine to machine protocols). ¿What format should be used?
response	Partially accepted. The reporting format used shall be that agreed with the competent authority. Reporting to the 'other' authority (e.g. other EASA State of Registry) is not required in line with Article 9(3) of Regulation (EU) No 376/2014. The text will be amended accordingly.

3. Proposed amendments — 3.3. Draft Regulation (Draft EASA Opinion) — Part-M: SECTION A — TECHNICAL REQUIREMENTS, SUBPART G — CONTINUING AIRWORTHINESS MANAGEMENT ORGANISATION, M.A.718 Occurrence reporting p. 22-23

comment	*58* comment by: *AIRBUS* **1. PARAGRAPH / SECTION :** NPA 2016-19, page 22/100, point M.A.718 **2. PROPOSED TEXT / COMMENT:** The paragraph (b)(1) in M.A.718 and in 145.A.60 has been found confusing. It reads: "(b) The organisation shall report to: (1) the competent authority, the State of Registry, and the organisation responsible for the design of the aircraft or component any […]". The term 'organisation responsible for the design of the aircraft or component' may give the impression that reference is made exclusively to the holder of the type-certificate of the aircraft and the Original Equipment Manufacturer. Another term, explicitly encompassing all affected stakeholders, should be contemplated. **3. RATIONALE / REASON / JUSTIFICATION:** Some may have doubts about, for example, whether the term in question covers or not the holders of a design approval issued under Regulation (EU) No 748/2012 or equivalent, other than the holder of the type-certificate of the aircraft (such as the holders of a major repair design approval). Note: AMC2 M.A.718 and AMC2 145.A.60 are also affected. Reference to the holders of a design approval, as listed in the introductory sentence of the paragraph (a) of point 21.A.3A, has been considered for a while. Unfortunately it was found inappropriate because the holder of a design approval is not responsible, for example, for solving unanticipated issues resulting from Standard modifications or Standard repairs (which are not subject to an approval process under Part-21). Note: With respect to components, it may be appropriate to clarify the different cases (i.e. organisations holding a design approval and OEM not holding a design approval). Further, reference is made to organisations only. It is to be noted that they are not the only parties developing design solutions: individuals may carry out design activities for Standard

	modifications and Standard repairs. Therefore, the term 'persons or organisations' could be more appropriate. Should the term 'person or organisation responsible for the design of the aircraft or component' be selected, some GM would be necessary to detail the list of stakeholders the CAMO and AMO may need to be in contact with.
response	Partially accepted. It is proposed to use the term 'design approval holder' and add GM to clarify that 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.
comment	*59* comment by: *AIRBUS* **1. PARAGRAPH / SECTION :** NPA 2016-19, page 22/100, point M.A.718 **2. PROPOSED TEXT / COMMENT:** The paragraph (b)(1) in M.A.718 has been found confusing. It reads: "(b) The organisation shall report to: (1) the competent authority, the State of Registry, and the organisation responsible for the design of the aircraft or component any […]". Can the Agency clarify which competent authority is relevant? **3. RATIONALE / REASON / JUSTIFICATION:** The term 'competent authority' is defined in the point M.1. The competent authority is not always the same depending on the following matters: – the oversight of the continuing airworthiness of individual aircraft and the issue of airworthiness review certificates, – the oversight of a continuing airworthiness management organisation, – the approval of maintenance programmes. Similarly to what is explained in the paragraph (b) of GM1 M.B.106, the different authorities should come to an arrangement so that only one authority is designated to collect all occurrences from the CAMO whatever the matter at stake.
response	Not accepted. A State has the prerogative to decide to which of the existing authorities the competences on 'establishing a mechanism to independently collect, evaluate, process, analyse and store details of occurrences reported pursuant to Regulation (EU) No 376/2014 Articles 4 (MOR) and 5 (VOR)' should be allocated. Competences are already established as per the applicable Regulations (Regulation (EU) No 376/2014 and the EASA Basic Regulation and its delegated and implementing acts). It is therefore not proposed to further specify references to 'competent authority' as part of this RMT. Safety promotion material on the coordination between competent authorities will however be provided.

comment *60A* comment by: *AIRBUS*

1. PARAGRAPH / SECTION :
NPA 2016-19, page 22/100, point M.A.718

2. PROPOSED TEXT / COMMENT:
The paragraph (b)(1) in M.A.718 and 145.A.60 states:
"(b) The organisation shall report […]:
(1) […] any safety-related event or condition of an aircraft or component identified by the organisation that endangers or, if not corrected or addressed, could endanger flight safety."
The association of 'shall' with the wording 'safety-related event or condition of an aircraft or component identified by the organisation that endangers or, if not corrected or addressed, could endanger flight safety' raised many questions with respect to the mandatory reporting scheme (some are detailed below). Another wording should be contemplated.

3. RATIONALE / REASON / JUSTIFICATION:
This paragraph establishes what CAMO and AMO must report. To get a proper grasp of the situation, it is necessary to also take into account the paragraph 3. of the Annex II of Regulation (EU) 2015/1018.
The following aspects were reviewed: the meaning of terms, the competences of CAMO/AMO personnel, and the data necessary to carry out this task:

Terms:
The term 'safety' and some derivatives such as 'safety problem' or 'flight safety' are used in the paragraph (b)(1) of M.A.718 and several times in:
– the Part-M: e.g. in the definition of 'critical maintenance task' or in many points including M.A.202, M.A.302(d), M.A.305(h)6., M.A.306, M.A.403, M.A.710(e)2., M.A.716, M.A.901(h), M.A.904(e) and M.A.905.
– the Part-145: e.g. 145.A.30(j), 145.A.50, 145.A.60 and 145.A.95.
– the AMC 20-8: paragraph 4.(a)(iv).
These terms are apparently not defined in the EU Regulations and are not precise enough to prevent different interpretations from a person to another. This is causing uncertainties. 'Safety' cannot be fully described and covered by the Continuing Airworthiness activities (incl. maintenance). While the term 'safety' is globally recognized and understood by the aviation community as the objective to reach, it shall not be mistaken for the term 'airworthiness' that only entails a series of activities necessary, but not sufficient, to reach this objective. Although occurrences originating from the continuing airworthiness activities may impact the full safety chain, the selection of the term 'safety' in this specific context should be avoided.

For instance, one could argue that it is inappropriate (for the mandatory reporting scheme) to place a requirement, an accountability, or a responsibility about 'flight safety' in the Part-M, on the basis that 'flight safety' may be seen as a matter falling to persons and organisations managing 'flight operations' in compliance with the Regulation (EU) No 1178/2011 on Air Crew and Regulation (EU) No 965/2012 on Air Operations.
For this matter, Regulation (EU) No 1321/2014 does not provide for the same personnel competence provisions as Regulation (EU) No 1178/2011 and Regulation (EU) No 965/2012.

	Competences: As per Regulation (EU) No 1321/2014, the Part-M establishes the measures (including maintenance) to be taken to ensure that airworthiness is maintained. In other words, the Continuing Airworthiness process ensures only that the outcomes of the Initial Airworthiness process are maintained, and the competences required from personnel specified in the Part-M and Part-145 are limited to this scope. Further, some competences pertaining to the design approval domain are necessary to determine what endangers/hazards seriously the flight safety (meaning here 'aircraft airworthiness aspects during flight phases'). It is believed that personnel governed by Regulation (EU) No 1321/2014 may not have these competences and have no access to the necessary design data. Data: The paragraph 7. of the AMC 20-8 is called by GM. The nature of GM makes that the information they contain is not always valued as highly as it should be. Burring the message "Occurrences qualifying for mandatory reporting are those defined in Regulation (EU) 2015/1018" in an AMC called by GM (i.e. so far away from the points M.A.718 and 145.A.60) is a hazard: it creates adverse conditions for personnel (directed successively from one material to another) to identify whether an occurrence must be reported, and therefore to fulfil their obligation. An improvement is necessary. Conclusion: The way the paragraph (b)(1) in M.A.718 and 145.A.60 is worded gives the impression that CAMO/AMO personnel will need to possess additional competences and to access some design data to be successful at complying with this requirement. Some improvements are necessary. Could the following be suitable? "(b) The organisation shall report […]: (1) […] any ~~safety-related~~ **abnormal or particular** event or condition ~~**of**~~ **involving** an aircraft **critical systems function, an aircraft critical structure, ~~or~~ an aircraft critical** component**, or critical maintenance task specified in the Instructions for Continued Airworthiness that is** identified by the organisation **and** that endangers or, if not corrected or addressed, could endanger **aircraft continuing airworthiness ~~flight safety~~**."
response	On the use of the term 'safety': Noted. Safety is defined in ICAO Annex 19 as: 'The state in which risks associated with aviation activities, related to, or in direct support of the operation of aircraft, are reduced and controlled to an acceptable level'. In this respect, it is not seen as a problem to use the term 'safety' when addressing the overall objective of maintaining and further improving aviation safety. There is a reporting obligation whenever the event or condition represent a significant risk to aviation safety (mandatory reporting) or that may represent an actual or potential aviation safety risk (voluntary reporting). Reconsidering more generally the use of the terms 'safety' and 'risk' in the regulatory material exceeds the scope of this rulemaking task. This could be considered as part of the implementation of the EASA roadmap for common general authority and organisation requirements.

To partially address the points made, it is proposed to no longer refer to 'endanger flight safety' but to use the Regulation (EU) No 376/2014 terminology/definition of occurrence:

'… if not corrected or addressed could endanger **an aircraft, its occupants or any other person**'

On the 'competences': Noted.

In accordance with the current Part-M, CAMO personnel shall be competent to identify any condition of an aircraft or component that could endanger flight safety in accordance with applicable maintenance data. They are not expected and not required to make such assessments on the basis of design data.

The amended text proposed for M.A.718 and 145.A.60 will no longer refer to 'endangering flight safety', but reflect the definition of occurrence in Regulation (EU) No 376/2014:

'… any safety-related event or condition of an aircraft or component identified by the organisation that endangers or, if not corrected or addressed, could endanger an aircraft, its occupants or any other person.'

On the comment related to 'data': Noted.

The GM is included to reference the relevant sections of AMC 20-8, as an assistance to the reader. It is assumed that organisations use the regulatory material (IR, AMC and GM) to inform and train their staff on what needs to be reported internally and then that they designate specific persons to identify among those items reported internally what needs to be reported under the voluntary or mandatory reporting scheme. It is important for organisations to transcribe the items included in the regulatory material in their internal manuals, procedures and instructions. Also, the list of reportable occurrences included with AMC 20-8 is to be considered a non-exhaustive list. Organisations should train their staff to be able to recognise all instances that may pose a risk to aviation safety.

Finally, EASA strives to provide all of the regulatory material in the form of 'easy access' rulebooks that should help to navigate between different elements of the regulatory material.

On the specific text proposal: Not accepted.

The text proposal introduces terms that are currently not defined in Regulation (EU) No 1321/2014 and its AMC & GM, therefore it is not accepted.

comment

60B comment by: *AIRBUS*

1. PARAGRAPH / SECTION :
NPA 2016-19, page 22/100, point M.A.718

2. PROPOSED TEXT / COMMENT:

Some questions were raised with regard to the contents of the paragraph 3. of the Annex II of Regulation (EU) 2015/1018. For example:
– Should serious structural damage found during maintenance of the aircraft or component be subject to mandatory reporting for any component (e.g. the cup holder of a

passenger seat) or should it be limited to components, which failure is potentially catastrophic (Principal Structural Elements, Fatigue Critical Structure, etc…)?
– With respect to the item (6) and (10) "Significant malfunction of a safety-critical system or equipment including emergency system or equipment during maintenance testing or failure to activate these systems after maintenance" and "Any defect in a life-controlled critical part causing retirement before completion of its full life":
– What is a significant malfunction? Should reference be made to loss of critical functions (to be listed and made available to CAMO and AMO)?
– What are the safety-critical systems and equipment, and life-controlled critical parts of a given complex motor-powered aeroplane? Does it cover EWIS? Is the list provided to CAMO and AMO whatever the aircraft kind?
– What are the emergency systems and equipment of an aircraft? One may understand that reference is made to systems and equipment necessary to evacuate the aircraft in case of crash for example, but another may understand that reference is made to redundant systems and equipment such as the electrical emergency bus bar.

It is to be noted that the notion of 'component vital to flight safety' is removed from point M.A.305 with the Opinion 13/2016. Now, reference is rather made to components affected by mandatory instruction(s) and associated airworthiness limitation(s).
– Concerning the item (9), why focusing attention on such a particular system that EWIS is? Is not it already covered?
– Why focusing attention on schedule maintenance in the item (13)? Is the incorrect control or application of unscheduled maintenance less important (e.g. following a hard landing)?

response

Noted.

The information will be passed on the European Commission for consideration. Further clarification as suggested in the comment may be provided in AMC 20-8.

comment

61 comment by: *AIRBUS*

1. PARAGRAPH / SECTION :
NPA 2016-19, page 22/100, point M.A.718

2. PROPOSED TEXT / COMMENT:
The paragraph (c) in M.A.718 states:
"(c) Without prejudice to paragraph (b) above, the organisation shall report […] any incident, malfunction, technical defect, exceeding of technical limitations, occurrence that would highlight inaccurate, incomplete or ambiguous information, contained in data established in accordance with Regulation (EU) No 748/2012, or other irregular circumstance that has or may have endangered the safe operation of the aircraft."
Can the Agency explain why this paragraph is necessary for CAMO?

3. RATIONALE / REASON / JUSTIFICATION:
The paragraph 2.4 of this NPA (page 9) and the AMC 20-8 (page 74) indicate that this paragraph stems from the rules on Operational Suitability Data (OSD). The situation is confusing because there is no explanation on how the rules on OSD affect CAMO: Regulation (EU) No 1321/2014 gives some indications that maintenance certifying staffs are affected. But, there is no apparent impact on the CAMO.

Should this paragraph stem also from the need to report occurrences linked to Instructions for Continued Airworthiness, then this paragraph (c) should be amended to read:
"(c) Without prejudice to paragraph (b) above, the organisation shall report […] any incident, malfunction, technical defect, exceeding of technical limitations, occurrence that would highlight inaccurate, incomplete or ambiguous information, contained in ~~data~~ **Instructions for Continued Airworthiness** established in accordance with Regulation (EU) No 748/2012, or other irregular circumstance that has or may have endangered the safe operation of the aircraft."

response

Partially accepted.

OSD-related reporting in the context of Part-145 would be limited to occurrences that are related to Maintenance Certifying Staff Certification Specifications. The clarification and addition of ICA-related reporting requirements is not accepted, because Regulation (EU) 2015/1018 laying down a list classifying occurrences in civil aviation to be mandatorily reported according to Regulation (EU) No 376/2014 (see Annex II point (3)(12)) already foresees the notification of occurrences to the competent authority in case of 'Misleading, incorrect or insufficient applicable maintenance data or procedures that could lead to significant maintenance errors, including language issue.'

comment

62 comment by: *AIRBUS*

1. PARAGRAPH / SECTION :
NPA 2016-19, page 22/100, point M.A.718

2. PROPOSED TEXT / COMMENT:
The paragraphs (c) in M.A.718 and (d) in 145.A.60 state:
"([…]) […], the organisation shall report […] any […] occurrence that would highlight inaccurate, incomplete or ambiguous information, contained in data established in accordance with Regulation (EU) No 748/2012, or other irregular circumstance that has or may have endangered the safe operation of the aircraft."
Can the Agency confirm that no reporting is expected from the CAMO and AMO for occurrences that would highlight inaccurate, incomplete or ambiguous information, contained in data established in accordance with Regulation (EU) 2015/640?

3. RATIONALE / REASON / JUSTIFICATION:
The Part-26, i.e. the Annex I of Regulation (EU) 2015/640, is associated with Regulation (EU) No 965/2012 on Air Operations, although it provides (additional) airworthiness specifications for a given type of operations: It does not provide operational requirements (but airworthiness requirements). This situation will become more confusing with the introduction of ageing structure requirements (RMT.0225 - NPA 2013-07) that are purely linked with activities carried out by design organisations approved under Part-21 to show compliance with CS-25 equivalent requirements.
If Part-26 is about (additional) airworthiness specifications, should not it be associated with Regulation (EU) No 748/2012 instead of Regulation (EU) No 965/2012? For example, does Regulation (EU) No 965/2012 provide for the same personnel competence provisions as Regulation (EU) No 1321/2014 does for all continuing airworthiness concerns?

	The connection between Regulation (EU) No 748/2012 and Regulation (EU) No 1321/2014 is "naturally" ensured. Point M.A.101 indicates that Part-M establishes the measures (including maintenance) to be taken to ensure that airworthiness is maintained (there is no reference to air operations in M.A.101). The omission of Regulation (EU) 2015/640 in M.A.718(c) and 145.A.60(d) may underline a symptomatic weakness of the regulation structure in the management of the additional airworthiness specifications for a given type of operations.
response	Noted. Part 26 provides additional airworthiness requirements, which have to be ensured by the operator (as the aircraft are already certified (and produced). The link to operational requirements is provided through ORO.AOC.100. In addition, in Opinion No 12/2016 'Ageing aircraft structures' it is also foreseen to include a responsibility for DAHs. It is proposed to amend 21.A.21, 21.A.61, 21.A.101, 21.A 120, 21.A.433 and M.A.302, which will provide the link to relevant provisions in Part 26.

comment	*64* comment by: *AIRBUS* **1. PARAGRAPH / SECTION :** NPA 2016-19, page 22/100, point M.A.718 **2. PROPOSED TEXT / COMMENT:** The paragraphs (c) in M.A.718 and (d) in 145.A.60 state: "([…]) […] the organisation shall report […] any […] occurrence that would highlight […] irregular circumstance that has or may have endangered the safe operation of the aircraft." Can the Agency clarify the term 'safe operation of the aircraft'? Could the term 'airworthiness' be more appropriate in the Continuing Airworthiness context? **3. RATIONALE / REASON / JUSTIFICATION:** The term 'safe operation' is occasionally used in Regulation (EU) No 1321/2014, for example in the definition of 'continuing airworthiness': QUOTE 'continuing airworthiness' means all of the processes ensuring that, at any time in its operating life, the aircraft complies with the airworthiness requirements in force and is in a condition for safe operation UNQUOTE The term 'safe operation' is not precise enough and can be understood differently from a person to another. For instance, one may understand that it relates to the Regulation (EU) No 965/2012 on Air Operations, while another understands that 'safe operation' relates to the Product (or the component thereof), i.e. the aircraft functions without generating unacceptable risks to aircrew, ground crew, passengers (where relevant) or to the general public over which the individual aircraft (equipped with components) is flown. Discussions at the E&M SSCC in May 2016 confirmed this ambiguity.
response	Partially accepted.

In line with other NPA comments, the text will be aligned with the definition of 'occurrence' in Regulation (EU) No 376/2014 and will refer to 'endangering an aircraft, its occupants or any other person'.

comment

73 comment by: *AIRBUS*

1. PARAGRAPH / SECTION :
NPA 2016-19, page 23/100, point M.A.718

2. PROPOSED TEXT / COMMENT:
The paragraphs (d) in M.A.718 and (e) in 145.A.60 state:
"(d) For organisations not having their principal place of business in a Member State:
(1) initial reports shall:
(i) […];
(ii) […]; and
(iii) contain all pertinent information about the condition known to the organisation;"
Can the Agency clarify the term 'pertinent information'?

3. RATIONALE / REASON / JUSTIFICATION:
As stated in the paragraph 2.1. of this NPA, Regulation (EU) No 376/2014 does not apply to organisations not having their principal place of business in an EU Member State. Therefore, the Article 7 and the Annex I of Regulation (EU) No 376/2014 do not apply to these organisations.
To support them in reporting occurrences, would not it be appropriate to develop an AMC to:
duplicate the applicable means of compliance specified in the Article 7 and the Annex I of Regulation (EU) No 376/2014, or
state that the Agency's expectations are to obtain the data specified in the Article 7 and the Annex I of Regulation (EU) No 376/2014?

response

Partially accepted.

AMC 20-8 will be reviewed to define the relevant 'requirements' in the form of AMC, including the list of occurrences classified as qualifying for mandatory reporting for organisations not subject to Regulation (EU) No 376/2014. However, the requirements in Article 7 cannot be mandated on organisations that are not subject to Regulation (EU) No 376/2014.

comment

163 comment by: *Royal Netherlands Aviation Organisation*

in 2016 -2017 various contacts of mine in both Germany and the Netherlands have reported occurances with aircraft constructions and mechanism (GLIDERS) to the authorities (EASA and National). Reporting occurances to the authorities is extremely disappointing for people who are hopeful that their action to report occurances is welcomed by the authorities and that they are rewarded with feedback and follow up.

NOTHING BUT SILENCE is the only answer from national authorities and EASA. The result is simple. all the good will and all the good intentions of Sailpane owners, operators, technicians and CAMO staff vanishes immediately.

	EASA STOP producing PAPER. Just start to respond. Inform people that you received their reports within 24 hours. Inform people within a week what you are going to do with the report. Inform people wihtin a month what the reuslts are and which actions are going to be taken!!!!
response	Noted. See the response to comment No 162.

comment	*167* comment by: *Royal Netherlands Aviation Organisation* in 2016 -2017 various contacts of mine in both Germany and the Netherlands have reported occurances with aircraft constructions and mechanism (GLIDERS) to the authorities (EASA and National). Reporting occurances to the authorities is extremely disappointing for people who are hopeful that their action to report occurances is welcomed by the authorities and that they are rewarded with feedback and follow up. NOTHING BUT SILENCE is the only answer from national authorities and EASA. The result is simple. all the good will and all the good intentions of Sailpane owners, operators, technicians and CAMO staff vanishes immediately. EASA STOP producing PAPER. Just start to respond. Inform people that you received their reports within 24 hours. Inform people within a week what you are going to do with the report. Inform people wihtin a month what the reuslts are and which actions are going to be taken!!!! REMARK: from CAMO NL.MG 8065 I can obtain a long list of minor occurrance due to weak designs of aircraft. Many of these items even have been reported to manufactures or suppliers. However improvements are very limited or even absent. Suppliers are hesitent to improve or change therir designs due to the enormous amount of paper required by EASA/ Authorities, lengthy procedures and extreme cost which are never or hardly recoverd. So if EASA/authorities want improvement in design leading to better products and less occurences, make it easier and more cost effective for manufacturers of gliders to introduce changes in their designs!
response	Noted. See the response to comment No 162.

comment	*201* comment by: *J. Soyka BBA* If a CAMO gets informed about an occurrence iaw. 145.A.60 (c) by the maintenance organisation the CAMO has to send the same occurrence report again to the involved parties (authorities, (S)TC-Holder). To my mind a limitation should be included that a CAMO does not need to repeat the occurrence report if the CAMO has evidence that it already has been reported by the maintenance organisation sufficiently and the CAMO can't deliver any additional useful information.
response	Not accepted.

According to Regulation (EU) No 376/2014, both organisations must report

See Commission Guidance under 2.7:

'Key principle:

In a situation where reporters employed or whose services are contracted or used by different organisations are aware of the same reportable occurrence, they are all required to report that occurrence.'

The guidance material only allows a single report:

'where reporters (…), are aware of the same reportable occurrence while being physically together, it is understood that not of all of them are required to report the occurrence. They can do so but are not considered under the obligation to do so.'

Based on the principles underlying Regulation (EU) No 376/2014, the CAMO also has to report. If the CAMO does not have additional information, this should be clearly stated.

Refer also to the response to comment No 374.

comment

218 comment by: *CAA-NL*

M.A.718:
We think it is also necessary for a contracted CAMO to inform the owner or operator of the events related to its aircraft. Therefore we suggest to include a provision like M.A.620(c) as a new M.A.718(c) while updating the numbering of the following paragraphs and including a reference to (c) in the new (d).
(c) Where the organisation is contracted by an owner or an operator to carry out the continuing airworthiness management, the organisation shall also report to the owner, or the operator any such event or condition affecting the owner's or operator's aircraft or component.

response

Accepted.

The text of M.A.718 will be amended as proposed.

comment

301 comment by: *Luftfahrt-Bundesamt*

Comment LBA

M.A.718 d)

It's not clear enough which organisations are affected by this obligation. ''Organisations **not** having their principal place of business in a Member State'' could be approved by EASA or not approved. This why it's recommended to involve the approval in specifying the affected organisations and their related obligations regarding occurrence reporting. Morever (EU) No.376/2014 is to be applied for organisations being approved by the Agency or by the responsible Competent Authority of the Member State. Non-EU organisations without EASA approval are committed to establish and maintain an occurrence reporting system if there is an existing and valid bilateral agreement between

the State where the organisation is established and the EU and it's mentioned specifically in the conditions of this agreement.

Proposed Amendment:
(d) For organisations not having their principal place of business in a Member State.

Modified Proposed Amendment:
(d) For organisations not having their principal place of business in a Member State, **which are approved by or under the supervision of EASA.**

M.A.718 d) 2)

The verbal expression ''follow-up report shall be produced'' is inappropriate. It's more professional to use the verb created.

Proposed Amendment:
ii) be produced in a form and manner established by the Agency.

Modified Proposed Amendment:
ii) be **created** in a form and manner established by the Agency.

response

On the first point: Refer to the response to comment No 296.

On the second point: Partially accepted.

The text will be amended to read (aligned with point (1)):

'where relevant, a follow-up report providing details of actions the organisation intends to take to prevent similar occurrences in the future shall be made as soon as these actions have been identified; those follow-up reports shall be:

— sent to relevant entities initially reported to as per points (b) and (c) above; and

— made ~~produced~~ in a form and manner established by the Agency.'

3. Proposed amendments — 3.3. Draft Regulation (Draft EASA Opinion) — Part-M: SECTION B — PROCEDURES FOR COMPETENT AUTHORITIES, SUBPART A — GENERAL, M.B.106 Information to the Agency p. 23

comment

69 comment by: *Luftfahrt-Bundesamt*

LBA comment
M.B.106 (b) (p. 23), 145.B.62 (b) (p. 25) versus ARA.GEN.125 (b) (p. 32), ARO.GEN.125 (b) (p. 42) [and others]

It is not clear, why the safety-significant information is taken from the *received* occurrence reports according to parts 145 and M [and ATCO], while it is taken from the *stored* occurrence reports according to parts ARA, ARO and all other parts amended.

response

Accepted./Noted.

This inconsistency will be addressed.

Regarding the reference to 'received reports', refer to the response to comment No 102 ('occurrences received' versus 'occurrences stored in the national database').

comment

252 comment by: *DGAC France*

Attachment #2

We notice there is no AMC for this paragraph (a) and we would appreciate a clarification from EASA about its intended scope :
It is requested to send to EASA without undue delay problems related to implementation of the basic rule and IRs. EASA is competent for design matters and DOAs, and for rulemaking activities. The competent authority shall without undue delay notify the Agency in case of any significant problems with the implementation of Regulation (EC) No 216/2008 and its implementing rules. So we understand that when a NAA is the Competent Authority for matters other than design and regulation, it does not have to notify EASA, unless the NAA decides there is a specific need or expects a specific action from the EASA. Nevertheless, all events are in the ECCAIRS repository and ultimately, EASA has visibility on everything.

First of all, we notice this addition of this paragraph is a copy/paste of current ARA.GEN.125. But the ARA.GEN.125 is also modified by this NPA. So assuming EASA wants to harmonize requirements among aviation areas, it's not clear if this paragraph [and similar ones] shall be further aligned with ARA.GEN.125 or not and what is the purpose of the further modification of ARA.GEN.125.

Those paragraphs by themselves might not be an issue as written. Currently, once an organisation has performed an assessment of an occurrence, the authority will review it and may decide there is a higher interest and decides to transfer it to the Agency.

The misunderstanding faced by the Authority is coming from the AMC and GM dealing with those requirements, when they are located in the Parts applicable to the Authority, for instance in GM1.M.B.106(b) and GM2 M.B.106(b). Those GM are dealing with the term of "safety-significant information stemming from the occurrences report".

First caution is to clarify that occurrences analysis are due from the organisations. The DGAC has the impression it is expected to be done by the Authority. (It is done by the Authority only for occurrences sent by individuals and not organisations.)

Also, the other issue DGAC F raises, is to define who is in charge to determine what is a safety-significant information. There is no criteria defined to evaluate what is significant and who determines it. It is DGAC F opinion that a significance criteria is really different within each aviation area.

DGAC France suggests the following :

(a) The competent authority shall without undue delay notify the Agency in case of any significant problems with the implementation of Regulation (EC) No 216/2008 and its implementing rules.

(b) The competent authority shall provide the Agency with ~~safety-significant~~ information stemming from the occurrence reports and their analyses it has received pursuant to M.A.202, M.A.620 and M.A.718, when classified safety-significant by the reporting organisation, and confirmed or decided by the competent authority.

response

Not accepted.

For consistency, point (b) should remain the same and the definition of safety-significant information should be provided in GM, as it is elsewhere in documents included in this NPA.

Further alignment of the general authority and organisation requirements may be addressed through the EASA roadmap for simpler, better and performance-based general authority and organisation requirements (RMT.0706).

3. Proposed amendments — 3.4. Draft Regulation (Draft EASA Opinion) — Part-145: SECTION A — TECHNICAL REQUIREMENTS, 145.A.60 Occurrence reporting p. 23-24

comment

35 comment by: *MTU Maintenance Hannover GmbH*

NPA 2016-19; 145.A.60 Occurrence reporting, paragraph d):

EASA Part 145.A.45(c) already requires a reporting to the author of the maintenance data in case of incomplete or ambiguous information, contained in this data. This should remain as the only obligation regarding reporting of malfunction, technical defect, exceeding of technical limitations, etc. resulting from incomplete or ambiguous data because in some cases the maintenance organization will not be able to clearly decide if the incorrect approved maintenance data may have endangered the safe operation of the aircraft. Thus, this new obligation will lead to uncertainties in terms of reporting to the authority.
However, all other events such as incidents or occurrence shall already be reported according NPA 2016-19; 145.A.60 a)&b) what includes the reporting to the competent authority.
Therefore, 145.A.60 paragraph d) should be omitted.

response

Accepted.

The proposed point (d) will be deleted as OSD would only be relevant to Maintenance Certifying Staff Certification Specifications; however, this should not be the responsibility of the Part-145 organisation.

Regulation (EU) 2015/1018 laying down a list classifying occurrences in civil aviation to be mandatorily reported according to Regulation (EU) No 376/2014 (see Annex II point (3)(12)) already foresees the notification of occurrences to the competent authority in case of 'Misleading, incorrect or insufficient applicable maintenance data or procedures that could lead to significant maintenance errors, including language issue.'

	See also response to comment No 61. In response to other NPA comments, the reference to 'safe operation of the aircraft' will be amended to read: '**which endangers or which, if not corrected or addressed, could endanger an aircraft, its occupants or any other person'**.
comment	*74* comment by: *AIRBUS* **1. PARAGRAPH / SECTION :** NPA 2016-19, page 24/100, point 145.A.60 **2. PROPOSED TEXT / COMMENT:** The paragraph (b)(1) in M.A.718 and in 145.A.60 has been found confusing. It reads: "(b) The organisation shall report to: (1) the competent authority, the State of Registry, and the organisation responsible for the design of the aircraft or component any […]". Please refer to Comment N° 58 here above. **3. RATIONALE / REASON / JUSTIFICATION:** Please refer to Comment N° 58 here above.
response	Refer to the response to comment No 58.
comment	*75* comment by: *AIRBUS* **1. PARAGRAPH / SECTION :** NPA 2016-19, page 24/100, point 145.A.60 **2. PROPOSED TEXT / COMMENT:** The paragraph (b)(1) in M.A.718 and 145.A.60 states: "(b) The organisation shall report […]: (1) […] any safety-related event or condition of an aircraft or component identified by the organisation that endangers or, if not corrected or addressed, could endanger flight safety." Please refer to Comment N° 60 here above. **3. RATIONALE / REASON / JUSTIFICATION:** Please refer to Comment N° 60 here above.
response	Refer to the response to comment No 60.
comment	*76* comment by: *AIRBUS* **PARAGRAPH / SECTION :** NPA 2016-19, page 24/100, point 145.A.60 **2. PROPOSED TEXT / COMMENT:** The paragraphs (c) in M.A.718 and (d) in 145.A.60 state: "([…]) […], the organisation shall report […] any […] occurrence that would highlight inaccurate, incomplete or ambiguous information, contained in data established in

	accordance with Regulation (EU) No 748/2012, or other irregular circumstance that has or may have endangered the safe operation of the aircraft." Please refer to Comment N° 62 here above. **3. RATIONALE / REASON / JUSTIFICATION:** Please refer to Comment N° 62 here above.
response	Refer to the response to comment No 62.

comment	*77* comment by: *AIRBUS* **1. PARAGRAPH / SECTION :** NPA 2016-19, page 24/100, point 145.A.60 **2. PROPOSED TEXT / COMMENT:** The paragraphs (c) in M.A.718 and (d) in 145.A.60 state: "([…]) […] the organisation shall report […] any […] occurrence that would highlight […] irregular circumstance that has or may have endangered the safe operation of the aircraft." Please refer to Comment N° 64 here above. **3. RATIONALE / REASON / JUSTIFICATION:** Please refer to Comment N° 64 here above.
response	Refer to the response to comment No 64.

comment	*78* comment by: *AIRBUS* **1. PARAGRAPH / SECTION :** NPA 2016-19, page 24/100, point 145.A.60 **2. PROPOSED TEXT / COMMENT:** The paragraphs (d) in M.A.718 and (e) in 145.A.60 state: "(d) For organisations not having their principal place of business in a Member State: (1) initial reports shall: (i) […]; (ii) […]; and (iii) contain all pertinent information about the condition known to the organisation;" Please refer to Comment N° 73 here above. **3. RATIONALE / REASON / JUSTIFICATION:** Please refer to Comment N° 73 here above.
response	Refer to the response to comment No 73.

comment	*79* comment by: *AIRBUS* **1. PARAGRAPH / SECTION :** NPA 2016-19, page 24/100, point 145.A.60

2. PROPOSED TEXT / COMMENT:
The paragraph (c) in 145.A.60 states:
"(c) Where the organisation is contracted by an owner or an operator to carry out maintenance, the organisation shall also report to the owner, the operator or the continuing-airworthiness management organisation (CAMO) any such event or condition affecting the owner's or operator's aircraft or component."

Can the Agency confirm that the person or organisation responsible for the aircraft continuing airworthiness management is not expected to report occurrences identified for his/her/its aircraft or component by the Approved Maintenance Organisation(s) (AMO) he/she/it contracted?
It is believed that a GM in both Part-M and Part-145 should make it explicit like in the Opinion No 06/2016 (page 15 of 62) for the Part-M Appendix I.

3. RATIONALE / REASON / JUSTIFICATION:
One may think, at first glance, that an occurrence reporting scheme that has a built-in redundant feature is better (like figure 1 of paragraph 8. in AMC 20-8). This feature may later prove to be a way to congest or complicate the work of organisations responsible for (or involved in) reviewing occurrences. It may ultimately have detrimental consequences on the initial objective: i.e. to process occurrences on-time and on-quality. For example, for a given occurrence, additional work is generated by two reports (one report issued by the person or organisation responsible for the aircraft continuing airworthiness management, and the other by the AMO):
not having the same contents, or
not submitted simultaneously.
Experience shows another drawback: It happened that the CAMO and the contracted AMO relied on each other to report occurrences. How many occurrences have not been reported because each party believed the other one already did it?
A safe and efficient process addressing occurrences is tremendously affected by the accountabilities, responsibilities and authorities of the different stakeholders.

response

Refer to the responses to comments Nos 200 and 201.

comment

80 comment by: *AIRBUS*

1. PARAGRAPH / SECTION :
NPA 2016-19, page 24/100, point 145.A.60

2. PROPOSED TEXT / COMMENT:
It is proposed to modify the paragraph (d) in 145.A.60 to read:
"(d) Without prejudice to paragraphs (b) and (c) above, the organisation shall report to the competent authority and the organisation responsible for the design of the aircraft any incident, malfunction, technical defect, exceeding of technical limitations, occurrence that would highlight inaccurate, incomplete or ambiguous information, contained in **Operational Suitability dData (OSD)** established in accordance with Regulation (EU) No 748/2012, or other irregular circumstance that has or may have endangered the safe operation of the aircraft."

3. RATIONALE / REASON / JUSTIFICATION:

The paragraph 2.4 of this NPA (page 9) and the AMC 20-8 (page 74) indicate that this paragraph stems from the rules on Operational Suitability Data (OSD). The situation is confusing because there is no reference in this paragraph (d) of 145.A.60 to OSD, which affects only a very limited population within each AMO (incl. Certifying Staff).
Further, are OSD available for all kinds of aircraft (including those already in service) maintained under Part-145? If not, the term OSD needs to appear in this paragraph to show that the requirement applies only to the affected Products.
Should this paragraph stem also from the need to report occurrences linked to Instructions for Continued Airworthiness, then this paragraph (d) should be amended to read:
"(d) Without prejudice to paragraphs (b) and (c) above, the organisation shall report […] any incident, malfunction, technical defect, exceeding of technical limitations, occurrence that would highlight inaccurate, incomplete or ambiguous information, contained in ~~data~~ **Operational Suitability D**ata **(OSD) or Instructions for Continued Airworthiness** established in accordance with Regulation (EU) No 748/2012, or other irregular circumstance that has or may have endangered the safe operation of the aircraft."

response

Partially accepted.

OSD-related reporting in the context of Part-145 would be limited to occurrences that are related to Maintenance Certifying Staff Certification Specifications. The clarification and addition of ICA-related reporting requirements is not accepted, because Regulation (EU) 2015/1018 laying down a list classifying occurrences in civil aviation to be mandatorily reported according to Regulation (EU) No 376/2014 (see Annex II point (3)(12)) already foresees the notification of occurrences to the competent authority in case of 'Misleading, incorrect or insufficient applicable maintenance data or procedures that could lead to significant maintenance errors, including language issue.'

comment

133 comment by: *Federal Office of Civil Aviation (FOCA), Switzerland*

Comments FOCA to 145. A.60 Occurence reporting:

Comment 1:
The requirements of 145.A.60 (a) and (b) (1) are in contradiction in those cases, where the competent authorities for 376/2014 and for 216/2008 are different.

Comment 2:
Ad (b) (2): In our opinion an accident or serious incident is very unlikely to be identified by a part 145 organization. Furthermore in our understanding, (b)(2) will not apply for all serious damages or destruction of the aircraft identified through maintenance, as the definition of accident and serious incident requires "intention to fly". Also a serious injury or fatality during maintenance activities is not an accident according Reg (EU) 996/2010.

response

Comment 1: Not accepted.

A State has the prerogative to decide to which of the existing authorities the competences on 'establishing a mechanism to independently collect, evaluate, process, analyse and store details of occurrences reported pursuant to Regulation (EU) No 376/2014 Articles 4 (MOR) and 5 (VOR)' should be allocated. Competences are already established as per the applicable Regulations (Regulation (EU) No 376/2014 and the EASA Basic Regulation and its delegated

	and implementing acts). It is therefore not proposed to further specify references to 'competent authority' as part of this RMT. Safety promotion materialon the coordination between competent authorities will however be provided. Comment 2: Not accepted. Accident or serious incident reporting may be the case, for example, for maintenance check flights.
comment	*190* comment by: *German NSA (BAF)* Page 24: 3.4. Draft Regulation (Draft EASA Opinion) — Part-145.A.60 Occurrence Reporting (b) The organisation shall report to: (1) the competent authority and any other organisation required by the State of the operator to be informed: (1) any safety-related event or condition that endangers or, if not corrected or addressed, could endanger flight safety; Proposal: It is proposed to amend the b (1) into "the competent authority, the competent authority of those states wherein services are offered and any other organisation required by the State of the operator to be informed: (1) any safety-related event or condition that endangers or, if not corrected or addressed, could endanger flight safety; …"
response	Refer to the response to comment No 189.
comment	*281* comment by: *Austro Control* 1) Page No. 23 - 24 2) Paragraph No. 3.4 3) Comment •The requirements of 145.A.60 (a) and (b) are contradicting. •Ad (b) (2): An accident or serious incident is very unlikely to be identified by a part 145 organisation. 4) Justification •Contradiction of (a) to (b)(1) in those cases, where the competent authorities for 376/2014 and for 216/2008 are different. (see comment on 2.4) •(b)(2) will not apply for all serious damages or destruction of the aircraft identified through maintenance, as the definition of accident and serious incident requires "intention to fly". Also a serious injury or fatality during maintenance activities is not an accident according Reg (EU) 996/2010. 5) Proposal (new proposed text, etc.) Revisit 145.A.60 to avoid contradicting requirements
response	Refer to the response to comment No 133.
comment	*294* comment by: *ADS*

(3) Proposed clause 145.A.60 (b) (2) relates to reporting of "accidents and serious incidents" per EU regulation 996/2010. This is not directly relevant to an Approved Maintenance Organisation (AMO) as the AMO will only be getting that knowledge second or third hand as part of a work scope to repair or overhaul an aircraft or component. Requiring the AMO to report an "accident or serious incident" is at best duplication of effort when they are too far removed from the event to provide a good account of the event and at worst a pernicious audit trap as the AMO may not be aware that the an aircraft or component has been involved in an "accident or serious incident".

Recommend that proposed clause 145.A.60 (b) (2) is removed.

response

Refer to the response to comment No 133.

comment

302 comment by: *Luftfahrt-Bundesamt*

LBA comment

145.A.60 a)

The use of ''Implement'' could be interpreted as using an existing reporting system to be integrated. However it's requires to establish and maintain an occurrence reporting system.

Proposed Amendment:
(a) The organisation shall implement an occurrence-reporting system, including mandatory and voluntary reporting, that meets the requirements of Regulation (EU) No 376/2014 and its implementing rules.

Modified Proposed Amendment:
(a) The organisation shall **establish and maintain** an occurrence-reporting system, including mandatory and voluntary reporting, that meets the requirements of Regulation (EU) No 376/2014 and its implementing rules

response

Refer to the response to comment No 300.

3. Proposed amendments — 3.4. Draft Regulation (Draft EASA Opinion) — Part-145: SECTION A — TECHNICAL REQUIREMENTS, 145.A.62 Internal safety-reporting scheme p. 24-25

comment

81 comment by: *AIRBUS*

1. PARAGRAPH / SECTION :
NPA 2016-19, page 24/100, point 145.A.62

2. PROPOSED TEXT / COMMENT:
It is proposed to revert to the internal reporting scheme requirements currently included in 145.A.60.

3. RATIONALE / REASON / JUSTIFICATION:
The paragraph 2.4 of this NPA (page 11) indicates that 145.A.62 "takes into account the future introduction of SMS requirements into Part-145". The introduction of new terms (without definitions), such as 'near misses' or 'hazards', is inappropriate.

The embodiment of Safety Management System requirements into Regulation (EU) No 1321/2014 is the matter of an existing RuleMaking Task. It is inappropriate to conclude on such a matter before completing discussions with the RMT.0251 Review Group.

Further, how to explain that 145.A.62 "takes into account the future introduction of SMS requirements into Part-145" whereas nothing about 'just culture' has been added to Part-145? For example, an new GM is proposed in Part-ORA, GM1 ORA.GEN.160(a), which states: "(h) As part of their safety policy, organisations, after consulting staff representatives, are required to adopt rules describing how 'just culture' principles are guaranteed and implemented within the organisation. […]".
'Just culture' is a component of SMS.

response

Accepted.

Point 145.A.62 will not be introduced with this RMT. The issue of internal safety reporting will be addressed in the context of RMT.0251 Phase II, which will introduce SMS in Part 21 and Part-145. This will consider the material developed in Phase I (Opinion No 06/2016 'Embodiment of safety management system (SMS) requirements into Commission Regulation (EU) No 1321/2014 — SMS in Part-M – creation of a new Part-CAMO').

comment

219 comment by: *CAA-NL*

145.A.62(a):
We do not see the need to specify in this paragraph that the procedures should be included in the exposition as this is already regulated under 145.A.70.(a).12. Also it is not specified in the other paragraphs 145.A.25 – 145.A.90.
(a) The organisation shall establish an internal safety-reporting scheme~~, as detailed in the exposition,~~ to enable the collection and evaluation of such occurrences to be reported under 145.A.60. For organisations having their principal place of business in a Member State, such system shall meet the requirements of Regulation (EU) No 376/2014 and its implementing rules.

response

Refer to the response to comment No 81.

comment

282 comment by: *Austro Control*

1) Page No. 24-25
2) Paragraph No. 3.4
3) Comment
It is unclear, why (b) and (c) are described as Reg (EU) 376/2014 covers the requirements described in those paragraphs (maybe for organizations outside EU?).
4) Justification
•(b) describes the voluntary reporting system according Art 5 of Reg. (EU) 376/2014.
•(c) lays in contradiction (does not address) the requirements laid down in Art 13 (1) to (5) of Reg. (EU) 376/2014.
5) Proposal (new proposed text, etc.) revisit 145.A.62 to avoid contradicting requirements.

response Refer to the response to comment No 81.

comment *295* comment by: *ADS*

(4) Proposed clause 145.A.62 (c) (4) places responsibility on an Approved Maintenance Organisation (AMO) to ensure that immediate action is taken for occurrences which have been released to service. The AMO has no authority, means or ability to instruct or effect action on aircraft or components released to service. All the AMO can do is report the occurrence so that the competent authority, State of Registry, organisation responsible for design of the aircraft or component or Operator of the aircraft can assess the safety implications for the aircraft or component released to service for them to instruct immediate action.

Recommend that proposed clause 145.A.62 (c) (4) is removed as 145.A.60 already covers the duty to report occurrences.

response Refer to the response to comment No 81.

comment *337* comment by: *AESA*

To 145.A.62 (b):
This wording means a change de facto in reports obligations.
Besides more workload, present tools could not be adequate for processing hazards, errors, near-misses (ECCAIRS, taxonomy, compulsory fields, European Risk Classification Scheme, etc.)
Does this extra information have to be treated in accordance with 376/2014? What are the MS obligations? What type of protection (just culture)it has? Is it compulsory the use of ADREP, ECCAIRS compatibility for this information? What parts of 376 apply to this information? A different way of reporting other than occurrence information is being opened.
The voluntary scheme could capture and deal with this type of information.
If the need of receiving more safety information has been detected, Regulation 376/2014 should be modified accordingly.

response Refer to the response to comment No 81.

The proposed 145.A.62 addresses the implementation of an internal safety reporting scheme that, while creating the basis for external reporting, would be primarily used to feed the

	organisation's management system for safety with safety information. Therefore, it is considered more appropriate to propose this change through RMT.0251 Phase II.

3. Proposed amendments — 3.4. Draft Regulation (Draft EASA Opinion) — Part-145: SECTION B — PROCEDURE FOR COMPETENT AUTHORITIES, 145.B.62 Information to the Agency p. 25

comment	*132* comment by: *Federal Office of Civil Aviation (FOCA), Switzerland* *Comment FOCA to* 145.B.62, letter (a): (a) The competent authority shall without undue delay notify the Agency in case of any significant problems with the implementation of Regulation (EC) No 216/2008 and its implementing rules. It should be specified what is meant with ""without undue delay". Is it 72hours as for an organization?
response	Accepted. The text will be reviewed to specify a 30-day timeline for such reporting.

comment	*166* comment by: *Royal Netherlands Aviation Organisation* in 2016 -2017 various contacts of mine in both Germany and the Netherlands have reported occurances with aircraft constructions and mechanism (GLIDERS) to the authorities (EASA and National). Reporting occurances to the authorities is extremely disappointing for people who are hopeful that their action to report occurances is welcomed by the authorities and that they are rewarded with feedback and follow up. NOTHING BUT SILENCE is the only answer from national authorities and EASA. The result is simple. all the good will and all the good intentions of Sailpane owners, operators, technicians and CAMO staff vanishes immediately. EASA STOP producing PAPER. Just start to respond. Inform people that you received their reports within 24 hours. Inform people within a week what you are going to do with the report. Inform people wihtin a month what the reuslts are and which actions are going to be taken!!!!
response	Refer to the response to comment No 162.

comment	*303* comment by: *Luftfahrt-Bundesamt*

Comment LBA

145.B.62 b)

LBA as the other competent authorities of the Member States exchange information and reports within standardized European system ''European Central Repository''. It's required in (EU) No 376/2014 Art. 8 and 9 to transfer those reports in European Central Repository within a fixed term. It's in our point view important to mention and demonstrate specifically how the process of exchanging information should be carried out. It's important as well to be aware that safety significant information shall be immediately reported to the Agency whereas less significant information ''Safety information'' shall be reported through ECR within 30 days.

Proposed Amendment:
b) The competent authority shall provide the Agency with safety-significant information stemming from the occurrence reports it has received pursuant to 145.A.60.

Modified Proposed Amendment:
b) **The competent authority of the Member State shall transfer all safety information derived from the occurrence reports pursuant to 145.A.60 after being stored in the national database to the European Central Repository (ECR) within 30 days. Safety-significant information derived from occurrence reports shall be shared with the Agency as soon as possible.**

response

Partially accepted.

It is not the intent of this IR to replicate the Regulation (EU) No 376/2014 requirements for transfer of information to the ECR. However, it is accepted to add ‘as soon as possible’ to point (b).

3. Proposed amendments — 3.5. Draft AMC/GM (Draft EASA Decision) — Part-M: SECTION A — TECHNICAL REQUIREMENTS, SUBPART B — ACCOUNTABILITY, AMC M.A.202(a) Occurrence reporting p. 25-26

comment

160 comment by: *Royal Netherlands Aviation Organisation*

in 2016 -2017 various contacts of mine in both Germany and the Netherlands have reported occurances with aircraft constructions and mechanism (GLIDERS) to the authorities (EASA and National). Reporting occurances to the authorities is extremely disappointing for

people who are hopeful that their action to report occurances is welcomed by the authorities and that they are rewarded with feedback and follow up.

NOTHING BUT SILENCE is the only answer from national authorities and EASA. The result is simple. all the good will and all the good intentions of Sailpane owners, operators, technicians and CAMO staff vanishes immediately.

EASA STOP producing PAPER. Just start to respond. Inform people that you received their reports within 24 hours. Inform people within a week what you are going to do with the report. Inform people wihtin a month what the reuslts are and which actions are going to be taken!!!!

response

Refer to the response to comment No 162.

comment

161 comment by: *Royal Netherlands Aviation Organisation*

in 2016 -2017 various contacts of mine in both Germany and the Netherlands have reported occurances with aircraft constructions and mechanism (GLIDERS) to the authorities (EASA and National). Reporting occurances to the authorities is extremely disappointing for people who are hopeful that their action to report occurances is welcomed by the authorities and that they are rewarded with feedback and follow up.

NOTHING BUT SILENCE is the only answer from national authorities and EASA. The result is simple. all the good will and all the good intentions of Sailpane owners, operators, technicians and CAMO staff vanishes immediately.

EASA STOP producing PAPER. Just start to respond. Inform people that you received their reports within 24 hours. Inform people within a week what you are going to do with the report. Inform people wihtin a month what the reuslts are and which actions are going to be taken!!!!

response

Refer to the response to comment No 162.

comment

164 comment by: *Royal Netherlands Aviation Organisation*

in 2016 -2017 various contacts of mine in both Germany and the Netherlands have reported occurances with aircraft constructions and mechanism (GLIDERS) to the authorities (EASA and National). Reporting occurances to the authorities is extremely disappointing for people who are hopeful that their action to report occurances is welcomed by the authorities and that they are rewarded with feedback and follow up.

NOTHING BUT SILENCE is the only answer from national authorities and EASA. The result is simple. all the good will and all the good intentions of Sailpane owners, operators, technicians and CAMO staff vanishes immediately.

EASA STOP producing PAPER. Just start to respond. Inform people that you received their reports within 24 hours. Inform people within a week what you are going to do with the report. Inform people wihtin a month what the reuslts are and which actions are going to be taken!!!!

response | Refer to the response to comment No 162.

3. Proposed amendments — 3.5. Draft AMC/GM (Draft EASA Decision) — Part-M: SECTION A — TECHNICAL REQUIREMENTS, SUBPART F — MAINTENANCE ORGANISATION, AMC1 M.A.620 Occurrence reporting p. 26

comment | *304* comment by: *Luftfahrt-Bundesamt*

Comment LBA

AMC1M.A.620

The LBA believes that **irrespective** of the designation of persons employed by the organisation to perform any further analysis or follow-up corrective or preventive actions in respect of reported occurrences, the **responsibilty still lies within the organisation and not only the person. Also such assignments should not be restricted to only one person.**

Proposed Amendment:
The organisation should assign responsibility for coordinating action on airworthiness occurrences and for initiating any necessary further investigation and follow-up activity to a suitably qualified person with clearly defined authority.

Modified Proposed Amendment:
The organisation should assign one **or more qualified and authorized persons** for coordinating actions on airworthiness occurrences and for **executing any necessary** further investigation or follow-up activity.

response | Partially accepted.

The text will be amended to foresee the possibility to have more than one person. The intent is not to restrict the performance of the investigation to the assigned person or persons, but to ensure that such person(s) is(are) accountable towards their management on what has been done. The fact that these persons are assigned specific responsibilities does not conflict with the general principle that the ultimate accountability with safety lies with the accountable manager.

New text proposed:

'AMC1 M.A.620 Occurrence reporting

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

If more than one person is assigned such responsibility, the organisation should identify the single person to act as main focal point for ensuring a single reporting channel is established to the accountable manager.'

3. Proposed amendments — 3.5. Draft AMC/GM (Draft EASA Decision) — Part-M: SECTION A — TECHNICAL REQUIREMENTS, SUBPART G — CONTINUING AIRWORTHINESS MANAGEMENT ORGANISATION, AMC1 M.A.718 Occurrence reporting p. 27

comment

103 comment by: *UK CAA*

Page No: 27

Paragraph No: 7 - New AMC1 M.A.718

Comment: Paragraph 7, New AMC1 M.A.718 Occurrence reporting, states: "*The organisation should assign responsibility for coordinating action on airworthiness occurrences and for initiating any necessary further investigation and follow-up activity to a suitably qualified person with clearly defined authority*."

The regulation recognises and defines 'organisations', however it doesn't fully cater for organisations that consist of multiple approval types that operate a combined occurrence reporting system crossing more than one approval.

The proposed text below is taken from an EASA opinion for SMS where a similar situation arises with requirements bridging multiple approvals within one organisation.

Justification: Feedback from industry and oversight activities suggests confusion on requirements.

Proposed Text: We propose additional text should be added as follows:

"The organisation should assign responsibility for coordinating action on airworthiness occurrences and for initiating any necessary further investigation and follow-up activity to a suitably qualified person with clearly defined authority. **Where the organisation holds one or more additional organisation certificates within the scope of Regulation (EC) No 216/2008, the occurrence reporting system may be integrated with that required under the additional certificate(s) held. An operator may therefore report on behalf of its Part M Subpart G continuing airworthiness management organisation if part of the same organisation**."

response

Partially accepted.

The text will be amended to address the point raised in the comment and clarify the conditions for submitting a single report:

Single reports for occurrences may only be provided if the organisation holding one or more additional organisation certificates ensures that the report:

— includes all relevant information from the perspective of the different organisation certificates held;

— addresses all relevant specific mandatory data fields; and

— clearly identifies all certificate holders for which the report is made.

Such single reporting will be subject to agreement with the competent authority. 'Competent authority' in this context refers to the authority designated pursuant to Regulation (EU) No 376/2014.

Refer also to the response to comment No 374.

comment

305 comment by: *Luftfahrt-Bundesamt*

Comment LBA

AMC1MA.718

The LBA believes that **irrespective** of the designation of persons employed by the organisation to perform any further analysis or follow-up corrective or preventive actions in respect of reported occurrences, the **responsibilty still lies within the organisation and not only the person. Also such assignments should not be restricted to only one person.**

Proposed Amendment:
The organisation should assign responsibility for coordinating action on airworthiness occurrences and
for initiating any necessary further investigation and follow-up activity to a suitably qualified person
with clearly defined authority.

Modified Proposed Amendment:
The organisation should assign one **or more qualified and authorized persons** for coordinating actions on airworthiness occurrences and for **executing any necessary** further investigation or follow-up activity.

response

Refer to the response to comment Nos 304 and 103.

3. Proposed amendments — 3.5. Draft AMC/GM (Draft EASA Decision) — Part-M: SECTION A — TECHNICAL REQUIREMENTS, SUBPART G — CONTINUING AIRWORTHINESS MANAGEMENT ORGANISATION, AMC2 M.A.718 Occurrence reporting p. 27

comment

229 comment by: *KLM*

This AMC2 M.A.718 adds additional reporting requirements in respect to EU 376/2014. For legal certainty all requirements related to occurrence reporting should be in one Regulation; the EU 376/2014. All other Regulations should refer to EU 376/2014.

If it is felt necessary to amend the occurrence requirements, EU 376/2014 (or EU 2015/1018) should be amended. Delete AMC2 completely. Refer only to EU 376/2014.

2. Delete “in order to enable it to issue appropriate service instructions and recommendations to all owners or operators” from the first sentence as this a responsibility for the TC-holder and for the reporting organization impossible to assess and cannot be held accountable for.

3. The last sentence of the AMC should be deleted as this a responsibility for the TC-holder. Secondly a recommendation should be published as GM (i.s.o. AMC)

response

Not accepted.

Reporting to the organisation responsible for the design of the aircraft or component is not addressed in Regulation (EU) No 376/2014. In addition, such reporting requirements are not new. The AMC adds clarification without creating new obligations. In addition, it clarifies the purpose of reporting to the DAH. Liaison with the DAH is also beneficial for the Part-M/G organisation to address specific problems detected through the occurrence-reporting system.

3. Proposed amendments — 3.5. Draft AMC/GM (Draft EASA Decision) — Part-M: SECTION A — TECHNICAL REQUIREMENTS, SUBPART G — CONTINUING AIRWORTHINESS MANAGEMENT ORGANISATION, GM1 M.A.718 Occurrence reporting p. 27

comment

82 comment by: *AIRBUS*

1. PARAGRAPH / SECTION :
NPA 2016-19, page 27/100, GM1 M.A.718

2. PROPOSED TEXT / COMMENT:
GM1 M.A.718 and GM1 145.A.60 state:
“AMC-20 ‘General Acceptable Means of Compliance for Airworthiness of Products, Parts and Appliances’ provides further guidance on occurrence reporting (AMC 20-8). […].”
Can the Agency add a link to AMC 20 in the Continuing Airworthiness section (subsection Acceptable Means of Compliance and Guidance Material) of the page Regulations on its website?

3. RATIONALE / REASON / JUSTIFICATION:
For practical reasons.

response

Accepted.

A link to AMC-20 has been added on the Regulations page as proposed.

comment

165 comment by: *Royal Netherlands Aviation Organisation*

in 2016 -2017 various contacts of mine in both Germany and the Netherlands have reported occurances with aircraft constructions and mechanism (GLIDERS) to the authorities (EASA and National). Reporting occurances to the authorities is extremely disappointing for people who are hopeful that their action to report occurances is welcomed by the authorities and that they are rewarded with feedback and follow up.

NOTHING BUT SILENCE is the only answer from national authorities and EASA. The result is simple. all the good will and all the good intentions of Sailpane owners, operators, technicians and CAMO staff vanishes immediately.

EASA STOP producing PAPER. Just start to respond. Inform people that you received their reports within 24 hours. Inform people within a week what you are going to do with the report. Inform people wihtin a month what the reuslts are and which actions are going to be taken!!!!

response

Refer to the response to comment No 162.

comment

306 comment by: *Luftfahrt-Bundesamt*

Comment LBA

GM1 M.A.718

There is a typing error in the first part of the second sentence. We recommend to replace (Section 7 thereef provides...) with (Section (7) of AMC 20 provides…).

Proposed Amendment:
..Section 7 thereof provides
specific guidance on the main characteristics of an occurrence-reporting system compliant with Regulation (EU) No 376/2014 and its implementing rules.

Modified Proposed Amendment:
..**Section (7) of AMC 20** provides
specific guidance on the main characteristics of an occurrence-reporting system compliant with Regulation (EU) No 376/2014 and its implementing rules.

response

Accepted.

The text will be amended as proposed.

3. Proposed amendments — 3.5. Draft AMC/GM (Draft EASA Decision) — Part-M: SECTION B — PROCEDURE FOR COMPETENT AUTHORITIES, SUBPART A — GENERAL, GM1 M.B.106 Information to the Agency p. 27-28

comment

153 comment by: *Swedish Transport Agency, Civil Aviation Department (Transportstyrelsen, Luftfartsavdelningen)*

see our comment on page 9 regarding that AMC/GM should be written as guidance and hence these sentences should be rewritten or moved to the regulation.

response

Partially accepted.

The incorporation of the material in the delegated and implementing acts is not envisaged at this stage. This may be done at a later stage in conjunction with the transposition of the ICAO SSP SARPS (the coordination of different State entities being an important aspect of SSP) and once EASA has received sufficient feedback on the implementation of Regulation (EU) No 376/2014 through Standardisation inspections.

As the State has the prerogative to organise itself and decide to which of the existing authorities the competences on 'establishing a mechanism to independently collect, evaluate, process, analyse and store details of occurrences reported pursuant to Articles 4 (MOR) and 5 (VOR)' should be allocated, the proposed GM is deleted. Competences are already established as per the applicable Regulations (EU) No 376/2014 and the EASA Basic Regulation and its delegated and implementing acts.

comment

255 comment by: *DGAC France*

The verb “must” in the GM should be replaced by "should'.

response

Refer to the response to comment No 153.

comment

307 comment by: *Luftfahrt-Bundesamt*

Comment LBA

GM1 M.B.106 a)

The LBA believes in accordance with (EU) 376/2014 Art.6 No.3 despite the fact that a Member State can designate different Competent Authorities to manage occurrence reporting, it still has to **designate one of them as a point of contact responsible** for this process.

Proposed Amendment:
Where a Member State designates different competent authorities to manage occurrences reported pursuant to Articles 4 'Mandatory reporting' and 5 'Voluntary reporting' of Regulation....

Modified Proposed Amendment:
Where a Member State designates different competent authorities, **it shall designate one of them as point of contac**t to manage occurrences reported pursuant to Articles 4 'Mandatory reporting' and 5 'Voluntary reporting' of Regulation....

response

Refer to the response to comment No 153.

3. Proposed amendments — 3.5. Draft AMC/GM (Draft EASA Decision) — Part-M: SECTION B — PROCEDURE FOR COMPETENT AUTHORITIES, SUBPART A — GENERAL, GM1 M.B.106(b) Information to the Agency p. 28

comment

11 comment by: *John Hamshare*

We welcome the introduction of the guidance material relating to safety analysis of occurrence report data by competent authorities but how does this align with the work proposed by the Collaborative Analysis Groups?

response

Noted.

The safety analysis referred to in this case should be performed by competent authorities as per Article 13 of Regulation (EU) No 376/2014. Coordination and further analysis at Union level is described in Article 14 of the same Regulation. As it is not practical to have every Member State in a Collaborative Analysis Group (CAG), the Network of Analysts is responsible for reviewing and coordinating these analyses, which can then be discussed by the CAGs.

comment

254 comment by: *DGAC France*

Attachment #3

Overall, the DGAC F is not convinced this overall GM does help to determine what is aimed at a "safety-significant information stemming from occurrence reports".

The point (a) explains it should be conclusive and should provide with an in-depth analysis. DGAC F concurs with those goals which are self-obvious.

The rest of the point (a) sentence i.e. the words: "if it's relevant for the Agency's safety action planning" is supposed to clarify when such information is to be sent to EASA, i.e., we

	could understand when EASA is responsible of some area, such as type design of products, in particular. Otherwise, We need input from EASA to be able to sort out if it's relevant for EASA. For instance, we believe that a maintenance occurrence may be dealt with at NAA level which is the competent authority for this domain, but may have impact on design and therefore relevant information is to be sent to EASA. But, in general, it's difficult for the NAA to know if EASA would be interested or not for its action plan. As, per the basic regulation allocations of tasks to EASA, we all know the Agency is responsible of actions related to design and is in charge of DOA organisations. Therefore, if a considered event is transmitted to the TCH, the TCH has the responsibility to analyse it and transmit information for continued aiworthiness to EASA. In such a case, DGAC F considers there is no need to duplicate a channel between NAA and EASA to send the event or related information again. We propose to modify the wording of the GM to consider this point. Point (b) of this GM is a reference to GM3 which can be dealt separately, considering dedicated comment to GM3. As a synthesis to this GM comment, DGAC F considers that this GM is attached to Part B applicable to the Authority and it may lead to think it's the Authority responsibility to create those "safety-significant information stemming from occurrence reports". It is confusing, because the last bullet (g) of GM2 M.B.106(b) clearly puts an action on the competent authority. Please find a text proposal in the attached file.
response	Not accepted. The burden should not be on the organisation. Regulation (EU) No 376/2014 requires the competent authority to perform an analysis either of an individual occurrence or of a group of occurrences. The proposed GM is fully aligned with the obligations stemming from Regulation (EU) No 376/2014. See also the response to comment No 131.

3. Proposed amendments — 3.5. Draft AMC/GM (Draft EASA Decision) — Part-M: SECTION B — PROCEDURE FOR COMPETENT AUTHORITIES, SUBPART A — GENERAL, GM2 M.B.106(b) Information to the Agency p. 28-29

comment	*257* comment by: *DGAC France* Due to same reason as comment 255 to GM1.M.B.106(b), it is proposed to : - Rename this GM as GM3 M.A.718(b) and also create a similar one for MA 620 and 145A.60. - Delete item (g) as the actor is the NAA.
response	Point 1: Refer to the response to comment No 153.

	Point 2: Not accepted. The burden should not be on the organisation. Regulation (EU) No 376/2014 requires the competent authority to perform an analysis either of an individual occurrence or of a group of occurrences. The proposed GM is fully aligned with the obligations stemming from Regulation (EU) No 376/2014.
comment	*338* comment by: *AESA* To GM2 M.B.106 (c): A closer approach to the European Risk Classification Scheme should be used. MS and the Agency will have to use this scheme, so a closer wording to the ERCS seems to be adequate.
response	Refer to the response to comment No 333.

3. Proposed amendments — 3.6. Draft AMC/GM (Draft EASA Decision) — Part-145: SECTION A — TECHNICAL REQUIREMENTS, AMC 145.A.60(a), GM 145.A.60(a) and GM1 145.A.60(c) are replaced by the following new AMC1 145.A.60, AMC2 145.A.60 and GM1 145.A.60 'Occurence reporting' p. 29-30

comment	*83* comment by: *AIRBUS* **1. PARAGRAPH / SECTION :** NPA 2016-19, page 30/100, GM1 145.A.60 **2. PROPOSED TEXT / COMMENT:** GM1 M.A.718 and GM1 145.A.60 state: "AMC-20 'General Acceptable Means of Compliance for Airworthiness of Products, Parts and Appliances' provides further guidance on occurrence reporting (AMC 20-8). […]." Please refer to Comment N° 82 here above. **3. RATIONALE / REASON / JUSTIFICATION:** Please refer to Comment N° 82 here above.
response	Refer to the response to comment No 82.
comment	*104* comment by: *UK CAA* **Page No:** 29 **Paragraph No:** AMC1 145.A.60 **Comment:** AMC1 145.A.60 Occurrence reporting states: "*The organisation should assign responsibility for coordinating action on airworthiness occurrences and for initiating any necessary further investigation and follow-up activity to a suitably qualified person with clearly defined authority*."

The regulation recognises and defines 'organisations', however it doesn't fully cater for organisations that consist of multiple approval types that operate a combined occurrence reporting system crossing more than one approval.

The proposed text below is taken from an EASA opinion for SMS where a similar situation arises with requirements bridging multiple approvals within one organisation

Justification: Feedback from industry and oversight activities suggests confusion on requirements.

Proposed Text: We propose additional text should be added as follows:

"The organisation should assign responsibility for coordinating action on airworthiness occurrences and for initiating any necessary further investigation and follow-up activity to a suitably qualified person with clearly defined authority. **Where the organisation holds one or more additional organisation certificates within the scope of Regulation (EC) No 216/2008, the occurrence reporting system may be integrated with that required under the additional certificate(s) held. An operator may therefore report on behalf of its Part 145 maintenance if part of the same organisation**."

response

Refer to the response to comment No 103.

comment

105 comment by: *UK CAA*

Page No: 29

Paragraph No: AMC2 145.A.60

Comment: AMC2 145.A.60 Occurrence reporting, states: "*The organisation should ensure that the organisation responsible for the design of the aircraft or component receives adequate occurrence reports for their aircraft or component in order to enable it to issue appropriate service instructions and recommendations to all owners or operators. Liaison with the organisation responsible for the design of the aircraft or component is recommended to establish whether published or proposed service information will resolve the problem or to obtain a solution to a particular problem.*"

If a Part 145 maintenance organisation reports an MOR to the competent authority it discharges its obligations under 376/2014. It may additionally report this event to an operator/Part M organisation. The regulation is currently not clear as to whether the operator/Part M is then additionally obliged to report this information to the competent authority and provide follow up (having received the report from a Part 145 maintenance organisation).

Justification: Feedback from industry and oversight activities.

Proposed Text: We propose additional text should be added as follows:

"The organisation should ensure that the organisation responsible for the design of the aircraft or component receives adequate occurrence reports for their aircraft or component in order to enable it to issue appropriate service instructions and recommendations to all

owners or operators. Liaison with the organisation responsible for the design of the aircraft or component is recommended to establish whether published or proposed service information will resolve the problem or to obtain a solution to a particular problem. **If an operator/Part M organisation receives a report from a separate Part 145 maintenance organisation, it does not need to provide follow up information to the competent authority. The obligation to provide the initial results of analysis and final results lie with the Part 145 maintenance organisation."**

response

Partially accepted.

It will be clarified that the obligation to provide a follow-up report applies to the source of the initial report. Nevertheless, nothing would prevent the organisation receiving a report from another organisation from providing follow-up information if deemed useful. The new text will be added to AMC 20-8 as the AMC2 included in the NPA does not deal with reporting to the competent authority.

New text proposed (for other changes to such AMC refer to the response to comment No 304):

'Note: Where an organisation receives a report from another organisation itself subject to mandatory reporting requirements for reporting to the competent authority (e.g. CAMO receiving a copy of a report made by a Part-145 organisation), it does not need to provide follow-up information to the competent authority for such report. The obligation to provide the initial results of the analysis of the occurrence, follow-up reports and final results lies with the other organisation being the source of the initial report.'

The operator case will be dealt with in the GM to Part-ORO.

comment

308A comment by: *Luftfahrt-Bundesamt*

Comment LBA

AMC1 145.A.60

The LBA believes that **irrespective** of the designation of persons employed by the organisation to perform any further analysis or follow-up corrective or preventive actions in respect of reported occurrences, the **responsibilty still lies within the organisation and not only the person. Also such assignments should not be restricted to only one person.**

Proposed Amendment:
The organisation should assign responsibility for coordinating action on airworthiness occurrences and
for initiating any necessary further investigation and follow-up activity to a suitably qualified person
with clearly defined authority.

Modified Proposed Amendment:
The organisation should assign one **or more qualified and authorized persons** for

coordinating actions on airworthiness occurrences and for **executing any necessary** further investigation or follow-up activity.

response Refer to the response to comment No 304.

comment *308B* comment by: *Luftfahrt-Bundesamt*

Comment LBA

AMC2 145.A.60

The LBA considers the reponsibility of the organisation as to exchange or share the data. The expression '' ensure that the organisation responsible for the design of the aircraft or component receives'' is a bit inappropriate.

Proposed Amendment:
The organisation should ensure that the organisation responsible for the design of the aircraft or component receives adequate occurrence reports

Modified Proposed Amendment:
The organisation should **share safety** related occurrence reports of an aircraft or a component with the responsible design organisation

response Accepted.

New text for this AMC, now AMC3 to 145.A.60:

'The organisation should share relevant safety-related occurrence reports with the design approval holder of the aircraft or component in order to enable it to issue appropriate service instructions and recommendations to all owners or operators. Liaison with the design approval holder is recommended to establish whether published or proposed service information will resolve the problem or to obtain a solution to a particular problem.'

comment *308C* comment by: *Luftfahrt-Bundesamt*

Comment LBA

GM1 145.A.60

There is a typing error in the first part of the second sentence. We recommend to replace (Section 7 thereef provides...) with (Section (7) of AMC 20 provides…).

Proposed Amendment:
..Section 7 thereof provides
specific guidance on the main characteristics of an occurrence-reporting system compliant with Regulation (EU) No 376/2014 and its implementing rules.

Modified Proposed Amendment:
..**Section (7) of AMC 20** provides
specific guidance on the main characteristics of an occurrence-reporting system compliant with Regulation (EU) No 376/2014 and its implementing rules.

response | Refer to the response to comment No 306.

3. Proposed amendments — 3.6. Draft AMC/GM (Draft EASA Decision) — Part-145: SECTION A — TECHNICAL REQUIREMENTS, GM1 145.B.62 Information to the Agency p. 30

comment | *154* comment by: *Swedish Transport Agency, Civil Aviation Department (Transportstyrelsen, Luftfartsavdelningen)*

see our comment on page 9 regarding that AMC/GM should be written as guidance and hence these sentences should be rewritten or moved to the regulation.

response | Refer to the response to comment No 153.

comment | *309* comment by: *Luftfahrt-Bundesamt*

Comment LBA

GM1 145.B.62

The LBA believes in accordance with (EU) 376/2014 Art.6 No.3 despite the fact that a Member State can designate different Competent Authorities to manage occurrence reporting, it still has to **designate one of them as a point of contact responsible** for this process.

Proposed Amendment:
Where a Member State designates different competent authorities to manage occurrences reported pursuant to Articles 4 ‘Mandatory reporting’ and 5 ‘Voluntary reporting’ of Regulation....

Modified Proposed Amendment:

	Where a Member State designates different competent authorities, **it shall designate one of them as point of contac**t to manage occurrences reported pursuant to Articles 4 'Mandatory reporting' and 5 'Voluntary reporting' of Regulation....
response	Refer to the response to comment No 153.

3. Proposed amendments — 3.6. Draft AMC/GM (Draft EASA Decision) — Part-145: SECTION A — TECHNICAL REQUIREMENTS, GM2 145.B.62(b) Information to the Agency p. 31

comment	*339* comment by: *AESA* To GM2 145.B.62(b) point (d): A closer approach to the European Risk Classification Scheme should be used. MS and the Agency will have to use this scheme, so a closer wording to the ERCS seems to be adequate.
response	Refer to the response to comment No 333.

3. Proposed amendments — 3.7. Draft Regulation (Draft EASA Opinion) — Part-ARA: SUBPART GEN — GENERAL REQUIREMENTS, SECTION I — GENERAL, ARA.GEN.125 Information to the Agency p. 32

comment	*340* comment by: *AESA* To ARA.GEN.125 (b): This is directly regulated by Article 9.3 of 376/2014. This paragraph should be eliminated in order to harmonize with this regulation, or at least use 'In accordance with 376/2014' instead of 'Without prejudice'. The present wording seems to show a different way from that provided for in Reg. 376/2014. Besides this, it is not taking into account similar provisions to provide information from the Agency to the MS and among MS as 376/2014 has established.
response	Refer to the response to comment No 332.

3. Proposed amendments — 3.7. Draft Regulation (Draft EASA Opinion) — Part-ARA: SUBPART GEN — GENERAL REQUIREMENTS, SECTION I — GENERAL, ARA.GEN.135 Immediate reaction to a safety problem p. 32

comment	*341* comment by: *AESA* To ARA.GEN.135 (a):

	Without prejudice to ~~Directive 2003/42/EC of the European Parliament and of the Council (5)~~Regulation (EU) No 376/2014 and its implementing rules, the competent authority shall implement a system to appropriately collect, analyse and disseminate safety information. This is directly regulated by Article 9.3 of 376/2014. This paragraph should be eliminated in order to harmonize with this regulation, or at least use 'In accordance with 376/2014' instead of 'Without prejudice'.
response	Not accepted. Article 9(3) refers to coordination with other competent authorities. ARA.GEN.135(a) is more general in that the information includes safety information from sources other than occurrence reports and it should be disseminated to a broader audience than simply other competent authorities.

3. Proposed amendments — 3.7. Draft Regulation (Draft EASA Opinion) — Part-ARA: SUBPART GEN — GENERAL REQUIREMENTS, SECTION II — MANAGEMENT, ARA.GEN.210 Changes in the management system p. 33

comment	*191* comment by: *German NSA (BAF)* Page 33: 3.8.1 ORA.GEN.160 Occurrence reporting (b) The organisation shall report to: (1) the competent authority, the State of Registry, and the organisation responsible for the design of the aircraft or component any safety-related event or condition of an aircraft or component identified by the organisation that endangers or, if not corrected or addressed, could endanger flight safety. Proposal: It is proposed to add in b (1) after the competent authority "the competent authority of those states wherein services are offered".
response	Refer to the response to comment No 189.

comment	*256* comment by: *CAE* P33 ORA.GEN.160 sub para 1 c The introductory text to this NPA says that 'no new requirements are introduced' but sub-para 1. c to the proposed new OR.GEN 160 introduces a new requirement for organisations to report to the aircraft design authority. In Reg EU 376 (Art 11), however, this is an obligation on the Competent Authority – not the individual organisation. It would probably not be sensible for aircraft design organisations to receive large volumes of reports from every organisation's mandatory and voluntary reporting schemes. Apportioning this responsibility to the Competent Authority, would be a more proportionate and reasonable approach which is, moreover, compliant with the original Reg EU 376.

Suggest delete sub para 1.c and add a third bullet to the previous sub-para:
1, (b)
– (3) without prejudice to 1 and 2 above, any other irregular circumstance that has or may have endangered flight safety and has not resulted in an accident or serious incident.

response

Not accepted.

This point (c) exists already today for OSD-related reporting (see point (b) of ORO.GEN.160), so no new requirement is introduced.

Short-circuiting the DAH and relying on the competent authority may not be efficient to ensure DAHs take the information into account and take timely action if required.

Regulation (EU) No 376/2014 Article 11 refers to processing of requests for information, not the automatic dissemination of information.

3. Proposed amendments — 3.8. Draft Regulation (Draft EASA Opinion) — Part-ORA: SUBPART GEN — GENERAL REQUIREMENTS, SECTION I — GENERAL, ORA.GEN.160 Occurrence reporting p. 33-34

comment

230 comment by: *KLM*

By adding subpara (b) and (c) to ORA.GEN.160 additional reporting requirements in respect to EU 376/2014 are created. For legal certainty all requirements related to occurrence reporting should be in one Regulation; the EU 376/2014. All other Regulations should refer to EU 376/2014. If it is felt necessary to amend the occurrence requirements, EU 376/2014 (or EU 2015/1018) should be amended.
Delete paragraphs (b) and (c) completely. Refer only to EU 376/2014.

response

Not accepted.

The EASA organisation requirements should adequately address those additional requirements stemming from Regulation (EU) No 376/2014 without unnecessary duplication.

Point (b) is a rewrite of the existing ORO.GEN.160 for improved clarity and to make the link with Regulation (EU) No 376/2014, replacing the existing reference to the EU Directive.

Point (c) exists already today for OSD-related reporting (so point (b) of ORO.GEN.160), so no new requirement is introduced.

Regulation (EU) 2015/1018 does not address OSD-related reporting.

comment

260 comment by: *CAE*

Attachment #4

P34 ORA.GEN.160 sub para 1 d (1)

CRT web tool has a corrupt 'save' function for this segment 34 (unable to save) so have attached a file with comments to segment 34 instead. Please take the attachment into consideration - that is where the comments are.

See text from attachment below:

The construction of this new Article, drawn as it is from the 'master text' could cause confusion because it only makes reference to the 72 hour reporting requirement in the context of organisations not having their PPB in a Member State.

The 72 hour reporting requirement is, however, a requirement for all organisations in the original Reg EU 376 (Article 4.8) in the specific context of Mandatory Occurrence Reports (MOR) and this should be made clear.

This 72 hour requirement currently applies to mandatory reports (Reg EU 376 Article 4) and not to voluntary reports. The effect of this wording would be to introduce a new requirement which would not be appropriate.

Suggest amending sub-para 1 d to read:

d. For **mandatory** reports from organisations, **either** having their principle place of business in a Member State **or otherwise certified/approved by the Agency.**

Sub paras (1) and (2) unchanged

response

Partially accepted.

For organisations subject to Regulation (EU) No 376/2014, the 72-hour requirement for mandatory reporting is deemed to be addressed as part of ORA.GEN.160(a) asking for a system that complies with that Regulation.

The point related to point (d) is accepted and it will be clarified that this relates to mandatory reporting only.

New text proposed:

'(e) For organisations not having their principal place of business in a Member State:

Initial mandatory reports shall:

(...)'

comment

283 comment by: *Austro Control*

1) Page No. 33-34, 44, 54, 64
2) Paragraph No. 3.8, 3.12, 3.16, 3.20
3) Comment
The requirements of ORA.GEN.160, ORO.GEN.166, ADR.OR.C.030, ATM/ANS.OR.A.065, ATCO.OR.B.040 (a) and (b) are contradicting.
4) Justification
Contradiction of (a) to (b)(1) in those cases, where the competent authorities for 376/2014 and for 216/2008 are different. (see comment on 2.4)
5) Proposal (new proposed text, etc.)

	See proposal in comment to 2.4.
response	Not accepted. A State has the prerogative to decide to which of the existing authorities the competences on 'establishing a mechanism to independently collect, evaluate, process, analyse and store details of occurrences reported pursuant to Regulation (EU) No 376/2014 Articles 4 (MOR) and 5 (VOR)' should be allocated. Competences are already established as per the applicable Regulations (Regulation (EU) No 376/2014 and the EASA Basic Regulation and its delegated and implementing acts). It is therefore not proposed to further specify references to 'competent authority' as part of this RMT. Safety promotion material on the coordination between competent authorities will however be provided.

comment	*316* comment by: *European Cockpit Association* 3.8.1. ORA.GEN.160 (d)(2) "Where relevant, a follow-up report providing details of actions the organisation intends to take to prevent similar occurrences in the future shall be made…" Similar to above, the scope of corrective actions is left to the organisation concerned, with no mechanism for relevance control. This typically leads organisations with weak safety culture to limit their corrective actions to the individual involved in the occurrence (blame and train), therefore missing the opportunity for real system improvement and consequentially damaging the organisation's safety culture. Proposed amendment After "those follow-up reports shall", add: **"(iii) aim to result in system improvement, rather than attribute blame or liability to front-line operator."**
response	Not accepted. Point (d) is to create reporting requirements for organisations not subject to Regulation (EU) No 376/2014. Just culture aspects are dealt with under ORA.GEN.200, for all organisations. The need to apply just culture is in particular addressed in: — AMC1 ORA.GEN.200(a)(2) 'Management system' — GM1 ORA.GEN.200(a)(1);(2);(3);(5) 'Management system' — GM1 ORA.GEN.200(a)(2) 'Management system'

3. Proposed amendments — 3.8. Draft Regulation (Draft EASA Opinion) — Part-ORA: SUBPART GEN — GENERAL REQUIREMENTS, SECTION II — MANAGEMENT, ORA.GEN.200 Management system p. 34

comment	*47* comment by: *Finnish Transport Safety Agency* ORA.GEN.200 point (a)(7) The proposed change would limit the management system scope to Regulation Air crew and Regulation 376/2014. Please reconsider the change as there might be also other regulations in the future which should be taken into account by the management system.
response	Accepted. New text: (a)(7) any additional relevant requirements ~~that are~~ prescribed in ~~the relevant subparts of this Part or other applicable Parts~~ Regulation (EU) 2018/1139, as well as in Regulation (EU) No 376/2014 and their respective delegated and implementing acts.

3. Proposed amendments — 3.9. Draft AMC/GM (Draft EASA Decision) — Part-ARA: SUBPART GEN — GENERAL REQUIREMENTS, SECTION I — GENERAL, GM1 ARA.GEN.125(b) Information to the Agency p. 35

comment	*317* comment by: *European Cockpit Association* 3.9.2. GM1 ARA.GEN.125(b) (a) "A conclusive safety analysis which summarises individual occurrence data and provides an in-depth analysis of a safety issue, and which may be relevant for the Agency's safety action planning;" Same comment than for 3.2.5. GM1 21.B.45(c) (a) <u>Proposed amendment</u> Similar to amendment proposed for 3.2.5. GM1 21.B.45(c) (a) <u>Rationale</u> Similar mechanism exists in GM3 ARA.GEN.125(b), page 36.
response	Refer to the response to comment No 313

3. Proposed amendments — 3.9. Draft AMC/GM (Draft EASA Decision) — Part-ARA: SUBPART GEN — GENERAL REQUIREMENTS, SECTION II — MANAGEMENT, GM1 ARA.GEN.200 Management system p. 36

comment	*125* comment by: *Romanian CAA* Para. (a)(3) analyse a situation which, however, represents an exception from Regulation 376/2014, which in Art. 4(8) states that organizations must report to competent authority for Regulation 376/2014.

	Consequently, in addition to GM mentioned above, we believe it would be useful to include in these GM some clarifications on the implementation of Art. 6(10) of Regulation 376/2014, in order to avoid misinterpretation in the process of adapting the internal procedures and protocols of cooperation between authorities.
response	Partially accepted. Refer also to the response to comment No 283. The point raised could better be addressed by amending ARA.GEN.200 point (d). In addition, in the future guidance or safety promotion material may be developed to address the need for cooperation and information exchange protocols between authorities. Proposed changes: 'The competent authority shall establish procedures for participation in a mutual exchange of all necessary information and assistance with other competent authorities concerned, whether from within the Member State or in other Member States, including on: — all findings raised and follow-up actions taken as a result of oversight of persons and organisations exercising activities in the territory of a Member State, but certified by the competent authority of another Member State or the Agency; and — information stemming from mandatory and voluntary occurrence reporting as required by ORA.GEN.160.'

comment	*148* comment by: *Swedish Transport Agency, Civil Aviation Department (Transportstyrelsen, Luftfartsavdelningen)* - see our comment on page 9 regarding that AMC/GM should be written as guidance and hence these sentences should be rewritten or moved to the regulation.
response	Refer to the response to comment No 153.

3. Proposed amendments — 3.10. Draft AMC/GM (Draft EASA Decision) — Part-ORA: SUBPART GEN — GENERAL REQUIREMENTS, SECTION I — GENERAL, AMC1 ORA.GEN.160 p. 37

comment	*192* comment by: *German NSA (BAF)* Page 37: AMC1 ORA.GEN.160(b) Occurrence reporting (d) (4) organisations responsible for the design of aerodrome equipment or air traffic management (ATM)/ANS systems and constituents. Proposal: Please add here: "…for the design and maintenance of… constituents "and add as an example "…(comment)". Otherwise we will face a gap in the AMC where we as an authority have difficulties to address the respective organisations requiring them to report their incidents correctly.
response	Partially accepted.

Following analysis of NPA comments, the reporting to organisations responsible for the design of air traffic management (ATM)/ANS systems and constituents is proposed to be addressed in the AMC to Part-ATM/ANS. The Part-ORA and Part-ORO AMC will however be amended to add that the for air traffic, aerodrome occurrences or bird/wildlife strikes, the organisation should also notify the appropriate air navigation services (ANS) provider, aerodrome operator or ground handling service provider. The ANS provider will then determine whether the organisations responsible for the design of ATM/ANS systems and constituents, such as but not limited to CNS and/or AIS providers, need to be informed.

comment

207 comment by: *Laura Paulais*

The FNAM thinks it is a good idea to introduce the concept of interfaces with other organisations regarding the reporting.
Point 1:
For a better understanding, the FNAM suggests the EASA to put the examples stated in the paragraph (c) and (d) in a GM and not in an AMC. Indeed, those paragraphs are means to assist the user in complying with the ORA.GEN.160 and not real means of compliance.
Point 2:
Besides, the FNAM would like to remind the EASA that the requirement stated in the paragraph (d) can be an administrative burden for operators.

response

Point 1:

Partially accepted.

The AMC points (c) and (d) will amended to delete the detailed examples and focus on what is relevant for the ATO. The reporting between organisations is considered an important element to support the implementation of safety risk management and therefore including the provisions as GM only is not considered adequate.

Point 2: Noted.

This is not a new requirement. Point (g) clarifies that the form and timescale of reports to be exchanged between organisations is left for individual organisations to determine with due regard to the safety management policies and procedures in place.

Notifying relevant occurrences to the 'organisation responsible for the design' will also benefit the operators in their efforts to manage safety risks where the issues identified will be addressed by the organisation responsible for the design.

See also the response to comment No 290 below.

comment

290 comment by: *CAE*

The language used ie '*Organisations <u>may</u> develop a customised list' … 'provides a non-exhaustive list'….'is a general term, which <u>may</u> be any'*…etc is more suitable for GM than an AMC which is soft law.

	Suggest delete sub-paras b, c and d from this AMC and generate them instead as Guidance Material.
response	Accepted. The AMC points (b) and (d) will be transferred to the new GM1 ORA.GEN.160(b) and the same changes will be made to the equivalent AMC to Part-ORO. The remaining point (c) in this AMC will be reviewed to better reflect the case of ATOs. See also the response to comment 207 No above.

3. Proposed amendments — 3.10. Draft AMC/GM (Draft EASA Decision) — Part-ORA: SUBPART GEN — GENERAL REQUIREMENTS, SECTION I — GENERAL, AMC1 ORA.GEN.160(b) Occurrence reporting p. 37-38

comment	*36* comment by: *Leonardo Helicopters - Training Quality* Ref. AMC1 ORA.GEN.160(b) (c) (4) In accordance with this paragraph, the bird/wildlife strikes should be reported by the operator also to ANS provider. However, regulation EU 376/2014 does not require the reporting to be done also to ANS provider.
response	Noted. The delegated and implementing acts of the EASA Basic Regulation and the related AMC exceed the scope of occurrence reporting under Regulation (EU) No 376/2014, in particular as they address reporting between organisations. Reporting to the ANS providers is essential for them to inform other operators, and the aerodrome operator to take appropriate action.

comment	*112* comment by: *Bruno Herencic* This whole text should be simplified, it comes down to this: Point 1: - Anything that would be send to another organisation would most likely be a MOR, so it would be reported to both that organisation and the agency and possibly the CAA - suggest to simplify this whole AMC and state that such MORs should be forwarded to the other organisation that then should process them, and that each organisation should establish means for accepting external reports Point 2: - Anything received by an organisation from another organisation that is not a MOR does not need to be forwarded to the agency. This makes no sense, if the report initially does not

qualify as MOR, why would it then be send to the agency? This types of reports are obviously for improvement.

response

Point 1: Noted.

The AMC is meant to complement mandatory reporting to the competent authority by reporting requirements between organisations, in support of the safety risk management function of the organisations involved. This is important as increasingly, risks will arise at the interfaces between organisations.

Point 2: Accepted.

The AMC will be reviewed in line with comments Nos 207 and 290 above. Also, clarification will be added that where an organisation receives a report from another organisation that does not qualify as mandatory occurrence report, such receiving organisation is not required to provide such report to the competent authority. However, it may be sent to the competent authority as a voluntary report, if the organisation so chooses.

comment

203 comment by: *Christopher Mason*

Page 37, Para 2:
'AMC1 ORA.GEN.160(b) Occurrence reporting
Reporting between organizations
(c) The following provides a non-exhaustive list of reporting lines that exist for reporting of occurrences between organisations:
(1) maintenance organisation/continuing-airworthiness management organisation (CAMO) to the organisation responsible for the design;
(2) maintenance organisation/CAMO to the operator;
(3) operator to the organisation responsible for the design; and
(4) for air traffic, aerodrome occurrences or bird/wildlife strikes, the operator should also notify the appropriate air navigation services (ANS) provider, aerodrome operator or ground handling service provider.'

The examples of reporting between organizations provided for Part ORA.GEN.160(b) are not illustrative for Part ORA organizations. Therefore, these examples should be removed, or examples added that are more appropriate to Part ORA organizations.

Submitted by ERA on behalf of ATR.

response

Accepted.

The AMC points (b) and (d) will be transferred to the new GM1 ORA.GEN.160(b) and the same changes will be made to the equivalent AMC to Part-ORO. The remaining point (c) in this AMC will be reviewed to better reflect the case of ATOs.

comment

231 comment by: *KLM*

1. As this AMC contains the verb 'may', the content of this AMC should be transferred into a GM.

	2. By adding this AMC additional reporting requirements in respect to EU 376/2014 are created. For legal certainty all requirements related to occurrence reporting should be in one Regulation; the EU 376/2014. All other Regulations should refer to EU 376/2014. If it is felt necessary to amend the occurrence requirements, EU 376/2014 (or EU 2015/1018) should be amended. Delete this AMC completely. Refer only to EU 376/2014.
response	Point 1: Accepted. The AMC points (c) and (d) will be transferred to the new GM1 ORA.GEN.160(b) and the same changes will be made to the equivalent AMC in Part-ORO. The remaining point (c) in the AMC will be reviewed to better reflect the case of ATOs. Point 2: Refer to the response to comment No 230.
comment	*286* comment by: *Austro Control* 1) Page No. 37-38, 47-48, 77-78 2) Paragraph No. 3.10, 3.14, 3) Comment to AMC1 ORA.GEN.160(b), AMC1 ORO.GEN.160(b), AMC20 Section 9 Austria supports the idea of an AMC for "reporting between organizations". However, the AMC(s) shall be consistent to the requirements of Continuing Airworthiness: Annex I (Part-M) and Annex II (Part-145) to Regulation (EU) No 1321/2014. Remark to ORA.GEN.160(b) point (c): This "non exhaustive list" does not contain ATOs, DTOs, TRTOs 4) Justification See requirements in 21.A,.3A (a), M.A.202, M.A.620, M.A.718, 145.A.60 AMC-20 9 (c) which relate to this AMC(s). 5) Proposal (new proposed text, etc.) Revisit AMC1 ORA.GEN.160(b) and AMC1 ORO.GEN.160(b) to avoid contradicting requirements.
response	Noted. For initial and continuing airworthiness, the AMC material is proposed to be included in AMC 20-8. As the applicability of AMC-20 is limited to airworthiness, corresponding AMC material is proposed for Part-ORA, Part-ORO, Part-ADR.OR and Part-ATM/ANS.OR. NB: There are no occurrence reporting requirements included with Part-DTO (Regulation (EU) 2018/1119[13]). The essential requirements for aircrew in the Basic Regulation do not include any occurrence reporting requirements either. For the remark about ORA.GEN.160(b) point (c), refer to the response to comment No 203.
comment	*292* comment by: *CAE* Whereas it would be entirely appropriate for an ATO to report occurrences to their maintenance organisation/CAMO (as in c(2)) it would be unreasonable to expect such an organisation to report to 'the organisation responsible for the design'. This would more

13 https://eur-lex.europa.eu/legal-content/EN/TXT/PDF/?uri=CELEX:32018R1119&from=EN

properly be the responsibility of a maintenance organisation or CAMO not an ATO.
The above point is reinforced by study of the content in (d) and (e). It would be unreasonable to expect an ATO to report to , for example, 'the organisation responsible for the design of…..ATM/ANS systems and constituents.'

Suggest delete c(1) (d) (e) and (f) in toto.

response

Partially accepted.

The AMC will be reviewed in line with comment 203. Relying on the CAMO to report such issues may not always be an option as for some non-commercial ATOs, the aircraft may not be managed by a CAMO (considering also future Part-M 'light' — Opinion No 05/2016). In addition, the CAMO may not be familiar with OSD-related occurrences; these should be directly reported by the ATO to the DAH. Replicating the provisions defined for Part-ORO is preferable.

comment

318 comment by: *European Cockpit Association*

3.10 AMC1 ORA.GEN.160 (b)

Under (h) reporting between organisations there is no reference to confidentiality or de-indentation of reports.

Proposed amendment
Add (h) (4): **"safeguards for the confidentiality of the reporter."**

Rationale
Key Just Culture principles should be reflected here.

response

Accepted.

This important consideration will be added.

New text:

(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. '

3. Proposed amendments — 3.10. Draft AMC/GM (Draft EASA Decision) — Part-ORA: SUBPART GEN — GENERAL REQUIREMENTS, SECTION I — GENERAL, GM1 ORA.GEN.160(a) Occurrence reporting p. 38-40

comment

50 comment by: *Bavarian Aviation Authority*

A final report must be submitted within 3 months of the event. In our opinion, however, a profound and comprehensive analysis is preferable. The considered time frame, although only provided as guidance material may lead to rushed reports and solutions. Depending on the complexity of the event and required evaluations, questioning of persons involved, discussions with manufacturers, experiments, tests, inspections and the checking of processes for instance, the report is likely to take longer than the demanded three months. If an urgent need for action is identified shortly after an incident or during the evaluation (due to hazards and risks being identified), immediate action must be taken irrespective of the completion of the report.

A detailed and conscientious evaluation of an incident should not be jeopardized due to time constraints.

Same applies to:
GM1 ORO.GEN.160(a)
GM1 ADR.OR.D.030
GM2 ATCO.OR.B.040

response

Noted.

As a minor point of clarification, the 90 days is from the point at which the organisation is notified of the occurrence, not from when it first happened. In addition, we invite you to consider the Commission guidance material:

'Whereas organisations are encouraged to provide complete analysis and follow-up as soon as available and, in principle, no later than three months after the occurrence notification, it is recognised that analysing an occurrence may take longer than three months, especially in the event of a complex investigation or where the services of a specialist investigator are required.

The follow up requirements are not intended to jeopardise the quality and thoroughness of an occurrence analysis. It may be detrimental to safety if rushed in order to be completed within the encouraged three months period without properly establishing root cause and determining relevant remedial action.'

(see pages 44 and 45)

comment

106 comment by: *UK CAA*

Page No: 39

Paragraph No: GM1 ORA.GEN.160(a), sub-paragraphs (f) & (g)

Comment: We believe the interpretation of 376/2014 provided as guidance material is misleading. The statement in sub-paragraph (g) that both mandatory and voluntary reports should be transmitted to the competent authority within 30 days misses the significant point that only voluntary reports "which may involve an actual or potential aviation safety risk" (Art 5.5) should actually be transmitted.
The description does not include the initial transmission of occurrence reports to the competent authority within 72 hours. It is proposed that including this initial step improves clarity.

Justification: The NPA text could result in an organisation transmitting all its internal safety reports to the competent authority which would overload the national systems. Currently approx 10% of the internal reports submitted are subsequently sent to the UK CAA. i.e. this text could result in a ten-fold increase in the number of occurrences received by the competent authority. It should be noted that any safety-related internal reports received by an organisation can be considered as "voluntary reports" under 376/2014, regardless of their significance, as it is the perception of the reporter that defines this (Art 5.1). It is important that organisations understand they have a role to decide which of the voluntary reports they receive "may involve an actual or potential aviation safety risk" (Art5.5). It is only these voluntary reports that should be transmitted to the competent authority.

Proposed Text: Amend sub-paragraphs (f) and (g) to read as follows:
"(f) Organisations are required to:
1) Transmit mandatory occurrences (listed in Regulation (EU) 2015/1018) to the competent authority as soon as possible, and no later than 72 hours after becoming aware of the occurrence;
2) Transmit voluntary occurrences, that may be an actual or potential hazard to aviation safety, to the competent authority in a timely manner;
3) identify the safety hazards associated with identified occurrences or groups of occurrences (cf. Article 13(1));
4) analyse the related risks in terms of likelihood and severity of the outcome, as well as assess risks in terms of tolerability;
5) based on the result of the risk assessment, determine the need for mitigation action, as required for improving aviation safety (cf. Article 13(2)); and
6) monitor the timely implementation and effectiveness of any mitigation action required (cf. Article 13(2)).
(g) In addition to the actions required under paragraph (f) above, organisations are required to ensure that the following information is transmitted to the competent authority within 30 days from the date of notification of the occurrence (both mandatory reports and voluntary reports **that may be an actual or potential hazard to aviation safety**) (cf. Article 13(4)):
1) the preliminary results of the risk analysis performed; and
2) any mitigation action to be taken.
Furthermore, organisations are required to ensure that the final results of the risk analysis, where required, are transmitted to the competent authority as soon as they are available and, in principle, no later than 3 months from the date of notification of the occurrence to the authority (cf. Article 13(4))."

response

Accepted.

The GM text and equivalent GM text to the other annexes to the delegated and implementing acts of the EASA Basic Regulation will be amended as proposed to clarify that the established timelines only apply to mandatory reports and that follow-up requirements only apply to mandatory occurrence reports and voluntary occurrence reports that represent an actual or potential risk to aviation safety (see Article 13 points (4) and (5)).

comment

208 comment by: *Laura Paulais*

The FNAM would like to highlight some inconsistencies with the regulation n° 376/2014 :

Point 1:
In the paragraph (e) of this guidance material, the FNAM would like to remind that the "organisations are required to store occurrence reports qualifying for mandatory and voluntary reporting in one or more databases" as defined in Article 6(5) and not in Article 4(5) as it is written in this NPA.

Point 2:
In the paragraph (f) of this guidance material, based on the result of the risk assessment, organisations are required to determine the need for mitigation action, as required for improving aviation safety as stated in Article 13(1) and not in Article 13(2).

Point 3:
In the paragraph (h), the FNAM would like to underline that this paragraph should also refer to the paragraph 10 of the Article 16 of the regulation EU n°376/2014. Indeed the fact that the protection under paragraphs 6, 7 and 9 of the Article 16 of the regulation EU n° 376/2014 shall not apply to any of the following situations:
"(a) in cases of wilful misconduct;
(b) where there has been a manifest, severe and serious disregard of an obvious risk and profound failure of professional responsibility to take such care as is evidently required in the circumstances, causing foreseeable damage to a person or property, or which seriously compromises the level of aviation safety."

This information should be in the paragraph (h) of this GM for a better understanding.

response

Accepted.

The GM will be corrected as proposed in Points 1 and 2 and the additional text proposed in Point 3 will be included.

comment

293 comment by: *CAE*

The GM does not introduce any new material which would provide guidance on how to implement the regulation – it generally seems to just replicate the contents of OR.GEN.160. For example sub-para (e) merely refers to 'data quality checking' again without providing any more guidance than mere use of this phrase in the regulation.

Suggest delete in toto.

response

Partially accepted.

The purpose of the GM is to clarify the meaning of occurrence-reporting system compliant with Regulation (EU) No 376/2014. However, the GM will be amended to reflect the guidance on data quality checking defined in the Commission guidance material:

'It is understood that data quality checking processes should address four main areas:

- Errors in data entry
- Completeness of data, specially referring to mandatory data
- Proper use of the ADREP taxonomy
- Improve data consistency, notably between the information collected initially and the report stored.'

In addition to this, ECCAIRS itself has logical data quality rules to ensure that the coding is complete and not contradictory. These may be installed and used by ECCAIRS users.

comment

320 comment by: *European Cockpit Association*

3.10.3. GM1 ORA.GEN.160(a) point (h)

"As part of their safety policy, organisations, after consulting staff representatives, are required to adopt rules describing how 'just culture' principles are guaranteed and implemented within the organisation."

Comments:
In many organisations disputes occurred on the definition of 'staff representatives' (in the context of FDM, FSAG etc.).

the text gives too much room for unilateral decision-making

Proposed amendment
"As part of their safety policy, organisations, after consulting staff representatives **nominated either by the union or the flight crew themselves**, ~~are required~~ **should mutually agree** ~~to~~ **and** adopt rules describing how 'just culture' principles are guaranteed and implemented within the organisation.

Rationale:
Wording taken from AMC1 ORO.AOC.130.(k)

Just Culture is by essence collaborative and staff organisations must have their say to create buy-in and trust. Consultating is not good enough in ECA's view.

response

Partially accepted.

The text proposed in this comment is relevant for the existing point (k) of AMC1 ORO.AOC.130 dealing with flight data monitoring; however, the scope of ORO.GEN.160 is much wider.

	The provisions of ORO.GEN.160 do not apply exclusively to flight crew, therefore a reference to 'representatives nominated by … the flight crew themselves' would not be appropriate. The following alternative text is proposed: 'Safety policy and just culture: after consulting staff representatives, ensuring mutual agreement on and adoption of rules describing how 'just culture' principles are guaranteed and implemented within the organisation. Note 1: The purpose of those rules is to ensure that employees and contracted personnel that report or are mentioned in occurrence reports, both mandatory or voluntary, are not subject to any prejudice by their employer or any other organisation for which the services are provided on the basis of the information supplied by the reporter (see Article 16(9)), unless an exception applies (see Article 16(10)). Note 2: Staff representatives may be nominated either by the union(s) or by the staff themselves.'
comment	*347* comment by: *AESA* To GM1 ORA.GEN.160 (a) point (g): Article 13.4 from Reg 376/2014 limits this information "Where an organisation established in a Member State […] identifies an actual or potential aviation safety risk as a result of its analysis of occurrences or group of occurrences". The proposed wording suggests this information should be sent for ALL the occurrences. The above qualifier should be introduced.
response	Refer to the response to comment No 106.
comment	*352* comment by: *AESA* To GM1 ORA.GEN.160 (a) point (f): 376/2014 do not compel to use any type of scheme. The wording should be more general.
response	Not accepted. The GM does not suggest that a specific scheme must be used. The wording in this GM considers existing provisions under the organisation's management system as defined in ORA.GEN.200 and the related AMC (see AMC1 ORA.GEN.200(a)(3) point (b)). The actions required by Regulation (EU) No 376/2014 in relation to hazard identification and risk assessment are to be performed as an integral part of the organisation's management system.

3. Proposed amendments — 3.10. Draft AMC/GM (Draft EASA Decision) — Part-ORA: SUBPART GEN — GENERAL REQUIREMENTS, SECTION II — MANAGEMENT, GM1 ORA.GEN.200(a)(1);(2);(3);(5) Management system p. 41

comment	*143* comment by: *Swedish Transport Agency, Civil Aviation Department (Transportstyrelsen, Luftfartsavdelningen)* **AMC1 ORA.GEN.200(a)(2) Management system** Regarding 6 (b) (5) here at page 41 there is no reference to 376/2014. However, when reading page 51and the similar writing there (5, b, 5) there is a reference to 376/2014. Why does it differ?
response	Noted. For Part-ORA, the AMC proposed considers that there may be organisations that are not subject to Regulation (EU) No 376/2914, (organisations established in a third country), therefore the reference to that Regulation is only included in GM1 ORA.GEN.200(a)(1);(2);(3);(5). As Part-ORO only applies to organisations subject to Regulation (EU) No 376/2914, the reference is included at AMC level.

3. Proposed amendments — 3.10. Draft AMC/GM (Draft EASA Decision) — Part-ORA: SUBPART GEN — GENERAL REQUIREMENTS, SECTION II — MANAGEMENT, AMC1 ORA.GEN.200(a)(2) Management system p. 41

comment	*322* comment by: *European Cockpit Association* 3.10.6. AMC1 ORA.GEN.200(a)(2) (b)(5)(i) "to attribute blame or liability to someone for reporting something that would not have been otherwise detected;" Comment: the wording not consistent with Article 16 of Regulation (EU) No 376/2014 nor the definition of just culture. Proposed amendment to be replaced by **"to attribute blame or liability to front line operators or other persons for actions, omissions or decisions taken by them that are commensurate with their experience and training."** Rationale The existing wording may imply that 'just culture' principles do not apply if the operator has detected the occurrence by alternative means (FDM, other reports etc.).
response	Accepted. The text will be aligned with Article 16 of Regulation (EU) No 376/2014. New point (b)(5): 'to 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 operators 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.'

3. Proposed amendments — 3.10. Draft AMC/GM (Draft EASA Decision) — Part-ORA: SUBPART GEN — GENERAL REQUIREMENTS, SECTION II — MANAGEMENT, GM1 ORA.GEN.200(a)(2) Management system p. 42

comment

144 comment by: *Swedish Transport Agency, Civil Aviation Department (Transportstyrelsen, Luftfartsavdelningen)*

at page 42 just culture is mentioned (7 (c)) however at page 52 there is no bullet point c with the same remark, what is the reason for this?

response

Accepted.

GM1 ORO.GEN.200(a)(2) will be aligned with GM1 ORA.GEN.200(a)(2) by adding a new point (c) as follows:

'Regulation (EU) No 376/2014 defines the 'just culture' principles to be applied (refer in particular to Article 16(11) thereof).'

3. Proposed amendments — 3.11. Draft Regulation (Draft EASA Opinion) — Part-ARO: SUBPART GEN — GENERAL REQUIREMENTS, SECTION I — GENERAL, ARO.GEN.125 Information to the Agency p. 42

comment

145 comment by: *Swedish Transport Agency, Civil Aviation Department (Transportstyrelsen, Luftfartsavdelningen)*

at page 42 1 (b) should it be 376/2014 AND its implementing rules? In the NPA there is a an inconsistence, sometimes only 376/2014 is mentioned and sometimes it is written "376/2014 and its implementing rules", we believe it to be better to chose one of the options when writing.

response

Accepted.

The text will be reviewed to always refer to 'Regulation (EU) No 376/2014 and its delegated and implementing acts.

The text in ARO.GEN.125 and ARO.GEN.135 will be further amended to consider NPA comments asking for closer alignment with Regulation (EU) No 376/2014.

comment

342 comment by: *AESA*

To ARO.GEN.125 (b):

	This is directly regulated by Article 9.3 of 376/2014. This paragraph should be eliminated in order to harmonize with this regulation, or at least use 'In accordance with 376/2014' instead of 'Without prejudice'. The present wording seems to show a different way from that provided for in Reg. 376/2014. Besides this, it is not taking into account similar provisions to provide information from the Agency to the MS and among MS as 376/2014 has established.
response	Refer to the response to comment No 332.

3. Proposed amendments — 3.11. Draft Regulation (Draft EASA Opinion) — Part-ARO: SUBPART GEN — GENERAL REQUIREMENTS, SECTION I — GENERAL, ARO.GEN.135 Immediate reaction to a safety problem p. 42-43

comment	*343* comment by: *AESA* To ARO.GEN.135 (a): This is directly regulated by Article 9.3 of 376/2014. This paragraph should be eliminated in order to harmonize with this regulation, or at least use 'In accordance with 376/2014' instead of 'Without prejudice'.
response	Refer to the response to comment No 332.

3. Proposed amendments — 3.12. Draft Regulation (Draft EASA Opinion) — Part-ORO: SUBPART GEN — GENERAL REQUIREMENTS, SECTION I — GENERAL, ORO.GEN.160 Occurrence reporting p. 44

comment	*193* comment by: *German NSA (BAF)* Page 44: 3.12.1 ORO.GEN.160 Occurrence reporting (b) The operator shall report to the competent authority and any other organisation required by the State of the operator to be informed: (1) any safety-related event or condition that endangers or, if not corrected or addressed, could endanger flight safety. Proposal: It is proposed to amend b into "The operator shall report to the competent authority, **the competent authority within the state of occurrence** and any other organisation required by the State of the operator to be informed: (1) any safety-related event or condition that endangers or, if not corrected or addressed, could endanger flight safety."
response	Not accepted. Article 9(3) already requires the sharing of this information at competent authority (Member State and EASA) level. This is for cases where an occurrence is either: — of interest to the other Member States or EASA; or — possibly requiring safety action to be taken by the other Member States or EASA.

	The Commission, EASA and Member States are considering ways to further improve this exchange of information.
comment	*232* comment by: *KLM* By adding subpara (b) and (c) to ORO.GEN.160 additional reporting requirements in respect to EU 376/2014 are created. For legal certainty all requirements related to occurrence reporting should be in one Regulation; the EU 376/2014. All other Regulations should refer to EU 376/2014. If it is felt necessary to amend the occurrence requirements, EU 376/2014 (or EU 2015/1018) should be amended. Delete paragraphs (b) and (c) completely. Refer only to EU 376/2014.
response	Refer to the response to comment No 230.
comment	*284* comment by: *Austro Control* 1) Page No. 33-34, 44, 54, 64 2) Paragraph No. 3.8, 3.12, 3.16, 3.20 3) Comment The requirements of ORA.GEN.160, ORO.GEN.160, ADR.OR.C.030, ATM/ANS.OR.A.065, ATCO.OR.B.040 (a) and (b) are contradicting. 4) Justification Contradiction of (a) to (b)(1) in those cases, where the competent authorities for 376/2014 and for 216/2008 are different. (see comment on 2.4) 5) Proposal (new proposed text, etc.) See proposal in comment to 2.4.
response	Not accepted. A State has the prerogative to decide to which of the existing authorities the competences on 'establishing a mechanism to independently collect, evaluate, process, analyse and store details of occurrences reported pursuant to Regulation (EU) No 376/2014 Articles 4 (MOR) and 5 (VOR)' should be allocated. Competences are already established as per the applicable Regulations (Regulation (EU) No 376/2014 and the EASA Basic Regulation and its delegated and implementing acts). It is therefore not proposed to further specify references to 'competent authority' as part of this RMT. Safety promotion material on the coordination between competent authorities will however be provided.
comment	*355* comment by: *AESA* To ORO.GEN.160 (d): Without prejudice to paragraphs (b) and (c) above, the operator shall consider additional reporting requirements for occurrences related to the transport of dangerous goods, as laid

down in the relevant requirements of the applicable Annexes to this Regulation (Annex IV (Part-CAT), Annex VI (Part-NCC), Annex VII (Part-NCO), and Annex VIII (Part-SPO)).

There is no consistency with 376/2014. In Reg. 1018/2015 it states “Carriage or attempted carriage of dangerous goods in contravention of applicable legislations including incorrect labelling, packaging and handling of dangerous goods”. This wording could mean two reports. How can the organisation fulfill ECCAIRS, ADREP requirements and e.g. AMC1 CAT.GEN.MPA.200(e) format with only one report?
This parallel occurrence reports formats and systems leads to duplication of reports, suppose confusion and legal uncertainty

response

Not accepted.

ORO.GEN.160 deals with all reporting (it is placed in Subpart GEN: General requirements of Part-ORO) and adding point (d) is necessary to specify that, for dangerous goods, there are additional requirements to the general ones.

The requirements in Air OPS establish a template that does not currently exist in the Technical Instructions, facilitating compliance. However, the template is not mandatory in itself, it is the information contained in it that is mandatory:

AMC1 CAT.GEN.MPA.200(e), point (f) states:

‘The following dangerous goods reporting form should be used, but other forms, including electronic transfer of data, may be used provided that at least the minimum information of this AMC is supplied.’

Therefore, the requirements in Regulation (EU) No 376/2014 and those in the AMC to CAT.GEN.MPA.200 are compatible and should not result in duplicating the system. The reporter just needs to ensure that all the requirements established in the Air OPS rules are complied with while reporting (e.g. to ensure that information that is required in the AMC to CAT.GEN.MPA.200 is included when reporting through ECCAIRs). The Commission and EASA have developed reporting means supporting Regulation (EU) No 376/2014, including a dangerous goods-specific form that organisations could easily integrate in their processes to provide compliance with both sets of requirements with a single reporting system/report.

3. Proposed amendments — 3.13. Draft AMC/GM (Draft EASA Decision) — Part-ARO: SUBPART GEN — GENERAL REQUIREMENTS, SECTION I — GENERAL, AMC1 ARO.GEN.125(b) Information to the Agency p. 45

comment

323 comment by: *European Cockpit Association*

3.13.1. AMC1 ARO.GEN.125(b)

2. (a) "a conclusive safety analysis which summarises individual occurrence data and provides an in-depth analysis of a safety issue, and which may be relevant for the Agency's safety action planning;"

Comment: similar to 3.2.5. GM1 21.B.45(c) (a)

	Proposed amendment: similar to 3.2.5. GM1 21.B.45(c) (a) Rationale: similar mechanism than GM3 ARA.GEN.125(b), page 36.
response	Refer to the response to comment No 313.

3. Proposed amendments — 3.13. Draft AMC/GM (Draft EASA Decision) — Part-ARO: SUBPART GEN — GENERAL REQUIREMENTS, SECTION II — MANAGEMENT, GM1 ARO.GEN.200 Management system p. 46

comment	*126* comment by: *Romanian CAA* Para. (a)(3) analyse a situation which, however, represents an exception from Regulation 376/2014, which in Art. 4(8) states that organizations must report to competent authority for Regulation 376/2014. Consequently, in addition to GM mentioned above, we believe it would be useful to include in these GM some clarifications on the implementation of Art. 6(10) of Regulation 376/2014, in order to avoid misinterpretation in the process of adapting the internal procedures and protocols of cooperation between authorities.
response	Refer to the response to comment No 125.

comment	*149* comment by: *Swedish Transport Agency, Civil Aviation Department (Transportstyrelsen, Luftfartsavdelningen)* see our comment on page 9 regarding that AMC/GM should be written as guidance and hence these sentences should be rewritten or moved to the regulation.
response	Refer to the response to comment No 153.

3. Proposed amendments — 3.14. Draft AMC/GM (Draft EASA Decision) — Part-ORO: SUBPART GEN — GENERAL REQUIREMENTS, SECTION I — GENERAL, AMC1 ORO.GEN.160(b) Occurrence reporting p. 47-48

comment	*194* comment by: *German NSA (BAF)* Page 48: AMC1 ORO.GEN.160(b) Occurrence reporting (d) (4) organisations responsible for the design of aerodrome equipment or air traffic management (ATM)/ANS systems and constituents. Proposal: Please add here: "…for the design and maintenance of… constituents" and add as an example "…(such as CNS-, AIS-providers)". It is essential that these organisations are particularly mentioned.

	Otherwise we will face a gap in the AMC where we as an authority have difficulties to address the respective organisations requiring them to report their incidents correctly.
response	Refer to the response to comment No 192.

comment	*209* comment by: *Laura Paulais* The FNAM thinks it is a good idea to introduce the concept of interfaces with other organisations regarding the reporting. For a better understanding, the FNAM suggests the EASA to put the examples stated in the paragraph (c) and (d) in a GM and not in an AMC. Indeed, those paragraphs are means to assist the user in complying with the ORO.GEN.160 and not real means of compliance. Besides, the FNAM would like to remind the EASA that the requirement stated in the paragraph (d) can be an administrative burden for operators.
response	Refer to the response to comment No 207.

3. Proposed amendments — 3.14. Draft AMC/GM (Draft EASA Decision) — Part-ORO: SUBPART GEN — GENERAL REQUIREMENTS, SECTION I — GENERAL, GM1 ORO.GEN.160(a) Occurrence reporting p. 49-50

comment	*107* comment by: *UK CAA* **Page No:** 49 **Paragraph No:** GM1 ORO.GEN.160(a), sub-paragraphs (f) & (g) **Comment:** We believe the interpretation of 376/2014 provided as guidance material is misleading. The statement in sub-paragraph (g) that both mandatory and voluntary reports should be transmitted to the competent authority within 30 days misses the significant point that only voluntary reports "which may involve an actual or potential aviation safety risk" (Art 5.5) should actually be transmitted. The description does not include the initial transmission of occurrence reports to the competent authority within 72 hours. It is proposed that including this initial step improves clarity. **Justification:** The NPA text could result in an organisation transmitting all its internal safety reports to the competent authority which would overload the national systems. Currently approx 10% of the internal reports submitted are subsequently sent to the UKCAA. i.e. this text could result in a ten-fold increase in the number of occurrences received by the competent authority. It should be noted that any safety-related internal reports received by an organisation can be considered as "voluntary reports" under 376/2014, regardless of their significance, as it is the perception of the reporter that defines this (Art 5.1). It is important that organisations understand they have a role to decide which of the voluntary reports they receive "may involve an actual or potential aviation safety risk" (Art5.5). It is only these voluntary reports that should be transmitted to the competent authority. **Proposed Text:** Amend sub-paragraphs (f) and (g) to read as follows:

"(f) Organisations are required to:
1) Transmit mandatory occurrences (listed in Regulation (EU) 2015/1018) to the competent authority as soon as possible, and no later than 72 hours after becoming aware of the occurrence;
2) Transmit voluntary occurrences, that may be an actual or potential hazard to aviation safety, to the competent authority in a timely manner;
3) identify the safety hazards associated with identified occurrences or groups of occurrences (cf. Article 13(1));
4) analyse the related risks in terms of likelihood and severity of the outcome, as well as assess risks in terms of tolerability;
5) based on the result of the risk assessment, determine the need for mitigation action, as required for improving aviation safety (cf. Article 13(2)); and
6) monitor the timely implementation and effectiveness of any mitigation action required (cf. Article 13(2)).
(g) In addition to the actions required under paragraph (f) above, organisations are required to ensure that the following information is transmitted to the competent authority within 30 days from the date of notification of the occurrence (both mandatory reports and voluntary reports **that may be an actual or potential hazard to aviation safety**) (cf. Article 13(4)):
1) the preliminary results of the risk analysis performed; and
2) any mitigation action to be taken.
Furthermore, organisations are required to ensure that the final results of the risk analysis, where required, are transmitted to the competent authority as soon as they are available and, in principle, no later than 3 months from the date of notification of the occurrence to the authority (cf. Article 13(4))."

response

Accepted.

Refer to the response to comment No 106.

comment

233 comment by: *KLM*

1. As this AMC contains the verb 'may', the content of this AMC should be transferred into a GM.

2. By adding this AMC additional reporting requirements in respect to EU 376/2014 are created. For legal certainty all requirements related to occurrence reporting should be in one Regulation; the EU 376/2014. All other Regulations should refer to EU 376/2014. If it is felt necessary to amend the occurrence requirements, EU 376/2014 (or EU 2015/1018) should be amended.
Delete this AMC completely. Refer only to EU 376/2014.

response

Point 1: Accepted.

The AMC points (b) and (d) will be transferred to the new GM1 ORA.GEN.160(b) and the same changes will be made to the equivalent AMC to the Annexes to delegated and implementing acts of the EASA Basic Regulation. Point(c) will be reviewed to better reflect the case of ATOs

Point 2: Refer to the response to comment No 230.

comment	*324* comment by: *European Cockpit Association* 3.14.3. GM1 ORO.GEN.160(a) (h) "As part of their safety policy, organisations, after consulting staff representatives, are required to adopt rules describing how 'just culture' principles are guaranteed and implemented within the organisation." Comment: Same as 3.10.3. GM1 ORA.GEN.160(a) (h) Proposed amendment: similar to 3.10.3. GM1 ORA.GEN.160(a) (h) Rationale: Same as 3.10.3. GM1 ORA.GEN.160(a) (h)
response	Refer to the response to comment No 320.

comment	*348* comment by: *AESA* To GM1 ORO.GEN.160(a) point (g): Article 13.4 from Reg 376/2014 limits this information "Where an organisation established in a Member State […] identifies an actual or potential aviation safety risk as a result of its analysis of occurrences or group of occurrences". The proposed wording suggests this information should be sent for ALL the occurrences. The above qualifier should be introduced.
response	Accepted. The GM will be amended as suggested. Refer to the response to comment No 106.

comment	*353* comment by: *AESA* To GM1.ORO.GEN.160 (a) point (f): 376/2014 do not compel to use any type of scheme. The wording should be more general.
response	Refer to the response to comment No 352.

comment	*359* comment by: *IATA* GM1 ORO.GEN.160(a) - subpoint (g) IATA Comment: Under point (g), Organisation are required to feedback final risk analysis as soon as available, but not later than 3 month. In practice, this limit is hard to fulfill, since a final risk analysis is based on several time intensive steps. This requirement is also laid down in Regulation 376 (§13 point 4) however not a very realistic timeframe takeing into account the typical airline processes. Therefore IATA is proposing the below: (g) In addition to the actions required under paragraph (c) above, organisations are required to ensure that the following information is transmitted to the competent authority within

30 days from the date of notification of the occurrence (both mandatory and voluntary reports) to the authority (cf. Article 13(4)):
(1) the preliminary results of the risk analysis performed; and
(2) any mitigation action to be taken

Furthermore, organisations are required to ensure that the final results of the risk analysis, where required, are transmitted to the competent authority as soon as they are available. ~~and, in principle, no later than 3 months from the date of notification of the occurrence to the authority (cf. Article 13(4))~~.

response

Noted.

The 90 days is from the point at which the organisation is notified of the occurrence, not from when it first happened. In addition, we refer you to the Commission guidance material:

'Whereas organisations are encouraged to provide complete analysis and follow-up as soon as available and, in principle, no later than three months after the occurrence notification, it is recognised that analysing an occurrence may take longer than three months, especially in the event of a complex investigation or where the services of a specialist investigator are required.

The follow up requirements are not intended to jeopardise the quality and thoroughness of an occurrence analysis. It may be detrimental to safety if rushed in order to be completed within the encouraged three months period without properly establishing root cause and determining relevant remedial action.'

(see pages 44 and 45)

3. Proposed amendments — 3.14. Draft AMC/GM (Draft EASA Decision) — Part-ORO: SUBPART GEN — GENERAL REQUIREMENTS, SECTION II — Management, AMC1 ORO.GEN.200(a)(1);(2);(3);(5) Management system p. 50-51

comment

210 comment by: *Laura Paulais*

The FNAM would like to highlight some inconsistencies with the regulation n° 376/2014 :
In the paragraph (e) of this guidance material, the FNAM would like to remind that the "organisations are required to store occurrence reports qualifying for mandatory and voluntary reporting in one or more databases" as defined in Article 6(5) and not in Article 4(5) as it is written in this NPA.

In the paragraph (f) of this guidance material, based on the result of the risk assessment, organisations are required to determine the need for mitigation action, as required for improving aviation safety as stated in Article 13(1) and not in Article 13(2).

In the paragraph (h), the FNAM would like to underline that this paragraph should also refer to the paragraph 10 of the Article 16 of the regulation EU n°376/2014. Indeed the fact that the protection under paragraphs 6, 7 and 9 of the Article 16 of the regulation EU n° 376/2014 shall not apply to any of the following situations:
"(a) in cases of wilful misconduct;

	(b) where there has been a manifest, severe and serious disregard of an obvious risk and profound failure of professional responsibility to take such care as is evidently required in the circumstances, causing foreseeable damage to a person or property, or which seriously compromises the level of aviation safety." This information should be in the paragraph (h) of this GM for a better understanding.
response	Accepted. Refer to the response to comment No 208.

comment	*325A* comment by: *European Cockpit Association* 3.14.4. AMC1 ORO.GEN.200(a)(1);(2);(3);(5) (e)(3) (i) "to attribute blame or liability to someone for reporting something that would not have been otherwise detected;" Comment: Same as 3.10.6. AMC1 ORA.GEN.200(a)(2) (b)(5)(i) Proposed amendment: Same as 3.10.6. AMC1 ORA.GEN.200(a)(2) (b)(5)(i) Rationale: similar to 3.10.6. AMC1 ORA.GEN.200(a)(2) (b)(5)(i)
response	Refer to the response to comment No 322.

comment	*325B* comment by: *European Cockpit Association* 3.14.4. AMC1 ORO.GEN.200(a)(1);(2);(3);(5) point (e)(3) (ii) "for any purpose other than the maintenance or improvement of aviation safety." Comment: this is not consistent with Reg. 376/2014. Proposed amendment: "for any purpose other than the maintenance or improvement of aviation safety **provided this information is de-identified."**
response	Partially accepted. De-identification of the information is just one of the safeguards. Appropriate management of the information, its storage, security measures etc. are also part of those safeguards according to Regulation (EU) No 376/2014. This AMC deals with the organisation's safety policy. It is considered not to be the right place to address de-identification of reports. Also, there may be cases where personal details will need to be made available for the needs of the investigation (see Regulation (EU) No 376/2014 Article 16(2)). It is proposed to address Article 16 obligations more explicitly in guidance explaining the features of an occurrence-reporting system compliant with Regulation (EU) No 376/2014.

3. Proposed amendments — 3.14. Draft AMC/GM (Draft EASA Decision) — Part-ORO: SUBPART GEN — GENERAL REQUIREMENTS, SECTION II — Management, AMC1 ORO.GEN.200(a)(2) Management system p. 51-52

comment	*327* comment by: *European Cockpit Association* 3.14. 4 & 5 "to attribute blame or liability to someone for reporting something that would not have been otherwise detected;" Comment: this is not consistent with Reg. 376/2014. This implicates that IF it is detected otherwise this information can be used anyway. Proposed amendment: "to attribute blame or liability to someone for reporting something ~~**that would not have been otherwise detected**~~;" Rationale: it is of no importance if the occurrence is detected otherwise.
response	Refer to the response to comment No 322.

Comment	*361* comment by: *European Cockpit Association* 3.14.5. AMC1 ORO.GEN.200(a)(2) (b)(5)(i) “to attribute blame or liability to someone for reporting something that would not have been otherwise detected;” Comment: same as 3.10.6. AMC1 ORA.GEN.200(a)(2) (b)(5)(i) Proposed amendment: same as 3.10.6. AMC1 ORA.GEN.200(a)(2) (b)(5)(i) Rationale: similar to 3.10.6. AMC1 ORA.GEN.200(a)(2) (b)(5)(i)
response	Refer to the response to comment No 322.

3. Proposed amendments — 3.14. Draft AMC/GM (Draft EASA Decision) — Part-ORO: SUBPART AOC — AIR OPERATOR CERTIFICATION, AMC1 ORO.AOC.130 Flight data monitoring — aeroplanes p. 52

comment	*134* comment by: *Federal Office of Civil Aviation (FOCA), Switzerland* *Comment FOCA to AMC1 ORO.AOC.130:* **Proposed amendment:** (g) ...If this is not the case, then the flight crew ~~should~~ shall be requested to submit a retrospective report.

response	Not accepted. 'Shall' cannot be used in AMC. It is reserved for delegated and implementing acts.
comment	*159* comment by: *NetJets Europe* Propose to change (g) to: *"(g) A retrospective safety report should be requested from the crew for events detected by FDM and if deemed significant by the operator in accordance with its risk management practices."* The concern is that the term 'significant risk-bearing' is used to define events which are subject to mandatory occurrence reporting. Article 4 of EU 376/2014 states that: *"Occurrences which may represent a significant risk to aviation safety and which fall into the following categories shall be reported by the persons listed in paragraph 6 through the mandatory occurrence reporting systems […]"* It is vital to disassociate the idea of retrospective safety reports requested for events detected by FDM and mandatory occurrence reporting schemes. Whereas, FDM is a 'black and white' system for detecting events, a mandatory occurrence reporting scheme is subject to awareness of and interpretation by the crew of the reportable event. Therefore, applying a 'mandatory' context to events detected by FDM will have a detrimental effect on the fundamental spirit of such a programme vis-a-vis the crew. Crew will feel pursued by FDM if they find that they are being asked to submit safety reports for every detected event that falls under the mandatory occurrence criteria, most of which they may never have even been aware of during the flight. The opinion is, the process of how additional data (complementary to FDM) is obtained must depend on the operator considering for instance, its existing safety reporting processes, level of FDM maturity, safety culture, etc. Naturally, this varies from operator to operator as does their needs in terms of risk management. The purpose of including in the proposal a reference to an operator's risk management practices is exactly to allow risk management (particularly risk assessment, in this case) to come into play when an operator establishes its policy with respect to a retrospective safety report, rather than an 'imposed' requirement for all events. The policy may vary from operator to operator depending on their risk profile and the wider context of their other risk management practices and safety culture.
response	Accepted. This point in the AMC deals with 'significant risk-bearing FDM events', not with mandatory occurrence reports. However, there seems to remain a risk of confusion coming from the use of the word 'report', which is associated with the mandatory occurrence reporting. Point (g) is about the internal analysis of significant FDM events by the operator. The 'report' an operator needs for this purpose may take any form possible. What matters is to get the contextual information necessary for a better analysis of significant FDM events. The text in point (g) will therefore be amended in line with the points made in this comment, to read:

	'(g) Significant risk-bearing FDM events should be analysed in the framework of the operator's management system. For this purpose, whenever necessary, request for feedback should be made to the flight crew after a significant risk-bearing FDM event. Such requests for feedback should be made in compliance with the procedure described in (k).'
comment	*362* comment by: *European Cockpit Association* 3.14.7 AMC1 ORO.AOC.130 (g) "Significant risk-bearing FDM events should normally be the subject of reporting by the flight crew for analysis in the framework of the operator's management system. If this is not the case, then the flight crew should be requested to submit a retrospective report." Proposed amendment "If this is not the case, then the flight crew should be **informed of the reportable event and** requested **by the safety manager** to submit a retrospective report." Rationale It is in the best interest of an organisation safety-wise to seek further information on 'significant risk-bearing FDM event'. Therefore, an organisation should be required to do so. If the event is of such nature to be mandatorily reportable in accordance with Regulation (EU) No 376/2014, there is no need for the operator to request the report (it is already requested by regulation). Additionally, the event may not be mandatorily reportable, but the crew may decide to file a voluntary report after learning of the event. This should be an initiative of the safety manager and not the operational manager to prevent disciplinary initiatives or intentions.
response	Accepted. Refer to the response to comment No 159.

3. Proposed amendments — 3.15. Draft Regulation (Draft EASA Opinion) — Part-ADR.AR: SUBPART A — GENERAL REQUIREMENTS (ADR.AR.A), ADR.AR.A.025 Information to the Agency p. 53

comment	*115* comment by: *ACI Europe* General Observation: Airports should be entitled to view/access any reports concerning their respective ADR that have been filed in the database. A corresponding procedure for this purpose should be developed. Meeting the requirements for analysis can be highly challenging (especially where German airports are concerned but could affect ADRs in other member states also). While information from the federal/state police, the federal/state prosecutor's office and the German Federal Bureau of Aircraft Accident Investigation (BFU) would be particularly well suited for this purpose, the information will only become available after publication of investigation reports.
response	Noted.

	EASA's understanding is that the comment refers to access to the content of the ECR. In this case, access to such information is subject to the provisions of Regulation (EU) No 376/2014. In particular, Article 10 (2) of the said Regulation foresees that 'interested parties established within the Union shall address requests for information to the point of contact of the Member State in which they are established.' This practically means that an aerodrome operator may have access to reports concerning its aerodrome. The analysis of events by the aerodrome operators should take place in line with the applicable provisions. The way in which the civil aviation investigation authorities handle the information regarding accidents and incidents is regulated in Regulation (EU) No 996/2010 on the investigation and prevention of accidents and incidents in civil aviation. This is outside the scope of this rulemaking task, which is the alignment of the delegated and implementing acts of the EASA Basic Regulation with the relevant provisions of Regulation (EU) No 376/2014.
comment	*138* comment by: *UAF (Union des Aéroports Français)* UAF comments UAF fully support this rule. Each State need to have his own level of analysis or assessment to identify "safety-significant information". It is the first step to have a first level of information to share with airport operators. This data base will help airport operators to build their own and local risk assessment map with feedback information from State (CAA). A centralized data risk assessment allows also a common view and language between airport operators and CAA and leads to optimize communication and resources in both sides.
response	Noted.
comment	*146* comment by: *Swedish Transport Agency, Civil Aviation Department (Transportstyrelsen, Luftfartsavdelningen)* at page 53 1(b) should it be 376/2014 AND its implementing rules? In the NPA there is a an inconsistence, sometimes only 376/2014 is mentioned and sometimes it is written "376/2014 and its implementing rules", we believe it to be better to chose one of the options when writing.
response	Refer to the response to comment No 145.
comment	*170* comment by: *daa - Dublin & Cork airports* General Observation: All airports should be entitled to view any reports concerning their ADR that have been filed in the database. A corresponding procedure for this should be developed.

response	Refer to the response to comment No 115.

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comment	*239* comment by: *DGAC France* Attachment #5 The proposed formulation of §b) "Without prejudice to regulation 376/2014…" suggest that both requirements 216/2008 and 376/2014 and their respective IR would be applicable when providing "safety-significant information stemming from occurrence reports". Now, "Safety-significant information..." is not defined in R (UE) 376/2014, thus it is not clear what is meant and what requirement of 376/2014 is referred to, with which requirement of 376/2014 should Safety-significant information be compliance with ? On the other hand, to keep a clear regulation, it would be less confusing if 139 requirements would meet 376/2014 ones, instead of extending requirements as far as occurence reporting is concerned. If not, it could result in some contradiction with the the general objective of the NPA, to properly reflect the requirements defined in Regulation UE 376/2014. Thus we suggest to make a link between 139 et 376 when the mention "occurence" is concerned rather than on the whole sentence : b) "~~Without prejudice to regulation 376/2014~~, The competent authority shall provide the Agency with safety-significant information stemming from the occurrence reports stored in the national database in accordance to Regulation 376/2014."
response	Not accepted. There are more situations in the delegated and implementing acts of the EASA Basic Regulation qualifying for mandatory reporting as set out in Regulation (EU) 2015/1018. Changing the text as proposed would limit this provision to issues that are explicitly addressed under Regulation (EU) No 376/2014.

comment	*344* comment by: *AESA* To ADR.A.025 (b): This is directly regulated by Article 9.3 of 376/2014. This paragraph should be eliminated in order to harmonize with this regulation, or at least use 'In accordance with 376/2014' instead of 'Without prejudice'. The present wording seems to show a different way from that provided for in Reg. 376/2014. Besides this, it is not taking into account similar provisions to provide information from the Agency to the MS and among MS as 376/2014 has established.
response	Refer to the response to comment No 332.

3. Proposed amendments — 3.15. Draft Regulation (Draft EASA Opinion) — Part-ADR.AR: SUBPART A — GENERAL REQUIREMENTS (ADR.AR.A), ADR.AR.A.030 Immediate reaction to a safety problem p. 53

comment	*345* comment by: *AESA*

	to AD.AR.A.030 (a): This is directly regulated by Article 9.3 of 376/2014. This paragraph should be eliminated in order to harmonize with this regulation, or at least use 'In accordance with 376/2014' instead of 'Without prejudice'.
response	Refer to the response to comment No 332.

3. Proposed amendments — 3.15. Draft Regulation (Draft EASA Opinion) — Part-ADR.AR: SUBPART B — MANAGEMENT (ADR.AR.B), ADR.AR.B.005 Management system p. 53

comment	*137* comment by: *UAF (Union des Aéroports Français)* UAF General comments Airports should be entitled to view any reports concerning their respective ADR that have been filed in the database. A corresponding procedure for this should be developed.
response	Refer to the response to comment No 115.

3. Proposed amendments — 3.16. Draft Regulation (Draft EASA Opinion) — Part-ADR.OR: SUBPART C — ADDITIONAL AERODROME OPERATOR RESPONSIBILITIES (ADR.OR.C), ADR.OR.C.030 Occurrence reporting p. 54

comment	*12* comment by: *John Hamshare* Does this section relate to safety of aircraft or does it also include personal safety away from aircraft operations?: ADR.OR.C.030 Occurrence reporting (a) The aerodrome operator and the provider of apron management services shall report: (1) to the competent authority any safety-related event or condition that endangers or, if not corrected or addressed, could endanger safety. If this applies to aircraft safety then this needs to be made clear in ADR.OR.C.030 (a) (1).
response	Noted. The proposed provisions do not regulate occupational health and safety and are in line with the existing provisions of Regulation (EU) No 139/2014 and the relevant provisions of Regulation (EU) No 376/2014. The latter defines occurrence as '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'.
comment	*38* comment by: *Ministry of Economics, Energy, Transport and Regional Development, State of Hessen.* Buchst. a) Nr. 1 Eine Präzisierung (Abgrenzung) des Umfangs der Meldepflichten nach den Verordnungen (EU) Nr. 139/2014 und Nr. 376/2014 sollte ergänzt werden. Anderenfalls bleibt unklar, ob

die Meldepflicht nach ADR.OR.C.030 an die zuständige Behörde über die Medlepflicht nach der Verordnung (EU) Nr. 376/2014 hinausgeht.

Buchst. a) und c)
Die Meldepflicht von Flugplatzbetreiber und Vorfeldmanagementdiensten kann zu Doppelmeldungen führen, zumal auch Vorfeldmanagementdienste dem Safety-reporting-system des Flugplatzbetreibers nach ADR.OR.D.030 unterliegen und dieser für sämtliche Ereignisse seinerseits meldepflichtig ist. Insbesondere mit Blick auf den follow-up-report (Buchst. c)) verursacht eine Doppelzuständigkeit einen erhöhten Aufwand, ohne das diesem ein höherer Erkenntniswert gegenüberstände, da eine umfassende Analyse des Ereignisses durch eine Organisation – ggf. unter Mitwirkung der jeweils anderen Organisation – ausreichend ist. Daher sollte eine Beschränkung der Melde- und Analysepflicht auf den jeweiligen Zuständigkeitsbereich - ergänzt durch gegenseitige Mitwirkungspflichten – erfolgen.

response

Noted.

Please note that in reality the text does not introduce changes to the existing reporting requirements under Regulation (EU) No 139/2014. Whereas the reporting of occurrences is overall regulated under Regulation (EU) No 376/2014, there are also a number of more sectorial occurrence-reporting requirements such as those contained in Regulation (EU) No 139/2014. This situation is acknowledged by Regulation (EU) No 376/2014 (Recital 4) which clarifies that this should not be seen as setting up two parallel systems but only one reporting system. One system is considered sufficient to comply with the various legal obligations that are covering similar aspects. Whereas certain specifications may be contained in different legal acts or have a different legal basis, they are all considered as part of a single overall European safety system.

Although an apron management service provider is considered to be an organisation that provides services to an aerodrome operator, at the same time it is an independently regulated organisation and as such it has to comply with the relevant reporting requirements.

comment

116 comment by: *ACI Europe*

No initial impact, section (c) states that a follow up report will be produced in a form and manner established by the competent authority. An additional form may be introduced by IAA-SRD in time.

A "centralized" definition of the layout/formatting for the follow-up report by the competent authority is not beneficial.

(a) (1) the obligation to report is not clearly defined. CAs can interpret the clause so as to require the reporting of any (minor scale) incident. A minimum threshold for reporting should be formulated.

It remains unclear if reporting requirements towards CAs and EASA can/should be identical or need to be differentiated.

	(c) The contents, structure and form of the report should be agreed between the airport and the CA as well established formats may already exist and/or IT Systems may provide limited scope for changing structures, form and even some information inputs.
response	Noted. The proposed requirements do not deviate from the existing reporting requirements under Regulation (EU) 139/2014, while they are in line with the provisions of Regulation (EU) No 376/2014. Similar requirements are proposed in other aviation domains. EASA is not the competent authority in the case of aerodromes.
comment	*258* comment by: *DGAC France* Attachment #6 a) 1) the added word "condition" doesn't exist in Regulation UE 376/2014. If some new requirement was to be introduced, it has to be first defined. Otherwise, it would be better to stick to the terms of "occurence " definition specified in Regulation 376/2014. That is to say : (7) 'occurrence' means 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; Moreover, the NPA expresses no objectives of adding new requirements in its § 2.2 (cf. the same comment on ADR.AR.025). but making clear the applicability of Regulation 376/2014 as part of the managing system of operators. Alternative propositions of redaction could be either : (a) The aerodrome operator and the provider of apron management services shall report: (1) to the competent authority any safety-related event or condition that endangers or, if not corrected or addressed, could endanger safety at the aerodrome. 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; Or, second possibility, include an additional definition in the corresponding AMC of what falls in the scope of a "condition" that isn't covered by "event".
response	Not accepted. The inclusion of the term 'condition' is important to not limit reporting to past events and also to cater for those activities that are not directly involved in aircraft operations (in particular in the airworthiness domain). It is intended to support the identification of latent conditions that may lead or contribute to accidents and incidents, at the earliest possible stage. This is consistent with the Regulation (EU) 2015/1018, which includes details of 'occurrences' that constitute conditions rather than events. In the future, the definition in Regulation (EU) No 376/2014 may be amended accordingly. However, the European Commission will not initiate any change to Regulation (EU) No 376/2014 until feedback is available from standardisation activities to get a clearer view on the implementation of the Regulation. Also, by 16 November 2020 the European

	Commission shall publish and send to the European Parliament and to the Council an evaluation report on the implementation of that Regulation. Following the 'better regulation' principles, if appropriate and on the basis of that report, the Commission may make proposals to amend Regulation (EU) No 376/2014.
comment	*265* comment by: *ADV - German Airports Association* (a) […] (1) to the competent authority any safety-related event or condition that **has led** ~~endangers~~ or, if not corrected or addressed, could ~~endanger safety~~ **have led to an occurrence defined in Annex IV to Regulation (EU) 2015/1018 laying down a list classifying occurrences in civil aviation.**
response	Partially accepted. The principle of occurrence reporting is that any occurrence that endangers, or could endanger an aircraft, its occupants or any other person should be reported. Regulation (EU) 2015/1018 provides legal clarity on fulfilling the obligations of Regulation (EU) No 376/2014; however, in practical terms, it cannot be considered as being exhaustive. Therefore, it is proposed to amend point (a) of the corresponding AMC as follows: **'AMC1 ADR.OR.C.030 Occurrence reporting** MANDATORY REPORTING — GENERAL Regulation (EU) 2015/1018 lays down a list classifying occurrences in civil aviation to be mandatorily reported if there is a significant risk associated. 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 the items listed in that Regulation and the additional items referred to in ADR.OR.C.030 point (c).'
comment	*266* comment by: *ADV - German Airports Association* Comment on (b): Consistency in translating into German is required. Intentions in the rulemaking have to be considered while translating. The word "may" is translated differently in Reg. 139/2014 ("könnten") and 376/2014 ("können").
response	Noted. This comment will be provided to the Commission's translation services for possible correction in future amendments.
comment	*267* comment by: *ADV - German Airports Association* (c) [...]

	This report shall be produced in a form and manner ~~established by~~ **agreed upon by the aerodrome operator or the provider of apron management services and** the competent authority.
response	Noted. The proposed requirements do not deviate from the existing reporting requirements under Regulation (EU) No 139/2014, while they are in line with the provisions of Regulation (EU) No 376/2014. Similar requirements are proposed in other aviation domains. EASA is not the competent authority in the case of aerodromes.

comment	*285* comment by: *Austro Control* 1) Page No. 33-34, 44, 54, 64 2) Paragraph No. 3.8, 3.12, 3.16, 3.20 3) Comment The requirements of ORA.GEN.160, ORO.GEN.166, ADR.OR.C.030, ATM/ANS.OR.A.065, ATCO.OR.B.040 (a) and (b) are contradicting. 4) Justification Contradiction of (a) to (b)(1) in those cases, where the competent authorities for 376/2014 and for 216/2008 are different. (see comment on 2.4) 5) Proposal (new proposed text, etc.) See proposal in comment to 2.4.
response	Refer to the response to comment No 284.

3. Proposed amendments — 3.16. Draft Regulation (Draft EASA Opinion) — Part-ADR.OR: SUBPART D — MANAGEMENT (ADR.OR.D), ADR.OR.D.005 Management system p. 55

comment	*39* comment by: *Ministry of Economics, Energy, Transport and Regional Development, State of Hessen.* Sinn und Zweck der neu eingefügten Buchst. b) Nummer 12 sind unklar. Die Vorgabe ist zu unbestimmt, so dass unklar bleibt, welche zusätzlichen Anforderungen Gegenstand des Managementsystems werden sollen. Die Verpflichtung zur Umsetzung der Vorgaben der Verordnungen (EU) Nr. 139/2014 und 376/2014 ergibt sich unmittelbar aus diesen selbst. Die Vorgabe der Integration in das Managementsystem stellt insofern eine nicht erforderliche Doppelregelung dar.
response	Refer to the response to comment No 242 below.

comment	*242* comment by: *DGAC France* Attachment #7 The proposed redaction is confusing. We don't understand if the objective of point (12) is either : 1/ Is it to include in the management system, the monitoring of compliance to

	376/2014 requirements ? or : 2/ Or only to minute that the compliance to 376/2014 and Implementing Rules is part of the management system of the aerodrome operator ? If 1/ Alternative proposition : (b) The management system shall include: (…) (11) a formal process to monitor compliance of the organisation with the relevant requirements.; and (12) compliance to requirement with requirements of R UE 376/2014 and its implementing rules Or if 2/ Alternative proposition : (b) The management system shall include: (…) (11) a formal process to monitor compliance of the organisation with the relevant requirements prescribed in : Regulation EC 216/2008 and its Implementing Rules, Regulation (EU) No 376/2014 and its Implementing Rules. ~~(12) any additional relevant requirements prescribed in this Regulation, as well as the applicable requirements of Regulation (EU) No 376/2014 and its implementing rules.~~
response	Noted. This point (12) is proposed to be added to ADR.OR.D.005 point (b) to ensure that the organisation considers for the establishment and maintenance of its management system not only the items defined in Subpart D of Part ADR.OR, but also any additional requirements that may stem from any other IR of the EASA Basic Regulation EASA Part or from Regulation (EU) No 376/2014. This may include, for example, the requirement to establish data quality checking processes as required by Regulation (EU) No 376/2014 Article 7. This also ensures better alignment with how the management system requirements have been defined in the other domains.

3. Proposed amendments — 3.16. Draft Regulation (Draft EASA Opinion) — Part-ADR.OR: SUBPART D — MANAGEMENT (ADR.OR.D), ADR.OR.D.025 Coordination with other organisations p. 55

comment	*21* comment by: *Amsterdam Airport Schiphol - AMS/EHAM (and D.A.A)* Change text "regulation (EU) No 376/~~2104"~~ into "regulation (EU) No 376/2014
response	Accepted. The typo will be corrected.

comment	*40* comment by: *Ministry of Economics, Energy, Transport and Regional Development, State of Hessen.* Die durch ADR.OR.D.025 Buchts. b) neu eingefügte Verpflichtung des Flugplatzbetreibers, die Umsetzung der Meldepflichten anderer Organisationen nach der Verordnung (EU) Nr. 376/2014 sicherzustellen, wird für problematisch erachtet. Die Regelungen der Verordnung (EU) Nr. 376/2014 verpflichten die dort genannten Organisationen unmittelbar. Die Aufsicht obliegt der zuständigen Behörde, die auch über die erforderlichen hoheitlichen Durchsetzungsbefugnisse verfügt. Im Gegensatz dazu verfügen die Flugplatzbetreiber als Privatrechtssubjekte über keine wirksamen Durchsetzungsbefugnisse. Auch sind keine

	Sachgründe ersichtlich, den Flugplatzbetreibern entsprechende Aufsichtspflichten aufzuerlegen.
response	Noted. The proposed requirements do not deviate from the existing reporting requirements under Regulation (EU) No 139/2014, while they are in line with the provisions of Regulation (EU) No 376/2014. The reporting to the aerodrome operator by other organisations providing services or operating at an aerodrome is done in the context of the implementation of the SMS of the aerodrome operator and it covers only aerodrome-related occurrences. Therefore, the proper management by an aerodrome operator of the safety interfaces of its organisation with those of other organisations operating or providing services at its aerodrome, is a necessary condition to ensure the proper functioning and the effectiveness of its own SMS, while it is also foreseen in the relevant essential requirements for aerodromes of the EASA Basic Regulation. Please note that such activities do not replace the safety oversight responsibilities of the relevant competent authorities.

comment	*117* comment by: *ACI Europe* (b) Change text 'Regulation (EU) No 376/2104' to 'Regulation (EU) No 376/2014
response	Accepted. The typo will be corrected.

3. Proposed amendments — 3.16. Draft Regulation (Draft EASA Opinion) — Part-ADR.OR: SUBPART D — MANAGEMENT (ADR.OR.D), ADR.OR.D.030 Safety-reporting system p. 55-56

comment	*13* comment by: *John Hamshare* Many organisations at busy complex aerodromes have their own EC376-compliant reporting systems or report directly into the UK CAA reporting portal. There does not appear to be any benefit in mandating that those same organisations also report into the aerodrome operators system. We do not agree that this should be a requirement placed upon the aerodrome operator, as long as the incidents are reported to the UK CAA and ultimately to the ECR then it doesn't matter that there may be more than one reporting system in place at larger aerodromes. The UK CAA have an ECCAIRs portal in place which is accessible by all for voluntary reporting so there is no need for aerodrome operators to provide an identical portal which would need to be compatible with the UK CAA system. We do not want to have to make multiple reports for the same incident. **We encourage EASA to use this NPA to confirm that use of an ECCAIRs compliant reporting system provided by the State's NAA means that users of that system are**

	automatically compliant with EC376 reporting system requirements and do not also need to have their own ECCAIRs compliant system.
response	Accepted. The reporting to the aerodrome operator by other organisations providing services or operating at an aerodrome is done in the context of the implementation of the SMS of the aerodrome operator and it covers only aerodrome related occurrences. This type of cross-organisational reporting is necessary in order to ensure the effectiveness of the SMS of the aerodrome operator, and the taking of the relevant corrective actions in a timely manner, while it is foreseen in the relevant essential requirements for aerodromes of the EASA Basic Regulation. The Guidance Material will be amended to clarify that an ECCAIRS-compliant reporting system provided by the competent authority means that users of that system are automatically compliant with the reporting system requirements pursuant to Regulation (EU) No 376/2014, meaning organisations that are using this system do not need to have their own ECCAIRS-compliant reporting system.

comment	*41* comment by: *Ministry of Economics, Energy, Transport and Regional Development, State of Hessen.* Sofern auch Vorfeldmanagementdienste nach ADR.OR.C.030 meldepflichtig sind, sollte die Verpflichtung zur Einrichtung eines Safety-reporting system nach ADR.OR.D.030 a) auch auf diese ausgedehnt werden.
response	Noted. To the extent that the comment refers to the apron management service providers, the intent of EASA is to address similar issues through the adoption of comprehensive management requirements for such organisations, as proposed through EASA Opinion No 02/2014.

comment	*197* comment by: *CAA-Denmark* ADR.OR.D.030(b)(1): "Nos" should be replaced by "No"
response	Accepted. The typo will be corrected.

comment	*225* comment by: *DSNA* Safety reporting system: ADR.OR.D.025 requires that the aerodrome organisation ensure that other organisations comply with Regulation (EC) No 376/2014, including a notification system. However, and in addition to, ADR.OR.D.030 requires a unique system for all personnel and organisations operating or providing services at the aerodrome (that of the aerodrome operator).

DSNA requires a clarification of ADR.OR.D.030 (b)(1) such that reporting systems of other operators can be used in conjunction with that of the aerodrome operator

Proposed wording :
ADR.OR.D.030 (b)(1) [...] organisations mentioned in point (a) use the safety reporting system for the mandatory reporting of any accident, serious incident and occurrence ***or the notification system of the other organisations complying with Regulation (EU) No 376/2014***; and [...]

(d) The aerodrome operator shall: [...]
(3) ensure that all organisations operating or providing services at the aerodrome which are relevant to the safety concern, participate in the analysis of such reports and that any corrective and/or preventive measures identified are implemented ***and arrange a data sharing process between organisations when different notification systems are used***

If the requirement cannot be amended, AMC.OR.D.30 should be amended to introduce :
AMC.OR.D.030
[...] ***Any organisation operating at an airport with a reporting system in compliance with this AMC and Regulation (EC) No 376/2014 should be considered as complying with this requirement.***

response

Noted.

The reporting to the aerodrome operator by other organisations providing services or operating at an aerodrome is done in the context of the implementation of the SMS of the aerodrome operator and it covers only aerodrome related occurrences.

This type of cross-organisational reporting is necessary in order to ensure the effectiveness of the SMS of the aerodrome operator, and the taking of the relevant corrective actions in a timely manner, while it is foreseen in the relevant essential requirements for aerodromes of the EASA Basic Regulation.

comment

241 comment by: *DGAC France*

Attachment #8

We have an issue with the initial redaction of § (b) 1) of this implementing rules because it may be understood that organisations operating or providing service at the aerodrome should have to systematically report all their mandatory events through the reporting system of the aerodrome operator. This interpretation raises implementing issues because it comes into conflict with requirements specified in R (UE) 376/2014 (Article 4.2) which states that each organisation establish its own mandatory reporting system. Moreover, in other domain-specific regulations concerned by this NPA, such as (ATM, OPS...), it is not yet specified that the operators have to use the reporting system established by the aerodrome operator. Thus, it would be impossible for the aerodrome operator to made these organisations use it. At least, knowing events that would have no impact on the safety on the aerodrome, such as for example : Failure or malfunction of any part of an engine, Uncontrollable cabin pressure, Separation minima infringement etc ...wouldn't be neither efficient, nor relevant for the analysis of the event and the promotion of safety at the aerodrome. Our proposal consists in focussing on a limited but relevant scope of events that

organisations should report through the reporting system of the aerodrome operator. This requirement should also be mentionned in each domain-specific requirements (Aircrew and OPS for aircraft operator, ATM for air navigation services...).

(b) The aerodrome operator, in accordance with ADR.OR.D.005 (b)(3), shall:
(1) require that the personnel and the organisations mentioned in point (a) use the safety -reporting system for the mandatory reporting of any accident, serious incident and other occurrence, as required by Regulations (EU) Nos 996/2010 and 376/2014 when relevant for the aerodrome operations or providing services at the aerodrome ; and
(2) ensure that the safety -reporting system may also be used for the voluntary reporting, as required by Regulation (EU) No 376/2014, of any ~~safety-related event or condition that endangers or, if not corrected or addressed, could endanger safety.~~ occurrences which may represent a significant risk to aviation safety as defined in REGULATION (EU) No 376/2014.

response

Noted.

The reporting to the aerodrome operator by other organisations providing services or operating at an aerodrome is done in the context of the implementation of the SMS of the aerodrome operator and it covers only aerodrome related occurrences.

This type of cross-organisational reporting is necessary in order to ensure the effectiveness of the SMS of the aerodrome operator, and the taking of the relevant corrective actions in a timely manner, while it is foreseen in the relevant essential requirements for aerodromes of the EASA Basic Regulation.

3. Proposed amendments — 3.17. Draft AMC/GM (Draft EASA Decision) — Part-ADR.AR: SUBPART A — GENERAL REQUIREMENTS (ADR.AR.A), AMC1 ADR.AR.A.025(b) Information to the Agency p. 56

comment

139 comment by: *UAF (Union des Aéroports Français)*

UAF comments
UAF fully support this AMC. A focal point and a coordinator designated leads to be more efficient.

response

Noted.

comment

223 comment by: *CAA-Denmark*

New AMC1 ADR.AR.A.025 (b): According to this AMC, the competent authority should appoint a **coordinator** as the contact between the competent authority and EASA for the exchange of safety-significant information. New AMCs with same content are proposed in all affected areas (Part 21, Part M, Part 145, Aircrew, OPS and ATCO). After further study we realized that similar requirement or AMC does not exist in the Regulation (EU) No 376/2017. Only requirement of “point of contact”.

“Point of contact” could be many things – unit, department or person(s). Whereas as “Coordinator” we think of a person.

	Does it not make more sense to have a requirement or AMC regarding "Coordinator" in the Regulation (EU) No 376/2014 before implementing the particular AMCs in the affected implementing rules of Basic Regulation?
response	Not accepted. The most efficient way to ensure the exchange of large quantities of safety information between the Member States, the Commission and EASA is through the ECR. Article 9(3) allows for the possibility to exchange this information whenever (a) and/or (b) happens. The European Commission will not initiate any changes to Regulation (EU) No 376/2014 until results of EASA standardisation activities are available and sufficient feedback is collected on the implementation of that Regulation. By 16 November 2020 the European Commission shall publish and send to the European Parliament and to the Council an evaluation report on the implementation of this Regulation. Following the 'better regulation' principles, If appropriate and on the basis of that report, the Commission will make proposals for amending this Regulation.

3. Proposed amendments — 3.17. Draft AMC/GM (Draft EASA Decision) — Part-ADR.AR: SUBPART A — GENERAL REQUIREMENTS (ADR.AR.A), GM1 ADR.AR.A.025(b) Information to the Agency p. 56

comment	*42* comment by: *Ministry of Economics, Energy, Transport and Regional Development, State of Hessen.* Eine Ergänzung von Beispielen, welche Informationen von Bedeutung für die safety action-Planung der EASA sind, wäre als Hilfestellung wünschenswert.
response	Not accepted. It is not considered appropriate to provide such examples as part of the regulatory material. The Safety Management TeB and other Advisory Body meetings can be used to explain how the process works.

3. Proposed amendments — 3.17. Draft AMC/GM (Draft EASA Decision) — Part-ADR.AR: SUBPART A — GENERAL REQUIREMENTS (ADR.AR.A), GM2 ADR.AR.A.025(b) Information to the Agency p. 56-57

comment	*43* comment by: *Ministry of Economics, Energy, Transport and Regional Development, State of Hessen.* Die Übermittlung einer abschließenden Safety-Analyse mit den aufgeführten Inhalten kann gerade bei schweren Störungen und Unfällen teilweise erst nach einem langen Zeitraum erfolgen. Bereits der Flugplatzbetreiber kann in solchen Fällen seine endgültige Analyse in vielen Fällen nicht innerhalb der 3-Monats-Frist nach Art. 13 Abs. 4 Verordnung (EU) Nr. 376/2014 vorlegen, da ihm aufgrund der Ermittlungen staatlicher Untersuchungsbehörden (Staatsanwaltschaften, BfU) die erforderlichen Informationen nicht bzw. erst nach Abschluss

	der behördlichen Untersuchungen zur Verfügung stehen. In der Folge stehen auch der zuständigen Behörde die in GM1 aufgeführten Informationen nicht oder erst zu einem viel späteren Zeitpunkt vollständig zur Verfügung.
response	Noted. See the guidance material on Regulation (EU) No 376/2014: 'Whereas organisations are encouraged to provide complete analysis and follow-up as soon as available and, in principle, no later than three months after the occurrence notification, it is recognised that analysing an occurrence may take longer than three months, especially in the event of a complex investigation or where the services of a specialist investigator are required. The follow up requirements are not intended to jeopardise the quality and thoroughness of an occurrence analysis. It may be detrimental to safety if rushed in order to be completed within the encouraged three months period without properly establishing root cause and determining relevant remedial action.' (see pages 44 and 45) States are also encouraged to provide interim updates where the final report is not yet available.

3. Proposed amendments — 3.17. Draft AMC/GM (Draft EASA Decision) — Part-ADR.AR: SUBPART A — GENERAL REQUIREMENTS (ADR.AR.A), SECTION II — MANAGEMENT, GM1 ADR.AR.B.005 Management system p. 57

comment	*44* comment by: *Ministry of Economics, Energy, Transport and Regional Development, State of Hessen.* Die Forderung nach einer eindeutigen Zuweisung der Zuständigkeiten zwischen den verschiedenen zuständigen Behörden ist zu begrüßen. Allerdings kann eine solche Zuständigkeitsverteilung nur durch die Mitgliedstaaten erfolgen. Die Vorschrift ADR.AR.B.005 richtet sich hingegen an die zuständige Behörde und fordert von dieser die Einrichtung eines Behördenmanagementsystems. Aus Kompetenzgründen kann die Zuständigkeitsverteilung zwischen den verschiedenen Behörden jedoch nicht Gegenstand dieses Behördenmanagementsystems sein. Insofern sollte die o.g. Vorgabe unmittelbar an die Mitgliedstaaten gerichtet und auf Ebene der Durchführungsbestimmungen der Verordnung (EG) Nr. 216/2008 oder der Verordnung (EU) Nr. 376/2014 geregelt werden.
response	Noted. Changing Regulation (EU) No 376/2014 at this stage is not an option. Further addressing State requirements in the context of SSP will be assessed in the context of implementing the EASA roadmap/strategy for simpler, better and performance-based general authority and organisation requirements (RMT.0706). In this context, what needs to be determined is how to deal with the 'authority' (State) requirements stemming from Regulation (EU) No 376/2014.

comment	*127* comment by: *Romanian CAA* Para. (a)(3) analyse a situation which, however, represents an exception from Regulation 376/2014, which in Art. 4(8) states that organizations must report to competent authority for Regulation 376/2014. Consequently, in addition to GM mentioned above, we believe it would be useful to include in these GM some clarifications on the implementation of Art. 6(10) of Regulation 376/2014, in order to avoid misinterpretation in the process of adapting the internal procedures and protocols of cooperation between authorities.
response	Refer to the response to comment No 125.

comment	*150* comment by: *Swedish Transport Agency, Civil Aviation Department (Transportstyrelsen, Luftfartsavdelningen)* see our comment on page 9 regarding that AMC/GM should be written as guidance and hence these sentences should be rewritten or moved to the regulation.
response	Refer to the response to comment No 153.

comment	*249* comment by: *DGAC France* Attachment #9 Due to a malfunction of the CRT, DGAC France cannot submit its comments when the copy-paste functionnality is used. Therefore, this comment has been placed in a attached pdf document. Cmt Copied from the attachment: Apparently, it is admitted that the authorities in charge of oversight and occurrence reporting could be the same, at least because the GM precises the conditions needed when they are different. We don't know how to understand the term "…independantly." in § 6.3 of R (UE) which is referred to in the NPA. What is required under this mention ?
response	Noted. This is to clarify that, while these Regulation (EU) No 376/2014-related competencies and oversight roles may be found in the same organisation, duties and obligations are different. The reference to 'independently' is related to the principles of confidentiality and the protection of reporters that need to be respected in accordance with Regulation (EU) No 376/2014.

comment	*261* comment by: *DGAC France*

	Apparently, it is admitted that the authorities in charge of oversight and occurrence reporting could be the same, at least because the GM precises the conditions needed when they are different. We don't know how to understand the term "…independantly.." in § 6.3 of R (UE) which is referred to in the NPA. What is required under this mention ?
response	Refer to the response to comment No 249 above.

3. Proposed amendments — 3.18. Draft AMC/GM (Draft EASA Decision) — Part-ADR.OR: SUBPART C — ADDITIONAL RESPONSIBILITIES (ADR.OR.C), AMC1 ADR.OR.C.030 Occurrence reporting p. 58

comment

22 comment by: *Amsterdam Airport Schiphol - AMS/EHAM (and D.A.A)*

AMC1 ADR.OR.C.030 amendment	The new requirement for the content of the Aerodrome Manual referring to Occurrence Reporting should also be added to AMC3 ADR.OR.E.005

response

Accepted.

This point will also be added to AMC3 ADR.OR.E.005.

comment

118A comment by: *ACI Europe*

ACI Europe airports have reviewed requirements in relation to Regulation No. 376/2014 and have developed their occurrence reporting systems to demonstrate compliance with those requirements.

The new requirement for the content of the Aerodrome Manual referring to Occurrence Reporting should also be added to AMC3 ADR.OR.E.005.

response

Refer to the response to comment No 22 above.

comment

118B comment by: *ACI Europe*

ACI Europe airports have reviewed requirements in relation to Regulation No. 376/2014 and have developed their occurrence reporting systems to demonstrate compliance with those requirements.

The requirement for 'written arrangements with all organizations…' is too stringent and would pose an unnecessary administrative burden on operators of large aerodromes. This requirement should be phrased in more general language.

response

See also comment 72 (Avinor) and 108 (CAA UK) further down

Accepted.

The EASA Basic Regulation requires the aerodrome operator to have arrangements with all organisations active at the aerodrome. In this sense, this AMC does not introduce a new requirement. In any case, the text will be rephrased to read:

'The aerodrome operator should establish arrangements with all organisations operating or providing services at the aerodrome, defining their reporting obligations under the safety-reporting system of the aerodrome operator.'

comment

171 comment by: *daa - Dublin & Cork airports*

The requirement for: 'written arrangements with all organisations' set down (b) of this AMC is too stringent and places an unnecessary administrative burden on Aerodrome Operators. This requirement should be made more general and restricted to the publication of instructions to ensure reporting or something similar.

response

Refer to the response to comment No 118B.

comment

224 comment by: *DSNA*

Point 1:
DSNA suggests to add an explicit mention of annex IV of Commission Implementing Regulation (EU) 2015/1018 of 29 June 2015.
A reminder of delay for reporting, notification and analysis might be needed.

Point 2:
DSNA noted the timing for analysis in new GM1 ADR.OR.D.030 (30 days + 3 months) but a reference to timing for reporting and notification might be needed (72h + 72h).

Point 3:
A reminder of delays for reporting/notification could be introduced in order to ensure consistency with Regulation (EU) No 376/2014 (in general in ADR.OR.C.030 (b) and (c) - or in details in AMC/GM)

response

Point 1: Partially accepted.

The AMC clarifies that the list of reportable evens is non-exhaustive. Moreover, the EASA Basic Regulation and Regulation (EU) No 139/2014 refer to situations which are not covered by Regulation (EU) No 376/2014. The reference to Regulation (EU) No 376/2014 will however be replaced by a reference to its delegated and implementing acts, which so far only include an implementing rule with the list of reportable events.

Point 2: Accepted.

The GM will be amended for clarification and similar changes will be made in the other domains.

Point 3: Accepted.

	The text at IR level will be reviewed to specify the delays for the 72 hours (initial report) and 30 days (follow-up report). Similar changes will be made in the other domains.
comment	*268* comment by: *ADV - German Airports Association* Delete (a). Moved to IR. Text of AMC1 ADR.OR.C.030: (a) The aerodrome operator and the provider of apron management services should report as a minimum all occurrences defined in Regulation (EU) 2015/1018 laying down a list classifying occurrences in civil aviation to be mandatorily reported according to Regulation (EU) No 376/2014.
response	Partially accepted. Regulation (EU) 2015/1018 provides legal clarity on fulfilling requirements, but from a technical/theoretical point of view, the list should be treated as examples. Any safety-related event or condition that endangers/could endanger flight safety should be reported, i.e. we should not limit reporting to what is in (EU) 2015/1018. Point (a) of the AMC will be amended as follows: 'Regulation (EU) 2015/1018 laying down a list classifying occurrences in civil aviation to be mandatorily reported according to Regulation (EU) No 376/2014 and ADR.OR.C.030 point (c) provide examples of what needs to be reported. Reporting should not be limited to the items listed in Regulation (EU) 2015/1018 and in ADR.OR.C.030 point (c).'

3. Proposed amendments — 3.18. Draft AMC/GM (Draft EASA Decision) — Part-ADR.OR: SUBPART C — ADDITIONAL RESPONSIBILITIES (ADR.OR.C), AMC1 ADR.OR.D.030 Safety-reporting system p. 58-59

comment	*14* comment by: *John Hamshare* Please confirm that 'forms' referred to in section (3) includes electronic forms?
response	Noted. We can confirm that 'forms' referred to in section (3) also includes electronic forms. The AMC is not restrictive in any way.
comment	*15* comment by: *John Hamshare* Please confirm that this requirement is fulfilled by including a requirement to comply with all local instructions in a licence to operate airside? Local instructions include details of incident reporting requirements.

response

Not accepted.

The AMC deals with the characteristics of the reporting system that the operator of the aerodrome needs to take into account. Having a requirement addressed to third parties does not necessarily mean that their reporting system meets the AMC. This is to be solved between the aerodrome operator and the local CAA.

comment

23 comment by: *Amsterdam Airport Schiphol - AMS/EHAM (and D.A.A)*

AMC1 ADR.OR.D.030 amendment	The requirement for 'written arrangements with all organisations…' is far too stringent and would pose an unnecessary administrative burden on operators of large aerodromes. This requirement should be more general.

response

Refer also to the response to comment No 118B.

Accepted

The EASA Basic Regulation requires the aerodrome operator to have arrangements with all organisations active at the aerodrome. In this sense, this AMC does not introduce a new requirement. In any case, the text will be rephrased to read:

'The aerodrome operator should establish arrangements with all organisations operating or providing services at the aerodrome, defining their reporting obligations under the safety-reporting system of the aerodrome operator.'

comment

45 comment by: *Ministry of Economics, Energy, Transport and Regional Development, State of Hessen.*

Buchst. a) (1)

(a) Safety reporting system — General

(1) An effective safety–reporting system should include, apart from aerodrome operator's personnel, aircraft operators, ground handling service providers, air navigation service providers, and any other organisation operating on the aerodrome, or providing services at the aerodrome.

Die Aufzählung der von dem Meldesystem des Flugplatzbetreibers umfassten Organisationen sollte aus Klarstellungsgründen um die Vorfeldmanagementdienste ergänzt werden.
Proposed English translation: „ For reasons of clarity, the positions of apron management services should be added to the list of organisations which need to be included in the aerodrome operator's reporting system."

Buchst. a) (9)

(~~10~~9) The safety-reporting system should include a feedback system to the reporting person, on the outcome of the occurrence analysis.

Die Verpflichtung zum Abschluss schriftlicher Vereinbarungen stellt einen unverhältnismäßigen Aufwand für den Flugplatzbetreiber dar. Die Vorgabe sollte dahingehend geändert werden, dass der Flugplatzbetreiber sicherstellen muss, dass sich die genannten Organisationen an seinem Meldesystem beteiligen, ohne jedoch die Mittel vorzugeben. In Deutschland kann z.B. die Umsetzung durch die Flughafenbenutzungsordnung nach § 43 LuftVZO erfolgen.
Proposed English translation: „The obligation to conclude written agreements constitutes a disproportional burden for the aerodrome operator. The requirement should therefore be changed so as to oblige the aerodrome operator to ensure that all organisations in question are required to participate in his reporting system without, however, prescribing the means [of how to achieve this]. In Germany for instance, the implementation can be imposed via the rules governing the use of the airport (Flughafenbenutzungsordnung) in accordance with Article 43 LuftVZO (Air Traffic Licencing Order)."

response

Accepted.

Indeed, the current text covers all organisations present at the aerodrome, including organisations responsible for the provision of apron management services which, being an aerodrome operational service, is a responsibility of the aerodrome operator. The text will be amended.

The EASA Basic Regulation requires the aerodrome operator to have arrangements with all organisations active at the aerodrome. In this sense, this AMC does not introduce a new requirement. In any case, the text will be rephrased to read:

'The aerodrome operator should establish arrangements with all organisations operating or providing services at the aerodrome, defining their reporting obligations under the safety-reporting system of the aerodrome operator.'

comment

72 comment by: *Avinor AS*

The need for the aerodrome operator to establish written agreements relating to reporting obligations with all organisations operating or providing services at the aerodrome is described in AMC1 ADR.OR.D.030 (b). This AMC has the appearance of covering a safety gap, as aerodrome operators have a long-standing issue relating to difficulties in gaining access to safety reports from other organisations. In practice it will not work in particular in relation to air carriers but also in relation to other certified organisations such as ANSPs, maintenance organisations and flight training schools. This is because the requirement is applied unilaterally to aerodrome operators.

In order for this system to begin to work, it would be necessary to introduce a similar requirement for all other domains under Regulation (EC) No 216/2008. Still, such a solution will be difficult to apply to air carriers when they would be faced with a multitude of reporting interfaces around Europe. This requirement would lead to an unimaginable amount of agreements, in particular for air carriers and ground handlers operating at different airports. There is a danger that this could become unmanageable and not be helpful in the effort to improve safety. A better approach would be for the aerodrome

	operators to focus on the exchange of safety information and occurrence reports in safety committees and safety teams and to avoid additional red tape.
response	Partially accepted. The EASA Basic Regulation requires the aerodrome operator to have arrangements with all organisations active at the aerodrome. In this sense, this AMC does not introduce a new requirement. In any case, the text will be rephrased to read: 'The aerodrome operator should establish arrangements with all organisations operating or providing services at the aerodrome, defining their reporting obligations under the safety-reporting system of the aerodrome operator.'
comment	*108* comment by: *UK CAA* **Page No:** 59 **Paragraph No:** AMC1 ADR.OR.D.030, sub-paragraph (b) **Comment:** New sub-paragraph (b) has been added as follows: "(b) *The aerodrome operator should establish written arrangements with all organisations operating or providing services at the aerodrome, defining their reporting obligations under the safety-reporting system of the aerodrome operator*." It is not clear what is expected by "written arrangements". For example, we would suggest that an Airport Directors' Notice to all organisations, supported by oversight under the ADR.OR.D.010 and OR.D.025, should be sufficient. We recommend that additional GM to AMC1 ADR.OR.D.030 should be provided listing examples of "written arrangements" to clarify what this term means, including an Airport Directors' Notice to all organisations. **Justification:** Reasonableness and making the new requirement pragmatic to implement and manage.
response	Accepted. The EASA Basic Regulation requires the aerodrome operator to have arrangements with all organisations active at the aerodrome. In this sense, this AMC does not introduce a new requirement. In any case, the text will be rephrased to read: 'The aerodrome operator should establish arrangements with all organisations operating or providing services at the aerodrome, defining their reporting obligations under the safety-reporting system of the aerodrome operator.'
comment	*119* comment by: *ACI Europe*

Deletion of previous requirement for aerodrome operator to identify which events are mandatorily reportable. This is replaced by section (a)(3) ''The aerodrome operator should provide sufficient means for reporting, including forms that may be used for this purpose.''

Most significant change is introduction of section (b): ''The aerodrome operator should establish written arrangements with all organisations operating or providing services at the aerodrome, defining their reporting obligations under the safety-reporting system of the aerodrome operator.''

Many aerodromes have Airport Directions in place regarding occurrence reporting requirements for organisations operating at the aerodrome. Guidance from IAA-SRD may be required to determine if this is satisfactory to demonstrate compliance or whether some form of documented agreement is required.

The need for the aerodrome operator to establish written agreements relating to reporting obligations with all organisations operating or providing services at the aerodrome is described in AMC1 ADR.OR.D.030 (b). This AMC has the appearance of covering a safety gap, as aerodrome operators have a long-standing issue relating to difficulties in gaining access to safety reports from other organisations. In practice it will not work in particular in relation to air carriers but also in relation to other certified organisations such as ANSPs, maintenance organisations and flight training schools. This is because the requirement is applied unilaterally to aerodrome operators. In order for this system to begin to work, it would be necessary to introduce a similar requirement for all other domains under Regulation (EC) No 216/2008. Still, such a solution will be difficult to apply to air carriers when they would be faced with a multitude of reporting interfaces around Europe. This requirement would lead to an unimaginable amount of agreements, in particular for air carriers and ground handlers operating at different airports. There is a danger that this could become unmanageable and not be helpful in the effort to improve safety. A better approach would be for the aerodrome operators to focus on the exchange of safety information and occurrence reports in safety committees and safety teams and to avoid additional red tape.

response

Accepted.

The EASA Basic Regulation requires the aerodrome operator to have arrangements with all organisations active at the aerodrome. In this sense, this AMC does not introduce a new requirement.

The AMC text will be reviewed to reinstate point (a)(3) and to delete 'written' in point (b). The aerodrome operator should identify which events are mandatory to be reported. In this way, the aerodrome operator may define more reportable events under its reporting system, which as a minimum should contain the ones listed in Regulation (EU) 2015/1018.

comment

140 comment by: *UAF (Union des Aéroports Français)*

(a)(3) UAF comments
UAF supports EASA proposal to delete paragraphs (4) and to change paragraph (3) as proposed by the Agency.

A List of events (mandatory reported) needs to define for all organizations.

response	Refer to the response to comment No 119.

comment	*141* comment by: *UAF (Union des Aéroports Français)* (b) UAF comments This provision seems to be the best solution, but for big airports, it will create unnecessary administrative burden. Sharing safety information between, ANSP, Airport operators and Air carriers in order to improve safety in the aerodrome, need to be the objective. A better approach would be for the aerodrome operators to focus on the exchange of safety information and occurrence reports in safety committees and safety teams and to avoid additional records.
response	Partially accepted. The EASA Basic Regulation requires the aerodrome operator to have arrangements with all organisations active at the aerodrome. In this sense, this AMC does not introduce a new requirement. In any case the text will be rephrased. Information-sharing initiatives should be further supported through safety promotion activities.

comment	*155* comment by: *John Hamshare* It is not clear what is meant by “written arrangements”. We publish local instructions to all airport companies (over 400 separate organisations operate here) and as part of this regime we stipulate that all companies must report all incidents to the airport authority. We also issue licences to operate airside which stipulate organisations' responsibilities in terms of managing and reporting incidents. EC376 provides the regulatory and legal leverage required by EASA (UK CAA) to ensure that all relevant organisations comply with the requirement. As an aerodrome operator we have our own local requirements which we feel are more than adequate in this instance. We do not see the need for an additional and separate 'written arrangement'.
response	Accepted. The EASA Basic Regulation requires the aerodrome operator to have arrangements with all organisations active at the aerodrome. In this sense, this AMC does not introduce a new requirement. In any case the text will be rephrased. Information-sharing initiatives should be further supported through safety promotion activities.

comment	*259* comment by: *DGAC France*

Attachment #10

According to the size and activities of the aerodrome operator, the volume and proximity of organisations operating or providing services at the aerodrome could address some issues of complexity and feasability if the AMC requires to necessarily contractualize through written arrangements. In particular, if organisations out of the scope of the 376/2014 provide services at the aerodrome (non member state aircraft operator for example), it's going to be very difficult to contratualize on reporting obligations. Thus we suggest the following alternative redaction :

(b) The aerodrome operator should in relation with organisations operating or providing services at the aerodrome ~~establish written arrangements~~ clearly define ~~with all organisations operating or providing services at the aerodrome, defining~~ their reporting obligations under the safety-reporting system of the aerodrome operator.

response

Partially accepted.

The EASA Basic Regulation requires the aerodrome operator to have arrangements with all organisations active at the aerodrome. In this sense, this AMC does not introduce a new requirement. In any case the text will be rephrased.

The idea behind the arrangements is to get a commitment of the third parties to comply with the aerodrome operator's reporting system.

comment

270 comment by: *ADV - German Airports Association*

(b)
The aerodrome operator should **define** ~~establish written arrangements with all organisations operating or providing services at the aerodrome, defining their~~ reporting obligations for **all organisations operating or providing services at the aerodrome** under the safety-reporting system of the aerodrome operator **as part of its Aerodrome Manual**.

response

Partially accepted.

The EASA Basic Regulation requires the aerodrome operator to have arrangements with all organisations active at the aerodrome. In this sense, this AMC does not introduce a new requirement. In any case the text will be rephrased.

The AMC regarding the content of the aerodrome manual will also be updated.

comment

319 comment by: *ENAV*

The amendments proposed with this NPA could introduce cases of double reporting by ANSP that Regulation 376/2014 clearly excluded. As an example given is the amendments proposed for AMC1 ADR.OR.D.030 Safety -reporting system, which foresees that organizations (including ANSP) must report to the Aerodrome Operator.

response

See also comments 118 B, 108, 259, 140, 141, 155, 259, 270 (above)

Noted

	The proposed requirements and soft law reproduce existing provisions of Regulation (EU) No 139/2014. The reporting to the aerodrome operator concerns aerodrome-related occurrences. Such reporting is necessary in order to ensure the effectiveness of the SMS of the aerodrome operator and the taking of timely corrective action.

3. Proposed amendments — 3.18. Draft AMC/GM (Draft EASA Decision) — Part-ADR.OR: SUBPART C — ADDITIONAL RESPONSIBILITIES (ADR.OR.C), GM1 ADR.OR.D.030 Safety-reporting system p. 59-61

comment	*16* comment by: *John Hamshare* This GM states that it provides an overview of the elements required to comply with regulation 376. As such, should it not be AMC?
response	Not accepted. The intent of the GM is to provide clarification on the applicable requirements. For organisations that are subject to Regulation (EU) No 376/2014, elements that are requirements under Regulation (EU) No 376/2014 should not be included as AMC. The GM will however be reviewed to ensure it reads like guidance.

comment	*17* comment by: *John Hamshare* Section (c) states "...are required" but this is GM. The use of 'may be required' and/or 'should' is preferred to 'are required' in all GM.
response	Refer to the response to comment No 16.

comment	*46* comment by: *Ministry of Economics, Energy, Transport and Regional Development, State of Hessen.* Grundsätzlich sollten wesentliche Vorgaben nicht in – unverbindlichen – GM, sondern zumindest auf Ebene eines AMC geregelt werden. Bezüglich Buchst. f) ist eine Analyse für jedes Ereignis – unabhängig vom Schweregrad - nicht sinnvoll. Eine solche Pflicht bindet gerade auf großen Flughäfen Personalressourcen, ohne dass diesem Aufwand ein nennenswerter Erkenntnismehrwert gegenüberstünde. Zudem lassen sich ggf. vorliegende systemische Gründe für wiederkehrende Ereignisse mit geringerem Schweregrad nicht immer aufgrund von Einzelereignissen erkennen, sondern durch eine Auswertung über einen längeren Zeitraum.
response	Noted. Regarding the requirement to provide a report with the final results of the analysis within three months of the date of notification, see the response to comment No 50. Regarding the analysis of systemic issues, an occurrence may trigger the analysis of systemic issues that reviews not only the occurrence in question but previous occurrences, thus

providing a better overview. This is laid out in Article 13(1): '… each organisation established in a Member State shall develop a process to analyse occurrences… in order to identify the safety hazards associated with identified occurrences or groups of occurrences.'

comment

109 comment by: *UK CAA*

Page No: 60

Paragraph No: GM1 ADR.OR.D.030, sub-paragraphs (e) & (f)

Comment: We believe the interpretation of 376/2014 provided as guidance material is misleading. The statement in sub-paragraph (f) that both mandatory and voluntary reports should be transmitted to the competent authority within 30 days misses the significant point that only voluntary reports "which may involve an actual or potential aviation safety risk" (Art 5.5) should actually be transmitted.
The description does not include the initial transmission of occurrence reports to the competent authority within 72 hours. It is proposed that including this initial step improves clarity.

Justification: The NPA text could result in an organisation transmitting all its internal safety reports to the competent authority which would overload the national systems. Currently approx 10% of the internal reports submitted are subsequently sent to the UKCAA. i.e. this text could result in a ten-fold increase in the number of occurrences received by the competent authority. It should be noted that any safety-related internal reports received by an organisation can be considered as "voluntary reports" under 376/2014, regardless of their significance, as it is the perception of the reporter that defines this (Art 5.1). It is important that organisations understand they have a role to decide which of the voluntary reports they receive "may involve an actual or potential aviation safety risk" (Art5.5). It is only these voluntary reports that should be transmitted to the competent authority.

Proposed Text: Amend sub-paragraphs (e) and (f) to read as follows:

"(e) By applying their safety risk management and monitoring processes, established as part of their management system, aerodrome operators are able to:
1) Transmit mandatory occurrences (listed in Regulation (EU) 2015/1018) to the competent authority as soon as possible, and no later than 72 hours after becoming aware of the occurrence;
2) Transmit voluntary occurrences, that may be an actual or potential hazard to aviation safety, to the competent authority in a timely manner;
3) identify the safety hazards associated with identified occurrences or groups of occurrences (cf. Article 13(1));
4) analyse the related risks in terms of likelihood and severity of the outcome, as well as assess risks in terms of tolerability;
5) based on the result of the risk assessment, determine the need for mitigation action, as required for improving aviation safety (cf. Article 13(2)); and
6) monitor the timely implementation and effectiveness of any mitigation action required (cf. Article 13(2)).
(f) In addition to the actions required under paragraph (e) above, organisations are required to ensure that the following information is transmitted to the competent authority within

30 days from the date of notification of the occurrence (both mandatory reports and voluntary reports **that may be an actual or potential hazard to aviation safety**) (cf. Article 13(4)):
1) the preliminary results of the risk analysis performed; and
2) any mitigation action to be taken.
Furthermore, organisations are required to ensure that the final results of the risk analysis, where required, are transmitted to the competent authority as soon as they are available and, in principle, no later than 3 months from the date of notification of the occurrence to the authority (cf. Article 13(4)).”

response

Refer to the response to comment No 106.

comment

120 comment by: *ACI Europe*

Point 1:
In relation to section (c), ACI Europe suggest a change of wording from ‘’Aerodrome operators are required to designate one or more persons to handle independently the collection, evaluation, processing, analysis and storage of details of occurrences.’’ Suggest substitution of: “independently” and its replacement with: “appropriate resources” or similar text.

Point 2:
In relation to section (f): ‘In addition to the actions required by the established safety risk management processes, aerodrome operators are required to ensure that the following information is transmitted to the competent authority within 30 days from the date of notification of the occurrence (both mandatory and voluntary reports) to the authority (cf. Article 13(4)):

(1) the preliminary results of the risk analysis performed; and
(2) any mitigation action to be taken.’’

There does not appear to be a limitation in terms of what occurrences would require this level of additional reporting. This may result in all occurrences requiring this significant additional level of reporting, which would have consequential administration costs. ACI Europe to suggest deletion or appropriate limitations in relation to severity of occurrences to be adopted.

Point 3:
In relation to section (g), ‘’As part of their safety policy, aerodrome operators, after consulting staff representatives, are required to adopt rules describing how ‘just culture’ principles are guaranteed and implemented within the aerodrome operator.’’ ACI Europe would suggest clarification what consultation may represent in this instance and which staff representatives are to be included. Does this include third party organisations for example? ACI Europe would also suggest deletion of the wording guaranteed and its replacement with: “upheld” or similar text.

Point 4:
(f) This section defines a methodology for risk assessment / for a risk classification scheme. Current experience gained during certification shows that GM might be "misinterpreted" in relation to its bindingness. Hence, it should be stressed that the industry can continue to

use existing schemes - as stated in Rulemaking Task SPT.062 (within EPAS 2017-2012, page 22).

Furthermore, it might be beneficial to consider / anticipate the results of SPT.062.

SPT.062 Comparable risk classification of events across the industry

Objective:

Develop a common European risk classification scheme as mandated by Regulation (EU) No 376/2014.

response

Point 1: Not accepted.

The text needs to be aligned with Regulation (EU) No 376/2014. The reference to 'independently' is related to the principles of confidentiality and the protection of reporters that need to be respected in accordance with regulation (EU) No 376/2014.

Point 2: Refer to the response to comment No 46.

Point 3: Noted./Not accepted.

Regulation (EU) No 376/2014 refers to 'its' staff and this should also cover contracted organisations working under the organisation's approval certificate, but not independent third parties.

Regarding the use of the term 'guaranteed', the text needs to remain unchanged to be aligned with Regulation (EU) No 376/2014.

Point 4: Noted.

The GM does not suggest that a specific scheme must be used for the risk assessment. The wording in this GM considers existing provisions under the organisation's management system as defined in ADR.OR.D.005 'Management system' and related AMC (see AMC1 ADR.OR.D.005(b)(4) 'Management system'). The actions required by Regulation (EU) No 376/2014 in relation to hazard identification and risk assessment are to be performed as an integral part of the organisation's management system.

Finally, it is important to note that the ERCS under development is not intended to be mandatory for organisations and will not replace the risk assessment tools that are currently implemented by industry.

comment

121 comment by: *ACI Europe*

(c) (d) these paragraphs are not required as the points outlined here are the purpose of the SMS.

(e) This paragraph describes a new generic method for a risk assessment. This method does not correspond to the widely applied ERC method of the ARMS Working Group. It should be left to the ADR to be decided which method it chooses to apply. As a result this paragraph should be kept more general.

(f) This paragraph suggests that every report including follow ups must be submitted to the CA. The paragraph should limit /clarify the requirement to reporting requirements applicable under Regulation (EU) No 376/2014.

response | Refer to the response to comment No 120.

comment | *172* comment by: *daa - Dublin & Cork airports*

In relation to section (c), daa suggests change of wording from ''Aerodrome operators are required to designate one or more persons to handle independently the collection, evaluation, processing, analysis and storage of details of occurrences.'' Suggest substitution of: "independently" and its replacement with: "appropriate resources" or similar text.

In relation to section (f): ''In addition to the actions required by the established safety risk management processes, aerodrome operators are required to ensure that the following information is transmitted to the competent authority within 30 days from the date of notification of the occurrence (both mandatory and voluntary reports) to the authority (cf. Article 13(4)):

(1) the preliminary results of the risk analysis performed; and
(2) any mitigation action to be taken.''

There does not appear to be a limitation in terms of what occurrences would require this level of additional reporting. This may result in all occurrences requiring this significant additional level of reporting, which would have consequential administration costs. daa to suggest deletion or appropriate limitations in relation to severity of occurrences to be adopted.

In relation to section (g), ''As part of their safety policy, aerodrome operators, after consulting staff representatives, are required to adopt rules describing how 'just culture' principles are guaranteed and implemented within the aerodrome operator.'' daa would suggest clarification what consultation may represent in this instance and which staff representatives are to be included. Does this include third party organisations for example? daa would also suggest deletion of the wording guaranteed and its replacement with: "upheld" or similar text.

response | Refer to the response to comment No 120.

comment | *198* comment by: *CAA-Denmark*

New GM1 ADR.OR.D.030(d): The reference "Article 4(5)" should be corrected to "Article 6(5)".

response | Accepted.

The GM in point (d) will be corrected to refer to Article 6(5).

comment | *211* comment by: *Laura Paulais*

	The FNAM would like to highlight some inconsistencies with the regulation n° 376/2014 : In the paragraph (e) of this guidance material, the FNAM would like to remind that the "organisations are required to store occurrence reports qualifying for mandatory and voluntary reporting in one or more databases" as defined in Article 6(5) and not in Article 4(5) as it is written in this NPA. In the paragraph (f) of this guidance material, based on the result of the risk assessment, organisations are required to determine the need for mitigation action, as required for improving aviation safety as stated in Article 13(1) and not in Article 13(2). In the paragraph (h), the FNAM would like to underline that this paragraph should also refer to the paragraph 10 of the Article 16 of the regulation EU n°376/2014. Indeed the fact that the protection under paragraphs 6, 7 and 9 of the Article 16 of the regulation EU n° 376/2014 shall not apply to any of the following situations: "(a) in cases of wilful misconduct; (b) where there has been a manifest, severe and serious disregard of an obvious risk and profound failure of professional responsibility to take such care as is evidently required in the circumstances, causing foreseeable damage to a person or property, or which seriously compromises the level of aviation safety." This information should be in the paragraph (h) of this GM for a better understanding.
response	Refer to the response to comment No 208.

comment	*271* comment by: *ADV - German Airports Association* **Delete (c) & (d). These are basic SMS principles already states elsewhere.**
response	Refer to the response to comment No 120.

comment	*272* comment by: *ADV - German Airports Association* Comment on (e): Die generisch beschriebene Methode zur Risikobewertung war bisher noch nicht anzuwenden. Sie entspricht auch nicht der ERC Methode der ARMS Working Group, die von Airports bereits eingesetzt wird. Sie vermischt die proaktive und reaktive Bewertung. Hier sollte es den Airports freigestellt werden, welche Methode sie verwenden wollen. Die Formulierung sollte daher genereller gefasst sein.
response	Not accepted. The GM does not suggest that a specific scheme must be used for the risk assessment. The wording in this GM considers existing provisions under the organisation's management system as defined in ADR.OR.D.005 'Management system' and related AMC (see AMC1 ADR.OR.D.005(b)(4) 'Management system'). The actions required by Regulation (EU) No 376/2014 in relation to hazard identification and risk assessment are to be performed as an integral part of the organisation's management system.

comment	*274* comment by: *ADV - German Airports Association* Comment on (f): There needs to be a limitation to occurences covered also by Reg 376/2014.
response	Accepted. The text will be reviewed to accurately reflect the text in Regulation (EU) No 376/2014. The provisions only apply in the case the organisation identifies an actual or potential aviation safety risk as a result of its analysis of occurrences or group of occurrences.

comment	*349* comment by: *AESA* To GM1 ADR.OR.D.030 point (f): Article 13.4 from Reg 376/2014 limits this information "Where an organisation established in a Member State […] identifies an actual or potential aviation safety risk as a result of its analysis of occurrences or group of occurrences". The proposed wording suggests this information should be sent for ALL the occurrences. The above qualifier should be introduced.
response	Refer to the response to comment No 274.

comment	*354* comment by: *AESA* To GM1 ADR.OR.D.030 point (e): 376/2014 do not compel to use any type of scheme. The wording should be more general.
response	Refer to the response to comment No 272.

3. Proposed amendments — 3.18. Draft AMC/GM (Draft EASA Decision) — Part-ADR.OR: SUBPART C — ADDITIONAL RESPONSIBILITIES (ADR.OR.C), AMC1 ADR.OR.D.005(b)(2) Management system p. 61

comment	*122* comment by: *ACI Europe* (1) (V) This paragraph is unlikely to be applicable by German airports unless an escape clause is inserted or it is clarified that the requirement exceeds local or national legislation. to apply 'just culture' principles in accordance with Regulation (EU) No 376/2014, and, in particular, not to make available or use the information on occurrences: (A) to attribute blame or liability to someone for reporting something that would not have been otherwise detected; or (B) for any purpose other than the maintenance or improvement of aviation safety;
response	Noted

	Article 16 paragraph 11 of Regulation (EU) No 376/2014 foresees that 'Each organisation established in a Member State shall, after consulting its staff representatives, adopt internal rules describing how 'just culture' principles, in particular the principle referred to in paragraph 9, are guaranteed and implemented within that organisation. The body designated pursuant to paragraph 12 may ask to review the internal rules of the organisations established in its Member State before those internal rules are implemented.' Moreover, paragraph 9 of the same Article foresees that 'Except where paragraph 10 applies, employees and contracted personnel who report or are mentioned in occurrence reports collected in accordance with Articles 4 and 5 shall not be subject to any prejudice by their employer or by the organisation for which the services are provided on the basis of the information supplied by the reporter.' Similar requirements are also established in ADR.OR,D.030 point (d) (5).
comment	*199* comment by: *CAA-Denmark* AMC1 ADR.OR.D.005(b)(2): This AMC is located after AMC1 ADR.OR.D.030. We suggest to change placement of the particular AMC.
response	Accepted. In the final publication, the AMC & GM will be placed in the right order.
comment	*269* comment by: *ADV - German Airports Association* Comment on (b) (1) (V) Dieses ist aus rechtlicher Sicht für deutsche Airports nicht umsetzbar. Staatsanwaltschaften haben das Recht zur Beschlagnahmung von Dokumenten. Dieses könnte auch für Versicherungen oder Dritte gelten, die Schadenersatzansprüche stellen wollen.
response	Refer to the response to comment No 122.
comment	*364* comment by: *European Cockpit Association* 3.18.4 safety policy (v) (A) and (B) Comments this implicates that IF it is detected otherwise this information can be used anyway. this is inconsistent with Reg. 376/2014 Proposed amendment "(A) to attribute blame or liability to someone for reporting something ~~**that would not have been otherwise detected**~~; or (B) for any purpose other than the maintenance or improvement of aviation safety **provided this information is de-identified"**

response	Refer to the response to comment No 325B.

3. Proposed amendments — 3.18. Draft AMC/GM (Draft EASA Decision) — Part-ADR.OR: SUBPART C — ADDITIONAL RESPONSIBILITIES (ADR.OR.C), GM1 ADR.OR.D.005(b)(2) Management system p. 62

comment	*18* comment by: *John Hamshare* If Article 16(11) of 376/2014 is a requirement then the sentence beginning 'The commitment to apply 'just culture'.....' is meaningless in this GM and should be removed.
response	Not accepted. This GM restates the importance of just culture and refers to the just culture principles further defined in Regulation (EU) No 376/2014. This way the AMC exhaustively addresses all items that are relevant to safety policy.

3. Proposed amendments — 3.19. Draft Regulation (Draft EASA Opinion) — Part-ATM/ANS.AR: SUBPART A — GENERAL REQUIREMENTS, ATM/ANS.AR.A.020 Information to the Agency p. 62-63

comment	*246* comment by: *DGAC France* Attachment #11 The proposed formulation of §b) "With prejudice to regulation 376/2014…" suggest that both requirements 216/2008 and 376/2014 and their respective IR would be applicable when providing "safety-significant information stemming from occurrence reports". Now, "Safety-significant information..." is not defined in R (UE) 376/2014, thus it is not clear what is meant and what requirement of 376/2014 is referred to, with which requirement of 376 should Safety-significant information be compliance with ? On the other hand, to keep a clear regulation, it would be less confusing if 139 requirements would meet 376/2014 ones, instead of extending requirements as far as occurence reporting is concerned. If not, it could result in some contradiction with the the general objective of the NPA, to properly reflect the requirements defined in Regulation UE 376/2014. Thus we suggest to make a link between 139 et 376 when the mention "occurence" is concerned rather than on the whole sentence : b) "~~Without prejudice to regulation 376/2014~~, The competent authority shall provide the Agency with safety-significant information stemming from the occurrence reports stored in the national database in accordance to Regulation 376/2014."
response	Refer to the response to comment No 239.
comment	*346* comment by: *AESA* To ATM/ANS.AR.A.020 (b):

	This is directly regulated by Article 9.3 of 376/2014. This paragraph should be eliminated in order to harmonize with this regulation, or at least use 'In accordance with 376/2014' instead of 'Without prejudice'. The present wording seems to show a different way from that provided for in Reg. 376/2014. Besides this, it is not taking into account similar provisions to provide information from the Agency to the MS and among MS as 376/2014 has established.
response	Refer to the response to comment No 332.

3. Proposed amendments — 3.19. Draft Regulation (Draft EASA Opinion) — Part-ATM/ANS.AR: SUBPART B — MANAGEMENT (ATM/ANS.AR.B), ATM/ANS.AR.B.010 Changes in the management system p. 63

comment	*321* comment by: *Head of HANSA* ATM/ANS.AR.A.20 (b) "Safety Significant Information" should be further deployed in subparts for ATM/ANS, as for other domains mentioned in the NPA, as follows: 1. EXCHANGE OF SAFETY-SIGNIFICANT-INFORMATION WITH THE AGENCY 2. MEANING OF SAFETY-SIGNIFICANT-INFORMATION STEMMING FROM OCCURRENCE REPORTS 2. RECOMMENDED CONTENT FOR CONCLUSIVE SAFETY ANALYSIS (where the "as appropriate" after (a) and (b) for the rest of the five bullets which are very important for safety, should be more restrictive in the implementation, because some organizations could do none, while other all of them, creating a non standardized environment)
response	Accepted. It needs to be highlighted that GM1 ATM/ANS.AR.A.020(b) and GM2 ATM/ANS.AR.A.020(b) address already the 'meaning of safety-significant-information stemming from occurrence reports' and 'recommended content for conclusive safety analysis'. However, EASA agrees that the AMC on 'exchange of safety-significant-information with the Agency' is necessary to be amended. Furthermore, to better align the authority requirements with other aviation domains, and especially with ATCO licencing, EASA will consider further adjustments of the wording on the AMC & GM to ATM/ANS.AR.A.020. See AMC1 ATCO.AR.A.020(b).

3. Proposed amendments — 3.20. Draft Regulation (Draft EASA Opinion) — Part-ATM/ANS.OR: SUBPART A — GENERAL REQUIREMENTS (ATM/ANS.OR.A), ATM/ANS.OR.A.065 Occurrence reporting p. 64

comment	*25* comment by: *DFS Deutsche Flugsicherung GmbH* ATM/ANS.OR.A.065

	(b) following the general comment (#24) about what is to be reported, sub-point (1) and sub-point (2) should have the same analogy. We support the way in sub-point (2), where the relevant Regulation is mentioned. This should be applied for sub-point (1) as well, as this provides legal clarity and prevents confusion. We suggest to change sub-point (1) as follows: **(1) any occurrences, as defined in Regulation (EU) No 376/2014 in conjunction with Regulation (EU) No 2015/1018.**
response	Refer to the response to comment No 24.

comment	*26* comment by: *DFS Deutsche Flugsicherung GmbH* ATM/ANS.OR.A.065 (c) The list classified within Regulation (EU) No 2015/1018 in its Annex III Chapter 2. DEGRADATION OR TOTAL LOSS OF SERVICES OR FUNCTIONS and Chapter 3. OTHER OCCURENCES is comprehensive. Duplication and irritation should be prevented. Besides that kind of reporting relevant to the two Regulations under point (b) no other reports should be required. Furthermore this will lead to unjustified administrative burden. Now that Regulation 2015/1018 is in force, we see no need to keep point (c) in place. For this reason we suggested to amend point (b) (1) by referencing to the relevant Regulations 376/2014 and 2015/1018 - see other comment #25. In consequence **point (c) can be deleted.**
response	Not accepted. Point (c) is without prejudice to the provisions of (b). In addition, Regulation (EU) No 996/2010 deals with different matters.

comment	*28* comment by: *EASA Focal Point for AustroControl ANSP-issues* Related text: Par (d) 1 (ii) be made in a form and manner established by the Agency; and…… but also in Par (d) 2 (ii): Remark: There is no specific form and manner defined in regulation EC 376/2014. It seems to be more practicable to specify form and manner more precisely, to avoid future confusion. Suggested Solution: Define format, or set a reference to Annex I “LIST OF REQUIREMENTS APPLICABLE TO THE MANDATORY AND VOLUNTARY OCCURRENCE REPORTING SCHEMES” of Reg. EC 376/2014
response	Not accepted.

	Point (d) specifies that service providers outside the EU shall report to the IORS in such a way that the reports may be efficiently incorporated into the database. This is exactly the same as the agreements made between organisations and their competent authorities throughout the occurrence-reporting system.
comment	*32* comment by: *CANSO* ATM/ANS.OR.A.065 (b) **CANSO Comment:** following the general comment (#31) about what is to be reported, sub-point (1) and sub-point (2) should have the same analogy. We support the way in sub-point (2), where the relevant Regulation is mentioned. This should be applied for sub-point (1) as well, as this provides legal clarity and prevents confusion. **Suggested resolution:** We suggest to change sub-point (1) as follows: (1) any occurrences, as defined in Regulation (EU) No 376/2014 in conjunction with Regulation (EU) No 2015/1018.
response	Not accepted. Refer to the response to comment No 24.
comment	*33* comment by: *CANSO* ATM/ANS.OR.A.065 (c) **CANSO Comment:** The list classified within Regulation (EU) No 2015/1018 in its Annex III Chapter 2. DEGRADATION OR TOTAL LOSS OF SERVICES OR FUNCTIONS and Chapter 3. OTHER OCCURENCES is comprehensive. Duplication and irritation should be prevented. Besides that kind of reporting relevant to the two Regulations under point (b) no other reports should be required. Furthermore this will lead to unjustified administrative burden. **Proposed resolution:** Now that Regulation 2015/1018 is in force, we see no need to keep point (c) in place. For this reason we suggested to amend point (b) (1) by referencing to the relevant Regulations 376/2014 and 2015/1018 - see other comment #32. In consequence **point (c) can be deleted**
response	Refer to the response to comment No 26.
comment	*94* comment by: *ENAIRE*

(c) Without prejudice to paragraph (b) above, the service provider shall report to the competent authority and the organisation responsible for the design of the air traffic management (ATM)/air navigation services (ANS) systems and constituents, if different from the service provider, any malfunction, technical defect, exceeding of technical limitations, occurrence, or other irregular circumstance that has or may have endangered the safety of services and that has not resulted in an accident or serious incident.

Comment:

Only failures related with design issues should be sent to the organization responsible for the design of the air traffic management (ATM)/air navigation services (ANS) systems and constituents. If the failure is related to a human punctual error or other issues not related to design, there is no reason to send the occurrence to the organisation responsible for the design.

response

Noted.

Point (c) provides for a reporting to the entity responsible for the design of system and constituents, in case of malfunction, technical defect, exceeding of technical limitations, occurrence, or other irregular circumstance that has or may have endangered the safety and that has not resulted in an accident or serious incident. Therefore, under the above-mentioned circumstances, reporting to the design organisation is considered to be relevant.

comment

186 comment by: *EUROCONTROL*

ATM/ANS.OR.A.065 Occurrence reporting - Page 64
(d)(1) (i)

The EUROCONTROL Agency is of the opinion that the formulation does not enable a precise identification as to when the 72 hours reporting delay starts. The new formulation should also include an explanation of the way special circumstances of the calender such as public holidays may impact this reporting delay.

response

Noted.

This point creates an equivalent requirement in cases where Regulation (EU) No 376/2014 does not apply.

The reporting delay starts when the organisation becomes aware of the occurrence (see Regulation (EU) No 376/2014 Article 4(8) & (9). This will be clarified in GM.

It should be noted that occurrence reporting is not an administrative task, but closely related to operations. Therefore, public holidays cannot be taken into consideration.

comment

195A comment by: *German NSA (BAF)*

Page 64: ATM/ANS.OR.A.065 Occurrence reporting

	(b) The service provider shall report to the competent authority and any other organisation required by the Member State where the service provider provides its services to be informed: (1) any safety-related event or condition that endangers or, if not corrected or addressed, could endanger flight safety; Proposal: to (b): Please amend b into "[...] to the competent authority, the competent authority of those states wherein services are offered and any other organisation required by the State of the operator to be informed: (1) any safety-related event or condition that endangers or, if not corrected or addressed, could endanger flight safety;"
response	Refer to the responses to comments Nos 189 and 192.

comment	*195B* comment by: *German NSA (BAF)* Page 64: ATM/ANS.OR.A.065 Occurrence reporting (c) Without prejudice to paragraph (b) above, the service provider shall report to the competent authority and the organisation responsible for the design of the air traffic management (ATM)/air navigation services (ANS) systems and constituents, Proposal: to (c) Please add here: "…for the design and maintenance of… constituents" and add as an example "…(such as CNS-, AIS-providers)".
response	Not accepted. Point (c) provides for a reporting to the entity responsible for the design of system and constituents, in case of malfunction, technical defect, exceeding of technical limitations, occurrence, or other irregular circumstance that has or may have endangered the safety and that has not resulted in an accident or serious incident. Therefore, under the above-mentioned circumstances, reporting to the design organisation is considered to be relevant.

comment	*213* comment by: *Federal Office of Civil Aviation (FOCA), Switzerland* *Comment FOCA to ATM/ANS.OR.A.065 (c):* *"c) Without prejudice to paragraph (b) above, the service provider shall report to the competent authority and the organisation responsible for the design of the air traffic management (ATM)/air navigation services (ANS) systems and constituents, if different from the service provider, any malfunction, technical defect, exceeding of technical limitations, occurrence, or other irregular circumstance that has or may have ~~endangered the safety of services~~ affected affected the service provision and endanger flight safety".and that has not resulted in an accident or serious incident."* **Proposed new text:** replace "endangered the safety of services" by "affected the service provision and endanger flight safety".

Rationale: As safety is a state defined by the level of possible harm to people or damage to property. It should not be used as an attribute to characterize "*service*". In turns, the service provided will affect the safety of the flight operations (level of the harm). Also, the reasoning leading to the conclusion that a given malfunction or technical defect touching the service provision is relevant for the safety management is performed through an implicit or explicit assessment of the risk in relation with the flight operations affected.

response

Not accepted.

The definition provided in point (c) is aligned with the reporting requirements across all aviation domains and the definition provided in Regulation (EU) No 376/2014. The definition 'that has or may have endangered the safety of services' means that the occurrence reports relate to actual or potential safety risks. The proposed change would encompass everything where a service is affected, even if there is no potential safety consequence.

comment

226 comment by: *DSNA*

The list classified within Regulation (EU) No 2015/1018 in its Annex III Chapter 2. DEGRADATION OR TOTAL LOSS OF SERVICES OR FUNCTIONS and Chapter 3. OTHER OCCURENCES is comprehensive.

Duplication and irritation should be prevented. Besides that kind of reporting relevant to the two Regulations under point (b) no other reports should be required.
Furthermore this will lead to unjustified administrative burden.

Now that Regulation 2015/1018 is in force, DSNA sees no need to retain point (c). For this reason it is suggested to amend point (b) (1) by referencing relevant Regulations 376/2014 and 2015/1018.

In consequence point (c) can be deleted

response

Refer to the response to comment No 26.

comment

247 comment by: *DGAC France*

Attachment #12

b) 1) the added word "condition" doesn't exist in Regulation UE 376/2014. If some new requirement was to be introduced, it has to be first defined. Otherwise, it would be better to stick to the terms of "occurence" definition specified in Regulation 376/2014. That is to say : (7) 'occurrence' means 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; Moreover, the NPA expresses no objectives of adding new requirements. but making clear the applicability of Regulation 376/2014 as part of the managing system of operators.

Alternative propositions of redaction could be either : (b)The service provider shall report (...): (1) to the competent authority any safety-related event ~~or condition that endangers or, if not corrected or addressed, could endanger flight safety~~. 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;

Or, second possibility, include an additionnal definition in the corresponding AMC of what falls in the scope of a "condition" that isn't covered by "event".

response Refer to the response to comment No 258.

comment *356* comment by: *AESA*

To ATM/ANS.OR.A.065 (c):
This wording means a change de facto in report obligations.
Besides more workload, present tools could not be adequate for processing hazards, errors, near-misses (ECCAIRS, taxonomy, compulsory fields, European Risk Classification Scheme, etc.)
Does this extra information have to be treated in accordance with 376/2014? What are the MS obligations? What type of protection (just culture) it has? Is it compulsory the ADREP, ECCAIRS compatibility to this information? As general comment, what parts of 376 apply to this information? A different way of reporting other than occurrence information is being opened.
The voluntary scheme could capture and deal with this type of information.
If the need of receiving more safety information has been detected, the 376/2014 should be modified accordingly. Acting this way suppose confusion and legal uncertainty.

response Noted.

Point (c) is without prejudice to the provisions of Regulation (EU) No 376/2014. In addition, Regulation (EU) No 996/2010 deals with different matters. This reporting is not explicitly addressed by Regulation (EU) No 376/2014. In cases where Regulation (EU) No 376/2014 does not apply, the EASA Basic Regulation still applies — in this case, Article 15 'Information network' and Article 16 'Protection of the source of information'. Reports should be sent to the competent authority in a form and manner established by the authority and likewise to the organisation in a form and manner established by the organisation.

3. Proposed amendments — 3.20. Draft Regulation (Draft EASA Opinion) — Part-ATM/ANS.OR: SUBPART A — GENERAL REQUIREMENTS (ATM/ANS.OR.A), ATM/ANS.OR.B.005 Management system p. 65

comment *248* comment by: *DGAC France*

Attachment #13

(8) is difficult to understand if the notion of "compliance" is not introduced as for example for ADR.OR.D.005.

Moreover, the proposed redaction is confusing.

	We don't understand if the objective of point (8) is either : 1/ Is it to include in the management system, the monitoring of compliance to 376/2014 requirements ? or : 2/ Or only to minute that the compliance to 376/2014 and Implementing Rules is part of the management system of the aerodrome operator ? If 1/ Alternative proposition : (a) A service provider shall implement and maintain a management system that includes: (…) (g) a formal process to monitor compliance of the organisation with the relevant requirements and compliance to requirement with requirements of R UE 376/2014 and its implementing rules Or if 2/ Alternative proposition (a) A service provider shall implement and maintain a management system that includes: (…) (8) a formal process to monitor compliance of the organisation with the relevant requirements prescribed in : Regulation EC 216/2008 and its Implementing Rules, Regulation (EU) No 376/2014 and its Implementing Rules. ~~(8) any additional relevant requirements prescribed in this Regulation, as well as the applicable requirements of Regulation (EU) No 376/2014 and its implementing rules.~~
response	Refer to the response to comment No 242.

3. Proposed amendments — 3.21. Draft Regulation (Draft EASA Opinion) — Part-ATCO.AR: SUBPART A — GENERAL REQUIREMENTS, ATCO.AR.A.025 Immediate reaction to a safety problem p. 65

comment	*276* comment by: *Austro Control* 1) Page No. 1 + 65-67 2) Paragraph No. 3.21 – 3.24 3) Comment It is not clear, why Draft regulation (EASA Opinion) Part ATCO is part of this NPA. Regulation (EU) 376/2014 does not cover this kind of organizations. 4) Justification ATCO Training organizations may employ, contract or use the service of ATCOs, but only in their function as a trainer. A TO is normally NOT providing training in "life traffic" environment. In those cases where a TO provides sector rating training within the environment of an ANSP, the reporting obligations of the ANSP (see 3.19 + 3.20) apply. 5) Proposal (new proposed text, etc.) Remove sections 3.21 to 3.24 from this NPA.
response	Not accepted. This part of the NPA was introduced for the OJT part of ATCO training and to make the link with the ATCO management system. To promote clarity, the referenced provisions are modified as follows: **'ATCO.OR.B.040 Occurrence reporting** (a) As part of their management system, training organisations providing on-the-job training shall establish and maintain an occurrence-reporting system, including mandatory and voluntary reporting. For training organisations located in the territory

subject to the provisions of the Treaty establishing the European Union and providing on-the-job training in the territory to which the Treaty applies, such system shall meet the requirements of Regulation (EU) No 376/2014 and its delegated and implementing acts.

(b) Training organisations providing on-the-job training shall report to the competent authority and any other organisation required by the Member State where the training organisation provides on-the-job training to be informed, any safety-related event or condition resulting from their training activity that endangers or, if not corrected or addressed, could endanger an aircraft, its occupants or any other person, and in particular any accident or serious incident.

(…)'

3. Proposed amendments — 3.21. Draft Regulation (Draft EASA Opinion) — Part-ATCO.AR: SUBPART B — MANAGEMENT, ATCO.AR.B.001 Management system p. 66

comment

128 comment by: *Romanian CAA*

Para. (a)(3) analyse a situation which, however, represents an exception from Regulation 376/2014, which in Art. 4(8) states that organizations must report to competent authority for Regulation 376/2014.

Consequently, in addition to GM mentioned above, we believe it would be useful to include in these GM some clarifications on the implementation of Art. 6(10) of Regulation 376/2014, in order to avoid misinterpretation in the process of adapting the internal procedures and protocols of cooperation between authorities.

response

Refer to the response to comment No 125.

3. Proposed amendments — 3.21. Draft Regulation (Draft EASA Opinion) — Part-ATCO.AR: SUBPART B — MANAGEMENT, ATCO.AR.B.010 Changes to the management system p. 66

comment

183 comment by: *EUROCONTROL*

ATCO.AR.B.010 Changes to the management system (a) - Page 66
The EUROCONTROL Agency wonders whether it should not be *'... as well as **in** Regulation (EU) 376/2014'* instead of *'... as well as **with** Regulation (EU) 376/2014'.*

ATCO.AR.B.010 Changes to the management system (b) - Page 66
The EUROCONTROL Agency wonders whether it should not be *'... as well as **to** Regulation (EU) 376/2014'* instead of *'... as well as **with** Regulation (EU) 376/2014'.*

ATCO.AR.B.010 Changes to the management system (c) - Page 66

	The EUROCONTROL Agency wonders whether it should not be *'... as well as **in** Regulation (EU) 376/2014'* instead of *'... as well as **with** Regulation (EU) 376/2014'.*
response	Accepted. The text will be amended as proposed.

3. Proposed amendments — 3.22. Draft Regulation (Draft EASA Opinion) — Part-ATCO.OR: SUBPART B — REQUIREMENTS FOR AIR TRAFFIC CONTROLLER TRAINING ORGANISATIONS, ATCO.OR.B.040 Occurrence reporting p. 66-67

comment	*29* comment by: *EASA Focal Point for AustroControl ANSP-issues* Page 65-67, Paragraph No. 3.21 – 3.24 generally Part ATCO.AR ATCO Training Organizations Remark: It is not clear, why Draft regulation (EASA Opinion) Part ATCO is part of this NPA. Regulation (EU) 376/2014 does not cover this kind of organizations. ATCO Training organizations may employ, contract or use the service of ATCOs, but only in their function as a trainer. A Training Organization is normally NOT providing training in "life traffic" environment. In those cases where a Training Organization provides sector rating training within the environment of an ANSP, the regular reporting obligations of the ANSP (see 3.19 + 3.20) shall apply. Suggested Solution: Remove sections 3.21 to 3.24 from this NPA completely.
response	Refer to the response to comment No 276.

comment	*92* comment by: *ENAIRE* *(1) any safety-related event or condition that endangers or, if not corrected or addressed, could endanger flight safety; and* *(2) any accident and serious incident, as defined in Regulation (EU) No 996/2010.* **Comment:** “Any safety related event than endangers or could endanger”. This definition is too broad to be useful. More concretion is needed to avoid misinterpretation between references to organization and NSA. If the evaluation is provided by the reporter, NSA must admit the existence of some occurrences being notified by pilots but not being notified by controllers due to different interpretation. If the sentence covers more than what is obligatory by Regulation 376/2014, then different treatment to mandatory vs voluntary reporting should be contemplated so that NSA does not consider whatever safety related event than endangers or could endanger flight safety as mandatory. This point must be clear.

response

Noted.

The definition is intentionally broad since it ensures that new events are reported in addition to the scenarios already seen or easily imagined. Also, further specifying or limiting the items that qualify for reporting under this provision may discourage reporting where the reporter is not sure about the status of what is to be reported (mandatory/voluntary reporting).

For legal clarity, Regulation (EU) 2015/1018 provides a full list of occurrences. In addition, it is the role of a competent authority to contact organisations or individuals where a report that may concern them has been received, in order to ensure that a full account of the event is recorded.

comment

95 comment by: *ENAIRE*

(c) Without prejudice to paragraph (b) above, the training organisation shall report to the competent authority and the organisation responsible for the design of the air traffic management (ATM)/air navigation services (ANS) systems and constituents, if different from the service provider, any malfunction, technical defect, exceeding of technical limitations, occurrence, or other irregular circumstance that has or may have endangered the safety of services and that has not resulted in an accident or serious incident.

Comment:

Only failures related with design issues should be sent to the organization responsible for the design of the air traffic management (ATM)/air navigation services (ANS) systems and constituents. If the failure is related to a human punctual error or other issues not related to design, there is no reason to send the occurrence to the organisation responsible for the design.

response

Noted.

Point (c) provides for a reporting to the entity responsible for the design of system and constituents, in case of malfunction, technical defect, exceeding of technical limitations, occurrence, or other irregular circumstance that has or may have endangered the safety and that has not resulted in an accident or serious incident. Therefore, under the above-mentioned circumstances, reporting to the design organisation is considered to be relevant.

comment

173 comment by: *ATCEUC - Air Traffic Controllers European Unions Coordination*

For consistency, ATCEUC proposes to refer to the term “occurrence” which already covers any safety-related event or condition (…)
Reg 376/2014 defines “occurrence” as any safety-related event or condition that endangers or, if not corrected or addressed, could endanger flight safety; moreover, its IR 2015/1018 lays down a list classifying “occurrences” to be reported under MORS.

Text proposal:

Subpart B-Management
ATCO.OR.B.040 Occurrence reporting

	(b) Training organisations providing on-the-job training shall report to the competent authority and any other organisation required by the Member State where the service provider provides its services to be informed: (1) ~~any safety-related event or condition that endangers or, if not corrected or addresed, could endanger flight safety~~; any occurrence as defined in Regulation (EU) 376/2014 (2) any accident and serious incident, as defined in Regulation (EU) No 996/2010
response	Partially accepted. The definition in Regulation (EU) No 376/2014 does not include any reference to 'condition', which is seen as problematic. It is therefore proposed to adopt a slightly amended version of that definition for the delegated and implementing acts of the EASA Basic Regulation, as follows: 'any safety-related event or condition which endangers or which, if not corrected or addressed, could endanger an aircraft, its occupants or any other person.' Refer also to the response to comment No 92.
comment	*174* comment by: *ATCEUC - Air Traffic Controllers European Unions Coordination* ATCEUC suggests to emphasize the need for confidentiality and data safeguarding by including it as a requisite to meet. Text proposal: ATCO.OR.B.040 Occurrence reporting (d) For training organisations not located in the territory subject to the provisions of the Treaty establishing the European Union and providing on-the-job training in the territory to which Treaty applies: (1) initial reports shall: **(i)Appropriately safeguard the confidentiality of the identity of the reporter and of the persons mentioned in the report.** (ii) be made as soon as practicable but in any case within 72 hours of the organisation identifying the condition (…) (iii) be made in a form and manner established by the Agency; and (iv) contain all pertinent information about the condition known to the organisation;
response	Accepted. The text will be amended as proposed.
comment	*184* comment by: *EUROCONTROL*

ATCO.OR.B.040 Occurrence reporting - Page 66 and 67

The EUROCONTROL Agency has two comments:

1/ it is of the opinion that (a) and (b), both about safety occurrence during on-the-job training, need review taking into account the following observations
it is difficult to imagine how a training organization can provide on-the-job training for ATCOs independently from the ANSP where the training actually takes place, thus meaning that it is up to this ANSP to report on safety occurrences;

moreover, it is difficult or even impossible, to envisage the concept of training organisation specialised in on-the-job training since ATCO on-the-job training has to do, by definition, with service provision;

(a) and (b) therefore correspond to the same situation.

2/ it proposes that the time element is reintroduced in the proposed ATCO.OR.B.040 (b) text (after adaptation following the above comment, and if the (b) text is kept) in order to be helpful to the ATM training organisations (ATOs). The justification of our proposal is the following: to reduce the need to look up time delays in a different regulation (376/2014) when an occurrence happens – the stress levels are high enough in small ATOs. This is also important to maintain the revised 2015/340 as a stand-alone rule.

response

Point 1: Accepted.

To promote clarity, the referenced provisions are modified as follows:

'ATCO.OR.B.040 Occurrence reporting

(a) As part of their management system, training organisations providing on-the-job training shall establish and maintain an occurrence-reporting system, including mandatory and voluntary reporting. For training organisations located in the territory subject to the provisions of the Treaty establishing the European Union and providing on-the-job training in the territory to which the Treaty applies, such system shall meet the requirements of Regulation (EU) No 376/2014 and its delegated and implementing acts.

(b) Training organisations providing on-the-job training shall report to the competent authority and any other organisation required by the Member State where the training organisation provides on-the-job training to be informed, any safety-related event or condition resulting from their training activity that endangers or, if not corrected or addressed, could endanger an aircraft, its occupants or any other person, and in particular any accident or serious incident.

(…)'

Point 2: Not accepted.

	The applicable reporting delays for organisations subject to Regulation (EU) No 376/2014 should not be 'replicated' in the delegated and implementing acts of the EASA Basic Regulation; however, it is proposed to recall them in specific guidance material/safety promotion material explaining the elements of an occurrence-reporting system compliant with Regulation (EU) No 376/2014.
comment	*244* comment by: *DGAC France* Attachment #14 b) 1) the added word "condition" doesn't exist in Regulation UE 376/2014. If some new requirement was to be introduced, it has to be first defined. Otherwise, it would be better to stick to the terms of "occurence " definition specified in Regulation 376/2014. That is to say : (7) 'occurrence' means 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; Moreover, the NPA expresses no objectives of adding new requirements. but making clear the applicability of Regulation 376/2014 as part of the managing system of operators. Alternative propositions of redaction could be either : (b)Training organisations providing on-the-job training shall report (...): (1) to the competent authority any safety-related event ~~or condition that endangers or, if not corrected or addressed, could endanger flight safety~~. 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; Or, second possibility, include an additionnal definition in the corresponding AMC of what falls in the scope of a "condition" that isn't covered by "event".
response	Refer to the response to comment No 258.
Comment	*357* comment by: *AESA* To ATCO.OR.B.040 ©: This wording means a change de facto in reports obligations. Besides more workload, present tools could not be adequate for processing hazards, errors, near-misses (ECCAIRS, taxonomy, compulsory fields, European Risk Classification Scheme, etc.) Does this extra information have to be treated in accordance with 376/2014? What are the MS obligations? What type of protection (just culture) it has? Is it compulsory the ADREP, ECCAIRS compatibility to this information? As general comment, what parts of 376 apply to this information? A different way of reporting other than occurrence information is being opened. The voluntary scheme could capture and deal with this type of information. If the need of receiving more safety information has been detected, the 376/2014 should be modified accordingly. Acting this way suppose confusion and legal uncertainty.
response	Noted.

	Point(c) is without prejudice to the provisions of (b). In addition, Regulation (EU) No 996/2010 deals with different matters.

3. Proposed amendments — 3.22. Draft Regulation (Draft EASA Opinion) — Part-ATCO.OR: SUBPART B — REQUIREMENTS FOR AIR TRAFFIC CONTROLLER TRAINING ORGANISATIONS, ATCO.OR.C.001 Management system of training organisations p. 67-68

comment	*185* comment by: *EUROCONTROL* **ATCO.OR.C.001 Management system of training organisations** - Page 67 The EUROCONTROL Agency proposes to reintroduce the current text of ATCO.OR.C.001 (g) which reflects the proportionality of the management system. The text proposed for (g) is on a different matter and not equivalent.
response	Accepted. Considering the comment, the deleted provision is reinserted to revert back to the initial text of ATCO.OR.C.001.

comment	*196* comment by: *German NSA (BAF)* Page 67: 3–22.2 - ATCO.OR.C.001 Management system of training organisat ~~(g) 'The management system shall be proportionate to the size of the organisation and its activities, taking into account the hazards and associated risks inherent in those activities'~~ (g) any additional relevant requirements that are prescribed in this Regulation, as well as in Regulation (EU) No 376/2014 and its delegated and implementing acts. Proposal: It is deemed necessary to keep the original text (g) additionally to the new provision (g) that is also needed. Otherwise, findings will be issued at organisations without creating any added value to aviation safety. Furthermore, it hinders the implementation of efficient administration at small organisations. It is not clear whether the complexity proportion approach is reflected in the new provision (g) and in the herein encompassed link to the complexity of the organisation (cf. AMC1 ATCO.OR.C.001(g) Management system of training organisations, etc.)
response	Accepted. Considering the comment, the deleted provision is reinserted to revert back to the initial text of ATCO.OR.C.001.

comment	*245* comment by: *DGAC France*

Attachment #15

The aim of this NPA is to align IR of 216/2008 with the Regulation 376/2014 and its IR, not to change the principle of proportionality behind the management system. Such removal cannot be made with this NPA. And, (g) is difficult to understand if the noti“n of "comp”iance" is not introduced as for example for ADR.OR.D.005.

Moreover, the proposed redaction is confusing. ’e don't understand if the objective of point (g) is either :

1/ Is it to include in the management system, the monitoring of compliance to 376/2014 requirements ?
or :
2/ Or only to minute that the compliance to 376/2014 and Implementing Rules is part of the management system of the aerodrome operator ?

Text proposal :

Training organisations shall establish, implement and maintain a management system that includes:
(g) any additional relevant requirements that are prescribed in this Regulation, as well as in Regulation (EU) No 376/2014 and its implementing rules., ~~(g)~~(h) The management system shall be proportionate to the size of the organisation and its activities, taking into account the hazards and associated risks inherent in those activities.

If 1/ Alternative proposition : Training organisations shall establish, implement and maintain a management system that includes:
(…) (g) a formal process to monitor compliance of the organisation with the relevant requirements and compliance to requirement with requirements of R UE 376/2014 and its implementing rules

Or if 2/ Alternative proposition Training organisations shall establish, implement and maintain a management system196ncludesludese:
(…) (g) a formal process to monitor compliance of the organisation with the relevant requirements prescribed in : Regulation EC 216/2008 and its Implementing Rules, Regulation (EU) No 376/2014 and its Implementing Rules.

~~(g) any additional relevant requirements prescribed in this Regulation, as well as the applicable requirements~~
~~of Regulation (EU) No 376/2014 and its implementing rules.~~

response

Refer to the response to comment No 242.

3. Proposed amendments — 3.23. Draft AMC/GM (Draft EASA Decision) — Part-ATCO.AR: SUBPART A — GENERAL REQUIREMENTS, AMC1 ATCO.AR.A.020(b) Information to the Agency p. 68

comment

243 comment by: *DGAC France*

Attachment #16

	ATCO.AR.A.020 is impacted by this NPA as indicated into Appendix 1 — Overview of changes and correspondence between IRs and AMC/GM across the different domains but no proposal has been made. A proposal should be made. b) "~~With prejudice to regulation 376/2014~~, The competent authority shall provide the Agency with safety-significant information stemming from the occurrence reports stored in the national database in accordance to Regulation 376/2014."
response	Refer to the response to comment No 239.

3. Proposed amendments — 3.23. Draft AMC/GM (Draft EASA Decision) — Part-ATCO.AR: SUBPART A — GENERAL REQUIREMENTS, GM1 ATCO.AR.A.020(b) Information to the Agency p. 68

comment	*175* comment by: *ATCEUC - Air Traffic Controllers European Unions Coordination* ATCEUC requires the term *Safety-significant information* to be specifically included as a Definition.
response	Noted. The definition of 'safety-significant information' is included in GM1 ATCO.AR.A.020(b).

3. Proposed amendments — 3.23. Draft AMC/GM (Draft EASA Decision) — Part-ATCO.AR: SUBPART A — GENERAL REQUIREMENTS, GM2 ATCO.AR.A.020(b) Information to the Agency p. 68

comment	*176* comment by: *ATCEUC - Air Traffic Controllers European Unions Coordination* ATCEUC considers it should be included a new requirement as part of the content of all conclusive safety analyses, it being a description of how Just Culture principles have been guaranteed. To that purpose a new (f) has been added. Text proposal: **GM2 ATCO.AR.A.020 (b) Information to the Agency.** RECOMMENDED CONTENT FOR CONCLUSIVE SAFETY ANALYSES. A conclusive safety analysis should contain the following: (a) a detailed description of the safety issue, including the scenario in which the safety issue takes place; and (b) an indication of the stakeholders affected by the safety issue, including types of operations and organisations; and as appropriate: (c) a risk asssessment establishing the severity and likelihood of all possible consequences of the safety issue; (d) information about the existing safety barriers that the aviation system has in place to prevent the likely safety issue consequences from occurring; (e) any mitigation actions already in place or developed to deal with the safety issue; (f) **a description of how Just Culture principles have been guaranteed in relation with the safety event;** (g) recommendations for future actions to control the risk; and

	(h) any other element the competent authority considers essential for the Agency to properly assess the safety issue.
response	Not accepted. This change is not supported by Regulation (EU) No 376/2014, which does not include any requirement for such information to be provided to EASA. The application of just culture principles will be assessed as part of EASA standardisation.

comment	*187* comment by: *EUROCONTROL* **GM2 ATCO.AR.A.020(b) Information to the Agency** - Page 68 RECOMMENDED CONTENT FOR CONCLUSIVE SAFETY ANALYSES The EUROCONTROL Agency is of the opinion that the proposal misses some explanation on how to develop the recommended content, especially that concerning risk assessment and safety barriers.
response	Accepted. The terminology will be amended to be aligned with the concepts that will underlie the ERCS. The GM will be amended to read 'a risk assessment establishing the severity and probability of all the possible consequences of the safety issue'.

3. Proposed amendments — 3.23. Draft AMC/GM (Draft EASA Decision) — Part-ATCO.AR: SUBPART A — GENERAL REQUIREMENTS, SECTION II — MANAGEMENT, GM1 ATCO.AR.B.001 Management system p. 69

comment	*151* comment by: *Swedish Transport Agency, Civil Aviation Department (Transportstyrelsen, Luftfartsavdelningen)* see our comment on page 9 regarding that AMC/GM should be written as guidance and hence these sentences should be rewritten or moved to the regulation.
response	Refer to the response to comment No 153.

comment	*251* comment by: *DGAC France* Attachment #17 Apparently, it is admitted that the authorities in charge of oversight and occurrence reporting could be the same, at least because the GM precises the conditions needed when they are different. We don't know how to understand the term "…independantly.." in § 6.3 of R (UE) which is referred to in the NPA. What is required under this mention ?
response	Refer to the response to comment No 249.

3. Proposed amendments — 3.24. Draft AMC/GM (Draft EASA Decision) — Part-ATCO.OR: SUBPART B — REQUIREMENTS FOR AIR TRAFFIC CONTROLLER TRAINING ORGANISATIONS, AMC1 ATCO.OR.B.040 Occurrence reporting p. 69

comment	*326* comment by: *Head of HANSA* In ATCO.OR.B.O40 of EU 340/2015, the reporting is linked with training activities ("*Training organisations providing on-the-job training shall report to the competent authority, and to any other organisation required by the State of the operator to be informed, any accident, serious incident and occurrence as defined in Regulation (EU) No 996/2010 of the European Parliament and of the Council (1) and Regulation (EU) No 376/2014,* ***resulting from their training activity")****,* as EU 340/2015 is about ATCO Training/Licencing. In the AMC1 ATCO.OR.B.O40, the reporting becomes kind of general being complemented by the GM1 ATCO.OR.B.O40 which mentions that reports ***"should"*** focus on occurrences during OJTI. We believe that this creates some confusion concerning what kind of reporting should be done. If we follow the AMC then all occurrences according to EU 2015/1018 should be reported and then this contradicts the GM which mentions that the focus should be on OJTI. A more clear approach should be applied between AMC and GM.
response	Accepted. Considering the comment and to promote clarity, the commented provision will be amended as follows: '**ATCO.OR.B.040 Occurrence reporting** (a) As part of their management system, training organisations providing on-the-job training shall establish and maintain an occurrence-reporting system, including mandatory and voluntary reporting. For training organisations located in the territory subject to the provisions of the Treaty establishing the European Union and providing on-the-job training in the territory to which the Treaty applies, such system shall meet the requirements of Regulation (EU) No 376/2014 and its delegated and implementing acts. (b) Training organisations providing on-the-job training shall report to the competent authority and any other organisation required by the Member State where the training organisation provides on-the-job training to be informed, any safety-related event or condition resulting from their training activity that endangers or, if not corrected or addressed, could endanger an aircraft, its occupants or any other person, and in particular any accident or serious incident. (…)' It is acknowledged that the reporting should relate to the activity resulting from the training provided.

3. Proposed amendments — 3.24. Draft AMC/GM (Draft EASA Decision) — Part-ATCO.OR: SUBPART B — REQUIREMENTS FOR AIR TRAFFIC CONTROLLER TRAINING ORGANISATIONS, GM2 ATCO.OR.B.040 Occurrence reporting p. 70-71

comment	*96* comment by: *ENAIRE* *(f) By applying their safety risk management and monitoring processes, established as part of their management system, organisations are able to:* *(1) identify the safety hazards associated with identified occurrences or groups of occurrences (cf. Article 13(1));* *(2) analyse the related risks in terms of likelihood and severity of the outcome, as well as assess risks in terms of tolerability;* *(3) based on the result of the risk assessment, determine the need for mitigation action, as required for improving aviation safety (cf. Article 13(2)); and* *(4) monitor the timely implementation and effectiveness of any mitigation action required (cf. Article 13(2)).* **Comment:** There is no indication to organizations on how to do this process in the the case of an occurrence, in spite of being written in an AMC. No indication is provided either on how to obtain safety or likelihood, or on how to identify safety hazards in occurrences. *(g) In addition to the actions required by the established safety risk management processes, organisations are required to ensure that the following information is transmitted to t* *(1) the preliminary results of the risk analysis performed; and* *(2) any mitigation action to be taken.* *Furthermore, organisations are required to ensure that the final results of the risk analysis, where required, are transmitted to the competent authority as soon as they are available and, in principle, no later than 3 months from the date of notification of the occurrence to the authority (cf. Article 13(4)).* **Comment:** In regulation 376/2014, not all occurrences reported require a follow up, but in the AMC it seems so. Only the cases indicated in Regulation 376/2014 must be required in the AMC.
response	Point 1: Noted. The GM states that the hazard identification and risk assessment for occurrences will be done on the basis of the processes and methods established by the organisation as part of their management system. It is up to each organisation to establish these processes and methods for risk management. Point 2: Refer to the response to comment No 120.

comment	*110* comment by: *UK CAA* **Page No:** 70 **Paragraph No:** GM2 ATCO.OR.B.040, sub-paragraphs (f) & (g)

Comment: We believe the interpretation of 376/2014 provided as guidance material is misleading. The statement in sub-paragraph (g) that both mandatory and voluntary reports should be transmitted to the competent authority within 30 days misses the significant point that only voluntary reports "which may involve an actual or potential aviation safety risk" (Art 5.5) should actually be transmitted.
The description does not include the initial transmission of occurrence reports to the competent authority within 72 hours. It is proposed that including this initial step improves clarity.

Justification: The NPA text could result in an organisation transmitting all its internal safety reports to the competent authority which would overload the national systems. Currently approx 10% of the internal reports submitted are subsequently sent to the UKCAA. i.e. this text could result in a ten-fold increase in the number of occurrences received by the competent authority. It should be noted that any safety-related internal reports received by an organisation can be considered as "voluntary reports" under 376/2014, regardless of their significance, as it is the perception of the reporter that defines this (Art 5.1). It is important that organisations understand they have a role to decide which of the voluntary reports they receive "may involve an actual or potential aviation safety risk" (Art5.5). It is only these voluntary reports that should be transmitted to the competent authority.

Proposed Text: Amend sub-paragraphs (f) & (g) to read as follows:

"(f) By applying their safety risk management and monitoring processes, established as part of their management system, organisations are required to:
1) Transmit mandatory occurrences (listed in Regulation (EU) 2015/1018) to the competent authority as soon as possible, and no later than 72 hours after becoming aware of the occurrence;
2) Transmit voluntary occurrences, that may be an actual or potential hazard to aviation safety, to the competent authority in a timely manner;
3) identify the safety hazards associated with identified occurrences or groups of occurrences (cf. Article 13(1));
4) analyse the related risks in terms of likelihood and severity of the outcome, as well as assess risks in terms of tolerability;
5) based on the result of the risk assessment, determine the need for mitigation action, as required for improving aviation safety (cf. Article 13(2)); and
6) monitor the timely implementation and effectiveness of any mitigation action required (cf. Article 13(2)).
(g) In addition to the actions required under paragraph (f) above, organisations are required to ensure that the following information is transmitted to the competent authority within 30 days from the date of notification of the occurrence (both mandatory reports and voluntary reports **that may be an actual or potential hazard to aviation safety**) (cf. Article 13(4)):
7) the preliminary results of the risk analysis performed; and
8) any mitigation action to be taken.
Furthermore, organisations are required to ensure that the final results of the risk analysis, where required, are transmitted to the competent authority as soon as they are available and, in principle, no later than 3 months from the date of notification of the occurrence to the authority (cf. Article 13(4))."

response

Accepted.

The GM text and equivalent GM text to the other delegated and implementing acts of the EASA Basic Regulation will be amended as proposed to clarify that the timelines and follow-up requirements only apply to mandatory occurrence reports.

comment

177 comment by: *ATCEUC - Air Traffic Controllers European Unions Coordination*

Conscious that the “occurrence reporting system” includes both mandatory and voluntary reporting, it is ATCEUC believe that emphasis should be put on the fact that reporters or persons mentioned in the reports under Article 5, Voluntary reporting, are also under the scope of protection from any prejudice by their employer.

Text proposal:
(h) As part of their safety policy, organisations, after consulting staff representatives, are required to adopt rules describing how just culture principles are guaranteed and implemented within the organisation. The purpose of those rules is to ensure that employees and contracted personnel that report or are mentioned in occurrence reports collected as part of the occurrence-reporting system, **both mandatory or voluntary,** are not subject to any prejudice by their employer or any organisation for which the services are provided on the basis of the information supplied by the reporter (cf. Article 16)

response

Accepted.

The text will be amended as proposed. A reference to possible exceptions will also be included on the basis of Article 16(10).

comment

328 comment by: *Head of HANSA*

GM2 ATCO.OR.B.040

(c) The word "independently" needs clarification in a definite way. This word is also mentioned in EU 376/2014 and may have several interpretations. The same stands for the words "evaluation" and "processing". As the word "analysis" has been defined in the NPA through the description of what is included in a conclusive "safety analysis", the same should happen with "evaluation" and "processing". We believe that there will be a lot of problems in the future if every term that has to do with occurrence management is not properly and without any doubt defined.

response

Refer to the response to comment No 249.

comment

350 comment by: *AESA*

To GM2 ATCO.OR.B.040 (g):
Article 13.4 from Reg 376/2014 limits this information “Where an organisation established in a Member State […] identifies an actual or potential aviation safety risk as a result of its analysis of occurrences or group of occurrences”. The proposed wording suggests this information should be sent for ALL the occurrences. The above qualifier should be introduced.

response	Refer to the response to comment No 349.

3. Proposed amendments — 3.24. Draft AMC/GM (Draft EASA Decision) — Part-ATCO.OR: SUBPART C — MANAGEMENT OF AIR TRAFFIC CONTROLLER TRAINING ORGANISATIONS, AMC1 ATCO.OR.C.001(b) Management system of training organisations p. 71-72

comment	*329* comment by: *Head of HANSA* In (1), "the preliminary results of the **risk analysis** preformed;" the term "risk analysis" should be considered to change to "**risk assessment**", based on the following: "mitigation action" has to be reported to the Competent Authority, and mitigation action comes after the result of the risk assessment (see NPA, p.70, (f), (3)), where risk assessment is the risk analysis (hazard identification plus likelehood and severity of concequences of hazards) plus assessment of the risks concerning tolerability (see NPA, p.70, (f), (1) and (2)).
response	Accepted. The text will be amended as proposed.

3. Proposed amendments — 3.24. Draft AMC/GM (Draft EASA Decision) — Part-ATCO.OR: SUBPART C — MANAGEMENT OF AIR TRAFFIC CONTROLLER TRAINING ORGANISATIONS, GM1 ATCO.OR.C.001(b) Management system of training organisations p. 72

comment	*178* comment by: *ATCEUC - Air Traffic Controllers European Unions Coordination* For a better clarification ATCEUC believes that the sentence “after consulting its staff representatives” should not be left out of the paragrah even if it is of course included in Article 16 (11). By stating it here reinforce the idea of commitment of staff at all levels with the organisation safety policy. Text proposal: (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, **after consulting its staff representatives,** as required by Article 16(11) of Regulation (EU) No 376/2014.
response	Accepted. The text will be amended as proposed.

3. Proposed amendments — 3.25. Draft AMC/GM (Draft EASA Decision) — AMC-20: AMC 20-8 Occurrence reporting p. 72-95

comment	*4* comment by: *Rolls-Royce Deutschland / Airworthiness Office - D. Stege* Please re-introduce under AMC-20, new chapter 9 ‘REPORTING BETWEEN ORGANISATIONS’, subchapter (d) ‘The Organisation responsible for the design…’ the Holder of a European Part

	Approval (EPA) and add an additional listing point for 'all other design approval holders (repair/change) as per 21.A.3A (b)(1)'.
response	Not accepted. EPA was removed as there is no EPA approval defined in Part 21. EPA is about parts marking.

comment	*19* comment by: *John Hamshare* This section is part of an AMC but it includes the words "...may develop...". - this should be GM.
response	Noted. The use of 'may' in AMC is not excluded for something which is providing an optional means of compliance.

comment	*30* comment by: *EASA Focal Point for AustroControl ANSP-issues* Page 76, 7. CONTENT OF REPORTS OCCURRENCE-REPORTING SYSTEM COMPLIANT WITH REGULATION (EU) No 376/2014 Text in Par (g) (ii) "....any mitigation action to be taken.." Change text to "....any preliminary mitigation action to be taken..."
response	Accepted. For consistency with point (i), the text in point (ii) will be amended as proposed.

comment	*37* comment by: *Leonardo Helicopters - Training Quality* Attachment #18 Rif. AMC 20.8 paragraph 6 – Reporting Time It still the "Diagram 2 - flow of information under regulation 376/2014" of document GUIDANCE MATERIAL REGULATION (EU) NO 376/2014 ON THE REPORTING, ANALYSIS AND FOLLOW-UP OF OCCURRENCES IN CIVIL AVIATION version 1 dated December" 2015 valid? Therefore, can still be accepted that there might be up to 72 hours (maximum) for person to report to the organization and an additional 72 hours (maximum) from the organization to report to the authority (due to the need to make the determination)?
response	Accepted. It is correct that there might be up to 72 hours (maximum) for a person to report to the organisation and an additional 72 hours (maximum) for the organisation to report to the authority (due to the need to make the determination). This will be clarified in the AMC.

comment

84 comment by: *AIRBUS*

1. PARAGRAPH / SECTION :
NPA 2016-19, page 74/100, AMC 20-8, paragraph 4.

2. PROPOSED TEXT / COMMENT:
Please refer to Comment N° 60 here above.

3. RATIONALE / REASON / JUSTIFICATION:
Please refer to Comment N° 60 here above.

response

Refer to the response to comment No 60.

comment

85 comment by: *AIRBUS*

1. PARAGRAPH / SECTION :
NPA 2016-19, page 75/100, AMC 20-8, paragraph 6 (b).

2. PROPOSED TEXT / COMMENT:
It is proposed to amend the paragraph 6 (b) to read:

"(~~c~~b) Within the overall limit of 72 hours for the submission of a report, the degree of urgency should be determined by the **severity of consequences** ~~level of~~ ~~hazard~~ judged to have resulted from the occurrence:
(i) Where an occurrence is judged to have resulted in ~~an~~ immediate and particularly ~~significant~~ **severe consequences** ~~hazard~~, the Agency and/or competent~~national~~ authority expects to be advised immediately, and by the fastest possible means (e.g. telephone, fax, telex, e-mail) of whatever details are available at that time. This initial notification should then be followed up by a report within 72 hours.
A typical example of severe consequences would be an uncontained engine failure resulting in damage to the aircraft primary structure.
(ii) Where the occurrence is judged to have resulted in ~~a~~ less immediate and less ~~significant~~ **severe consequences** ~~hazard~~, report submission may be delayed up to the maximum of 72 hours in order to provide more details or more reliable information."

3. RATIONALE / REASON / JUSTIFICATION:
According to the ICAO Doc. 9859, the risk is twofold: the predicted probability (likelihood) and severity of the consequences or outcomes of a hazard (here, the occurrence).

As AMC 21A.3(b)(2) is deleted, it seems good to keep the only example of significance of the occurence.

response

Accepted.

The text will be amended as proposed.

comment

86 comment by: *AIRBUS*

1. PARAGRAPH / SECTION :

NPA 2016-19, page 78/100, AMC 20-8, paragraph 8.

2. PROPOSED TEXT / COMMENT:
It is proposed to amend the paragraph 8.(d) to read:
~~(b)~~(d) The '~~O~~organisation responsible for the design' is a general term, which can be any one or a combination of the following organisations **or other organisation holding any other relevant approval deemed to have been issued under the Regulation (EU) No 748/2012**:
~~(i)~~ ~~H~~holder of ~~T~~type ~~C~~certificate (TC) of an ~~A~~aircraft, ~~E~~engine or ~~P~~propeller;
~~(ii)~~ ~~H~~holder of a ~~S~~supplemental ~~T~~type ~~C~~certificate (STC) on an ~~A~~aircraft, ~~E~~engine or ~~P~~propeller;
~~(iii)~~ ~~H~~holder of a European ~~T~~technical ~~S~~standard ~~O~~order (ETSO) ~~A~~authorisation.~~; or~~
~~(iv) Holder of a European Part Approval (EPA)~~"

3. RATIONALE / REASON / JUSTIFICATION:
From the perspective of Regulation (EU) No 1321/2014, the list contains only the examples the community best knows. As the list is not exhaustive, it does not include the others with which the community may be less familiar, for example, the holders of a major repair design approval.

response

Accepted.

The text will be amended as proposed in this comment; however, the order of items may be reviewed for logical sequence.

comment

89 comment by: *AIRBUS*

1. PARAGRAPH / SECTION :
NPA 2016-19, page 78/100, AMC 20-8, paragraph 8(e).

2. PROPOSED TEXT / COMMENT:
The paragraph 8.(e) of the AMC 20-8 has been found confusing. Can the Agency clarify the meaning?

If it can be determined that the occurrence has an impact on or is related to an aircraft component which is covered by a separate design approval/authorisation (TC, STC, or ETSO), then the holders of such approval/authorisation should be informed. **Such information must be part of the reporting to the "main" organisation responsible for the design.**
If an occurrence concerns a component which is covered by a TC, STC, or ETSO (e.g. during maintenance), then only that TC, STC, or ETSO authorisation holder needs to be informed **by the reporting organisation having first determined the TC, STC or ETSO impact.**

3. RATIONALE / REASON / JUSTIFICATION:
The first sentence of this paragraph addresses "aircraft component which is covered by a separate design approval/authorisation". Then, reference is made into the brackets to TC, STC, and ETSO. The second sentence addresses "a component which is covered by a TC, STC, or ETSO". This may lead to confusion.
STC and aircraft configuration (MA 305) are not known by reporting organisations, in particular Design Organisation. The fact that an STC in particular was applied may impact the analysis of the event by the "main" TC holder.

response

Noted.

In the first sentence, the occurrence is on another part but may affect a component. If that component has a separate approval or is part thereof, then there is a need to report to two 'design organisations', the one of the product on which the occurrence occurred and the one which is responsible for the component which may be affected.

In the second sentence, the occurrence is on a component. If the component is part of the type design approved under a TC or STC or is a component covered by an ETSO, then the approval holder (TC, STC or ETSOA holder) needs to be informed.

comment

90 comment by: *AIRBUS*

1. PARAGRAPH / SECTION :
NPA 2016-19, page 80/100, AMC 20-8

2. PROPOSED TEXT / COMMENT:
Please refer to Comment N° 79 here above.

3. RATIONALE / REASON / JUSTIFICATION:
Please refer to Comment N° 79 here above.

response

Refer to the response to comment No 79.

comment

97 comment by: *ENAIRE*

As detailed in the operating rules, occurrences defined as an incident, malfunction, defect, technical defect or exceedance of technical limitations that endangers or could endanger the safe operation of the aircraft must be reported to the ~~national~~ competent authority

Comment 1:

This requirement is too broad and diffuse to serve as a requirement. Under this definition, any situation can be treated as a safety report. The "could endanger" term can derive in a "what if" spiral, including any situation with so low likelihood and impact that it is, in practice, negligible, so that an exhaustive analysis becomes practically impossible.

Reporting does not remove the reporter's or organisation's responsibility to ~~commence~~ initiate ~~corrective~~ actions to prevent similar occurrences in the future. Known and planned ~~preventive~~ actions should be included within the occurrence report.

Comment 2:

Reaction time within 72 hours to define which actions will be put in place in an occurrence is not possible in the most or all the cases. "*Known and planned ~~preventive~~ actions should be included within the occurrence report"* is the aim of follow-up, so it makes no sense to include it in this paragraph.

(d) Reports relating to 'security incidents' should also be notified to the appropriate local security agency.

Comment 3:

This is not a safety issue, but a security one ruled by other laws. No need to be included here; as mostly indicates that a safety report does not imply that you have complied with applicable security regulations.

response

Comment 1: Accepted.

Section 4 will be reviewed to be aligned with the description of airworthiness-related occurrences as per Regulation (EU) 2015/1018, while ensuring the text remains aligned with the delegated and implementing acts of the EASA Basic Regulation.

Comment 2: Accepted.

The text will be reviewed to be aligned with the wording of requirements on follow-up of occurrences in Regulation (EU) No 376/2014 Article 13. These will be further addressed in Section 7 of the AMC.

Comment 3: Accepted.

This statement will be removed.

Regulation (EU) 2015/1018 contains specific items that relate to security, but none of them is relevant for airworthiness organisations (see Annex I point 6, Annex III point 2(7) and Annex IV points 1.3(2) and 2.1(9)).

comment

98 comment by: *ENAIRE*

The period of 72 hours is normally understood to start from when the person or organisation became aware of the occurrence ~~took place~~ or from the time when the ~~reporter~~ person or organisation determined that there was, or could have been, a potentially hazardous or unsafe condition.

Comment:

The term "to become aware" should make clear, when referring to an organisation that it involves knowledge by a human being, so automated reporting systems must be excluded as potential means of triggering the 72h computation.

response

Accepted.

This point will be clarified and the case of automated data-capturing systems will be addressed.

comment

99 comment by: *ENAIRE*

(e) Organisations are required to store occurrence reports qualifying for mandatory and voluntary reporting in one or more databases, as defined in Article 4(5), and establish data

quality checking processes, as defined in Article 7(3), to ensure that the information initially collected and the data stored in the database(s) are consistent.

Comment:

Quality data checking does not guarantee 100% consistency. NSAs must be aware of it.

response

Noted.

This text simply restates what is required as per Regulation (EU) No 376/2014.

Commen.t

100 comment by: *ENAIRE*

Regulation (EU) 2015/1018 provides the list of occurrences that are subject to mandatory reporting.

Comment:

Regulation 376/2014 states (article 4.1) "*Occurrences which may represent a significant risk to aviation safety and which fall into the following categories"*. The list of Regulation (EU) 2015/1018 is mandatory if there is a significant risk associated.

response

Accepted.

The text will be amended to clarify the cases that require mandatory reporting under Regulation (EU) No 376/2014. It will also be clarified that Regulation (EU) 2015/1018 must not be understood as being an exhaustive list. In particular, it should not be understood as implying that occurrences implying a significant risk to aviation safety must not be reported in case they take place outside of any specific category of activities in the different lists of reportable items.

comment

111 comment by: *UK CAA*

Page No: 76

Paragraph No: AMC 20-8, Section 7, sub-paragraphs (f) & (g)

Comment: We believe the interpretation of 376/2014 provided as guidance material is misleading. The statement in sub-paragraph (g) that both mandatory and voluntary reports should be transmitted to the competent authority within 30 days misses the significant point that only voluntary reports "which may involve an actual or potential aviation safety risk" (Art 5.5) should actually be transmitted.
The description does not include the initial transmission of occurrence reports to the competent authority within 72 hours. It is proposed that including this initial step improves clarity.

Justification: The NPA text could result in an organisation transmitting all its internal safety reports to the competent authority which would overload the national systems. Currently approx 10% of the internal reports submitted are subsequently sent to the UKCAA. i.e. this

text could result in a ten-fold increase in the number of occurrences received by the competent authority. It should be noted that any safety-related internal reports received by an organisation can be considered as "voluntary reports" under 376/2014, regardless of their significance, as it is the perception of the reporter that defines this (Art 5.1). It is important that organisations understand they have a role to decide which of the voluntary reports they receive "may involve an actual or potential aviation safety risk" (Art5.5). It is only these voluntary reports that should be transmitted to the competent authority.

Proposed Text: Amend sub-paragraphs (f) & (g) to read as follows:

"(f) Organisations are required to:
1) Transmit mandatory occurrences (listed in Regulation (EU) 2015/1018) to the competent authority as soon as possible, and no later than 72 hours after becoming aware of the occurrence;
2) Transmit voluntary occurrences, that may be an actual or potential hazard to aviation safety, to the competent authority in a timely manner;
3) identify the safety hazards associated with identified occurrences or groups of occurrences (cf. Article 13(1));
4) analyse the related risks in terms of likelihood and severity of the outcome, as well as assess risks in terms of tolerability;
5) based on the result of the risk assessment, determine the need for mitigation action, as required for improving aviation safety (cf. Article 13(2)); and
6) monitor the timely implementation and effectiveness of any mitigation action required (cf. Article 13(2)).
(g) In addition to the actions required under paragraph (f) above, organisations are required to ensure that the following information is transmitted to the competent authority within 30 days from the date of notification of the occurrence (both mandatory reports and voluntary reports **that may be an actual or potential hazard to aviation safety**) (cf. Article 13(4)):
7) the preliminary results of the risk analysis performed; and
8) any mitigation action to be taken.
Furthermore, organisations are required to ensure that the final results of the risk analysis, where required, are transmitted to the competent authority as soon as they are available and, in principle, no later than 3 months from the date of notification of the occurrence to the authority (cf. Article 13(4))."

response

Refer to the response to comment No 106.

comment

135 comment by: *Federal Office of Civil Aviation (FOCA), Switzerland*

Comment FOCA to par. "5. Notification of accidents and serious incidents" p. 75: The mention of "Reg EU 996/2010" should be added in the title.

response

Not accepted.

It is proposed to delete this section and to no longer refer in the Implementing Rules on occurrence reporting to the obligations stemming from Regulation (EU) No 996/2010. RMT.0681 is not intended to align the delegated and implementing acts of the EASA Basic Regulation with requirements stemming from that Regulation.

	Refer also to the response to comment No 24.
comment	*179* comment by: *ATCEUC - Air Traffic Controllers European Unions Coordination* Not to use occurrence reports to attribute blame is a pillar of the regulation so ATCEUC supports the idea of keeping it at the text. ATCEUC believes that point (d) is to vague and would like to ask EASA how the time spectrum for reports to remain in the database would be decided. Text proposal: 4. Objective of Occurrence Reporting (a) The occurrence reporting system is an essential part of the overall monitoring function. The objective of the occurrence reporting, collection, investigation and analysis systems described in (…) is to use the reported information to contribute to the improvement of aviation safety, ~~and not to attribute blame, impose fines or take other enforcement actions.~~ **and it should not be used to attribute blame or liability or to establish benchmarks for safety performance**.
response	Accepted. The text will be reviewed in line with Recital 20 of Regulation (EU) No 376/2014.
comment	*180* comment by: *ATCEUC - Air Traffic Controllers European Unions Coordination* It is ATCEUC believe that it might be difficult to understand how a given event that has not resulted in an occurrence can fix within the mandatory reporting scheme whose list classifying occurrences are properly laid down at Reg. (EU) 2015/1018. We also support the idea of reinforcing the occurrence report system by naming the two differents reporting systems to get individuals concerned used and familiar especially with the voluntary reporting system. Text proposal: d) An existing internal safety-reporting scheme, established to collect ~~safety-relevant data, proposals and information, including on potential safety issues that have not resulted in any occurrence~~ **occurrences as defined in Implementing Regulation (EU) 2015/1018** may serve as a basis for the mandatory ~~and voluntary~~ occurrence-reporting system. (e) Any safety-relevant data, proposals and information, including on potential safety issues that have not resulted in any occurrence, may serve as a basis for ~~the mandatory and~~ voluntary occurrence-reporting system.
response	Not accepted. The idea was to explain that where the organisation has established an internal reporting scheme, this may be the starting point for the implementation of the mandatory and voluntary reporting systems required by Regulation (EU) No 376/2014. From the perspective

	of staff in the organisation, at the time of an individual report, it may not always be evident whether the issue will qualify for a mandatory or voluntary report.
comment	*204* comment by: *Christopher Mason* Page 77, Para 9: *'REPORTING BETWEEN ORGANISATIONS* *(a) In addition to reporting occurrences to the competent authority or the Agency, depending on the type of the organisation, its interfaces with other organisations and their respective safety policies and procedures, additional reporting requirements may exist for reporting between organisations.* *(b) Organisations may develop a customised list of occurrences to be reported between organisations, adapted to their particular aircraft, operation or product and the organisations they interface with. Such customised list of occurrences to be reported between organisations is usually included or referenced in the organisation's expositions/handbooks/manuals. 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.* *(c) The following provides a non-exhaustive list of reporting lines that exist for reporting of occurrences between organisations relating to unsafe or un-airworthy conditions.* *(i) Production organisation to the organisation responsible for the design;* *(ii) Maintenance organisation/continuing-airworthiness management organisation (CAMO) to the organisation responsible for the design;* *(iii) Maintenance organisation/CAMO to the operator;* *(iv) Operator to the organisation responsible for the design;* *(v) Production organisation to another production organisation;* *(d) The 'organisation responsible for the design' is a general term, which can be any one or a combination of the following organisations:* *(i) holder of type certificate (TC) of an aircraft, engine or propeller;* *(ii) holder of a supplemental type certificate (STC) on an aircraft, engine or propeller;* *(iii) holder of a European technical standard order (ETSO) authorisation.'* These requirements are new and not included in EU 376/2014. ATR fully supports them, but the time to become compliant needs to be established, since the procedures & the list of organizations need to be established. Also the examples of reporting organizations is limitative and it should be clearer that the reporting between organizations can be much wider (example between design organizations (equipment/engine/propeller towards aircraft manufacturer) More examples should be included. **Submitted by ERA on behalf of ATR.**
response	Partially accepted.

The changes will be limited to existing reporting lines between organisations and the text in existing point (d) of Section 9 will be restored to its current version. The new point (h) will be deleted.

comment

220 comment by: *CAA-NL*

AMC 20-8
AMC 20-8, section 3: The NPA proposes to delete the final words in paragraph 3.(a):
", and not to attribute blame, impose fines or enforce actions".
We are opposed to delete those words as they are essential in expressing the "just culture" in which reporting under (EU) 376/2014 is supposed to take place. Also article 1, para 2 of (EU) 376/2014 states it is the sole objective to prevent accidents and incidents and not to attribute blame or liability. It does not harm to repeat those words in the AMC material. Our proposal is to leave these words in the AMC.

AMC 20-8, section 6: In the old paragraph 6.(c), now renumbered to 6.(b), the NPA proposes to replace the word "hazard" by the word "risk" in three places. This is incorrect and will create confusion: "level of hazard" reflects the severity that is potentially associated with an occurrence, where "level of risk" reflects the combined severity and probability associated with an occurrence. The assessment of the probability is far more difficult to make than the assessment of the hazard/severity and assessing the probability within 72 hours is generally not achievable. Assessing the risk is part of the occurrence reporting system of (EU) 376/2014 as described in the proposed section 7 of the AMC, and in particular the paragraph 7.(f) as proposed by the NPA. It is there that the task is described to identify the probability of an occurrence and to combine it with the severity/hazard to a risk level. Addressing this in the scope of the initial occurrence report is inappropriate. We propose to keep using the term "hazard" in the old paragraph 6.(c), now renumbered to 6.(b).

AMC 20-8, section 8: In the listing of reporting lines in paragraphs 8.(d) and 8.(e) as proposed by the NPA, the reporting lines of the holder of a repair approval are missing. Even though the text proposed by the NPA makes it clear that the listing is non-exhaustive, and even considering that the existing AMC 20-8 also contains this omission, we feel that this opportunity should be used to correct the omission. We propose to include in paragraphs 8.(d) and 8.(e) the reporting lines of the holder of a repair approval.

response

Comment to AMC 20-8, Section 3: Accepted.

The text will be reviewed in line with Recital 20 of Regulation (EU) No 376/2014.

Comment to AMC 20-8, Section 6: Partially accepted.

The text will be changed to refer to the ‘severity of consequence’ in lieu of ‘risk’ (as proposed in comment No 85.

Comment to AMC 20-8, Section 8: Accepted.

Paragraphs 8.(d) and 8.(e) will be amended to add ‘holder of a repair approval’ and ‘holder of a change approval’.

comment

262 comment by: *Lufthansa Technik*

	Why is AMC 20-8 still effective, although the main topics have been covered by 1018/2015? This is not reducing complexity.
response	Noted. AMC 20-8 will be maintained to include in a single AMC relevant occurrence-reporting-related AMC material for airworthiness organisations, thus eliminating the need to include them in Part 21 and Regulation (EU) No 1321/2014. In addition, AMC 20-8 will include further reporting provisions applicable to organisations that are not subject to Regulation (EU) No 376/2014.

comment	*287* comment by: *Austro Control* 1) Page No. 75 - 77 2) Paragraph No. 3.25 3) Comment Sections 6 and 7 of AMC20 deal with subjects already regulated by Reg (EU) 376/2014 and the associated GM. •Section 6 gives misleading information regarding to the requirements of Art 4 (7) + (8). •Section 7 is a "rewritten" text, stating more restrictive requirements (e. g. (b), (g)) or contradicting requirements (e. g. (f)(ii)= in contradiction with Art7 (5)).
response	Partially accepted. Sections 6 and 7 are intended to assist with the implementation of Regulation (EU) No 376/2014. Section 6 also needs to be maintained to address organisations that are not subject to Regulation (EU) No 376/2014. The information in Sections 6 and 7 will be reviewed to ensure it accurately reflects the requirements in Regulation (EU) No 376/2014, in particular in relation to mandatory reporting timelines and to the follow-up reporting.

comment	*288* comment by: *Austro Control* 1) Page No. 75 - 77 2) Paragraph No. 3.25 3) Comment 4) Justification •Section 6: see GM to Reg (EU) 376/2014 Chapter 3.4 •Section7: (b) requires, that mandatory and voluntary reporting system must be together -> 376/2014v leaves it open to merge both; (g) requires to send updates for all (voluntary) reports, not only for those of safety relevance (Reg (EU) 376/2014 gives this decision to the national competent authority to deal with. This right is infringed by this AMC).
response	Accepted. The AMC will be reviewed to address the points raised in this comment.

comment	*289* comment by: *Austro Control*

	1) Page No. 75 - 77 2) Paragraph No. 3.25 (f) does not refer to the "European Risk Classification Scheme" mentioned in Art 7 (5). GM allows organizations to use their own scheme, but at least a "mapping" to the ERCS (mandatory for the authorities) shall be required. 5) Proposal (new proposed text, etc.) Revisit this section of AMC 20 to allow consistency with Reg (EU) 376/2014 and associated GM.
response	Not accepted. While we acknowledge that there is additional workload for competent authorities in understanding or making use of organisation's risk classification schemes, Regulation (EU) No 376/2014 does not require organisations to map their scheme to ERCS and additional requirements should not be introduced here.

comment	*291* comment by: *ADS* (T The replacement of Figure 1 in AMC 20-8 results in a lack of clarity with respect to the required reporting lines for organisations. The deleted Figure 1 clearly shows the occurrence reporting lines for organisations **Propose that Figure 1 is modified to clarify which type of organisations are being referred to (design, production, maintenance etc.) and the specific linkages for reporting.**
response	Accepted. Figure 1 will be customised by identifying the organisations concerned.

comment	*310* comment by: *Luftfahrt-Bundesamt* Comment LBA page 73, AMC 20-8 (2-b) Grammatical error: ..but in some cases be a natural person *Proposed Amendment:* ..but in some cases be a natural person *Modified Proposed Amendment:* ..but in some cases **can** be a natural person

response	Accepted. The text will be changed as suggested.

comment	*351* comment by: *AESA* To AMC 20-8 paragraph 7 (e): Article 13.4 from Reg 376/2014 limits this information "Where an organisation established in a Member State […] identifies an actual or potential aviation safety risk as a result of its analysis of occurrences or group of occurrences". The proposed wording suggests this information should be sent for ALL the occurrences. The above qualifier should be introduced.
response	Refer to the response to comment No 349.

comment	*358* comment by: *AESA* To AMC 20-8 paragraph 4 (a)(i) and (iii): As it is referring to 2015/1018 the same wording should be used: "Any failure, malfunction, defect or other occurrence related to a product, part, or appliance which has resulted in or may result in an unsafe condition." "Products, parts or appliances released from the production organisation with deviations from applicable design data that could lead to a potential unsafe condition as identified with the holder of the type-certificate or design approval"
response	Accepted. The text will be aligned with that in Regulation (EU) 2015/1018.

comment	*371* comment by: *ECOGAS* We have a problem with the flow of inputs and more so of the output. Inputs: In regards to Fig 1 we consider the various possible flows of information will result in ambigious results. Output: what is the output ? If this are the valuable Safety Statistic and Safety Recomendation only, we consider them as very valuable, but the true value would be, if the stakeholder could access (depersonalised) data in real time and get immediate and true value added from queries. If an operator, a MRO etc. are reporting a specific problem, they would get immense benefit, if they could make a query on that specific problem and would get information which would have an immediate effect on their action, long before a safety statistic or other documents are published. Such action is possible in the FAA Database and is also the reason why many

	individuals and organisations alike make use of systems like the Flight Safet Database, or the Aviation Herald and other such systems to avoid mistakes done by others.
response	Noted. See also the response to comment No 162. The Commission and EASA are exploring possible methods of modernising ECCAIRS that would enable more streamlined reporting and collaborative analysis. The current ECCAIRS software will be replaced by a modern suite in 2020. New functionalities will be implemented as per user's requirements.

comment	*372* comment by: *ECOGAS* The reporting requirement includes natural persons. In this case, an APPS for smartphones, iPhone and laptops would probably help to get a lot more valuable data as without. This would eventually help to extrapolate flight hours and landings where such data are almost not available now: in leisure and privat aviation (as oppose to airline ops).Lack of flight hours/cycles makes it nearly impossible to understand the weight of occurences/incident and therefore to act according to priorities. Regulation following absolute numbers instead of relative, weighed data may lead to disproportionate regulation.
response	Refer to the response to comment No 371.

6. Appendix A — attachments

(EASA roadmap for common AR/OR)

Attachment #1 to comment #67

M.B.106.pdf

Attachment #2 to comment #252

GM1 M.B.106(b).pdf
Attachment #3 to comment #254

NPA 2016-19 segment 34 specific comments ADOW.pdf
Attachment #4 to comment #260

ADR.AR.A.025.pdf
Attachment #5 to comment #239

ADR.OR.C.030.pdf
Attachment #6 to comment #258

ADR.OR.D.030 .pdf
Attachment #7 to comment #242

ADR.OR.D.030 .pdf
Attachment #8 to comment #241

GM1 ADR.AR.B.005.pdf
Attachment #9 to comment #249

AMC1 ADR.OR.D.030 .pdf
Attachment #10 to comment #259

ATM-ANS.AR.A.020.pdf
Attachment #11 to comment #246

ATM-ANS.OR.A.065.pdf
Attachment #12 to comment #247

ATM-ANS.OR.A.065.pdf
Attachment #13 to comment #248

ATCO.OR.B.040.pdf
Attachment #14 to comment #244

ATCO.OR.C.001.pdf

Attachment #15 to comment #245

ATM-ANS.AR.A.020.pdf
Attachment #16 to comment #243

GM1 ATCO.AR.B.001.pdf
Attachment #17 to comment #251

Diagram_2.png
Attachment #18 to comment #37

7. Appendix B — guidance

'OCCURRENCE-REPORTING SYSTEM COMPLIANT WITH REGULATION (EU) No 376/2014'

The below list provides an overview of the main elements of the occurrence-reporting system compliant with Regulation (EU) No 376/2014 and provides references to the relevant Articles of Regulation (EU) No 376/2014.

(1) occurrence reporting system catering both for mandatory and voluntary reporting (cf. Articles 4 and 5).

Note 1: The mandatory reporting system established under Regulation (EU) No 376/2014 is also intended for the reporting of those additional items qualifying for mandatory reporting that are defined in the EASA Implementing Rules.

Note 2: The voluntary reporting system is intended to facilitate the collection of details of occurrences that may not be captured by the mandatory system and of other safety-related information that is perceived by the reporting organisation as an actual or potential hazard to aviation safety.

(2) designation of one or more persons to handle independently the collection, evaluation, processing, analysis and storage of details of occurrences with regard to data collection and hazard identification (cf. Article 6(1)).

Note 1: In agreement with their competent authority, small organisations may make use of simplified mechanisms to ensure the collection, evaluation, processing, analysis and storage of details of occurrences, possibly by sharing those tasks with other similar organisations.

Note 2: An existing internal safety-reporting scheme, which collects safety-relevant data, proposals and information, including on potential safety issues that have not resulted in any occurrence, may serve as a basis for the mandatory and voluntary occurrence-reporting system. From this pool of safety relevant information and data collected internally the organisation will determine whether a mandatory report is required or whether a voluntary report may be adequate.

(3) reporting details of occurrences collected under the mandatory scheme as soon as possible and in any event no later than 72 hours after becoming aware of the occurrence (cf. Article 4(8) & (9));

Note 1: The reference to "becoming aware of" an occurrence implies that a person in the organisation identifies the occurrence as falling into the category of a mandatory occurrence report – usually through being involved in the occurrence or witnessing it, but also on review or investigation of information reported to the organisation's safety reporting scheme. In the case of design or production organisations the 72-hour period starts at the point when the unsafe condition is identified.

In the case of automated data collection systems the 72-hour period starts when the person responsible for the analysis of the data detected the reportable occurrence.

Note 2: The 72-hour timeline does not apply to the reporting of details of occurrences that may involve an actual or potential aviation safety risk and safety related information collected under the voluntary scheme. These are to be reported in a timely manner (cf. Article 5 (5) & (6)).

(4) establishment of data quality checking processes, to ensure that the information initially collected and the data stored in the database(s) are consistent (cf. Article 7(3),

Note: It is understood that data quality checking processes should address four main areas:

- errors in data entry
- completeness of data, specially referring to mandatory data
- proper use of the ADREP taxonomy
- improve data consistency, notably between the information collected initially and the report stored in the database (cf. Article 7(3)).

(5) storage of occurrence reports qualifying for mandatory and voluntary reporting in one or more databases (cf. Article 6(5)) using formats standardised to facilitate information exchange and compatible with ECCAIRS software and ADREP taxonomy (cf. Article 7(4)),

Note: Organisations that are able to report through an ECCAIRs software compatible reporting system provided by their competent authority are deemed to be automatically compliant with the reporting system requirements in Article 7(4) and do not need to have their own ECCAIRs software compatible reporting system.

(6) application of the safety risk management process to occurrences:

(a) identification of the safety hazards associated with identified occurrences or groups of occurrences reported to the competent authority (cf. Article 13(1));

(b) analysis of the related risks in terms of probability and severity of the outcome, as well as assess risks in terms of tolerability;

(c) based on the result of the risk assessment: determination of the need for mitigation action, as required for improving aviation safety (cf. Article 13(2)); and

(d) monitoring the timely implementation and effectiveness of any mitigation action required (cf. Article 13(2)).

(7) In addition to the actions required under point (6) above, where the organisation identifies an actual or potential aviation safety risk as a result of their analysis of occurrences or group of occurrences:

(a) transmission of the following information to the competent authority within 30 days from the date of notification of the occurrence to the authority (cf. Article 13(4)):

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

(ii) any preliminary mitigation action to be taken.

(b) where required, transmission of the final results of the risk analysis to the competent authority as soon as they are available and, in principle, no later than 3 months from the date of notification of the occurrence to the authority (cf. Article 13(4)).

Note: The legal obligation to provide the initial results of the analysis of the occurrence, follow-up reports and final results lies with the other organisation being the source of the initial report. Where an organisation receives a copy of a report from another organisation that initially reported the occurrence to the competent authority, depending on its contribution to the actual or potential aviation safety risk underlying the occurrence, it may however be required to perform

its own analysis of the issue reported and to provide a follow-up report to the competent authority.

(8) Safety policy and just culture: consultation of staff representatives to ensure mutual agreement on and adoption of rules describing how 'just culture' principles are guaranteed and implemented within the organisation.

Note 1: The purpose of those rules is to ensure that employees and contracted personnel that report or are mentioned in occurrence reports, both mandatory or voluntary, are not subject to any prejudice by their employer or any other organisation for which the services are provided on the basis of the information supplied by the reporter (cf. Article 16(9)), unless an exception applies (c. Article 16(10)).

Note 2: Staff representatives may be nominated either by the union(s) or by the staff themselves.

(9) ensuring that employees and contracted personnel are regularly provided with information concerning the analysis of, and follow-up on, occurrences for which mitigation action is taken (cf. Article 13(3)), while ensuring that only disidentified information is disseminated .

(10) ensuring that personal details are made available to staff of their organisation other than the persons designated in accordance with point (c) only where absolutely necessary to investigate occurrences with a view to enhancing aviation safety.

(11) ensuring that reports addressed to the competent authority contain at least the information listed in Annex I to Regulation (EU) No 376/2014.