

ANNEX III

Draft Annex III to draft Commission Implementing Regulation (EU) .../... amending Commission Implementing Regulation (EU) 2017/373 as regards reporting requirements and reporting channels between organisations, and requirements for meteorological services

ANNEX III (Part-ATM/ANS.OR) to Commission Implementing Regulation (EU) 2017/373 is amended as follows:

1. the title of Annex III is replaced by the following:
‘ANNEX III
COMMON REQUIREMENTS FOR ATM/ANS PROVIDERS
(Part-ATM/ANS.OR)’;
2. point ATM/ANS.OR.A.065 is replaced by the following:
 - ‘(a) As part of its management system, the ATM/ANS provider shall establish and maintain an occurrence-reporting system, including mandatory and voluntary reporting. For ATM/ANS providers established in a Member State, such system shall include provisions for mandatory and voluntary reporting and follow-up of occurrences that meet the requirements of Regulation (EU) No 376/2014 and Regulation (EU) 2018/1139 as well as the delegated and implementing acts adopted on the basis of those Regulations.
 - (b) The ATM/ANS provider shall report to the competent authority and to any other organisation required by the Member State where the ATM/ANS provider provides its services to be informed any safety-related event or condition 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.
 - (c) Without prejudice to point (b) above, the ATM/ANS provider shall report to the competent authority and to the organisation responsible for the design and/or maintenance of the ATM/ANS systems and constituents, if different from the ATM/ANS provider, any malfunction, technical defect, exceedance 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.
 - (d) Without prejudice to Regulation (EU) No 376/2014 and its delegated and implementing acts, reports shall:
 - (1) be made as soon as practicable, but in any case within 72 hours after the ATM/ANS provider has become aware of the event or condition to which the report relates, unless exceptional circumstances prevent this;
 - (2) be made in a form and manner established by the competent authority; and
 - (3) contain all pertinent information about the condition known to the ATM/ANS provider.

- (e) For ATM/ANS providers that are not established in a Member State, initial mandatory reports shall:
 - (1) appropriately protect the confidentiality of the identity of the reporter and of the persons mentioned in the report;
 - (2) be made as soon as practicable, but in any case within 72 hours after the ATM/ANS provider has become aware of the occurrence, unless exceptional circumstances prevent this;
 - (3) be made in a form and manner established by the competent authority; and
 - (4) contain all pertinent information about the condition known to the ATM/ANS provider.

- (f) Without prejudice to Regulation (EU) No 376/2014 and its delegated and implementing acts, 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:
 - (1) be sent to the relevant entities initially reported to in accordance with points (b) and (c) above; and
 - (2) be made in a form and manner established by the competent authority.’.