



# Easy Access Rules for Occurrence Reporting (Regulation (EU) No 376/2014)

## EASA eRules: aviation rules for the 21st century

Rules are the core of the EU civil aviation system. The aim of the **EASA eRules** project is to make them **accessible** to stakeholders in an efficient and reliable way.

The **EASA eRules** is a comprehensive, single system for structuring, sharing, and storing of rules. It is the single, easy-access online database for all aviation safety rules applicable to European airspace users.

The **Easy Access Rules (EAR)** are the output of the eRules project. They are consolidated versions of those rules, combining EU regulations with EASA certification specifications (CSs), acceptable means of compliance (AMC), and guidance material (GM) in an easy-to-read format with advanced navigation features through links and bookmarks. EAR are regularly updated, following the adoption of an official publication.

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The **EASA eRules** system is developed and implemented in close cooperation with the Member States and aviation industry to ensure that all its capabilities are relevant and effective.

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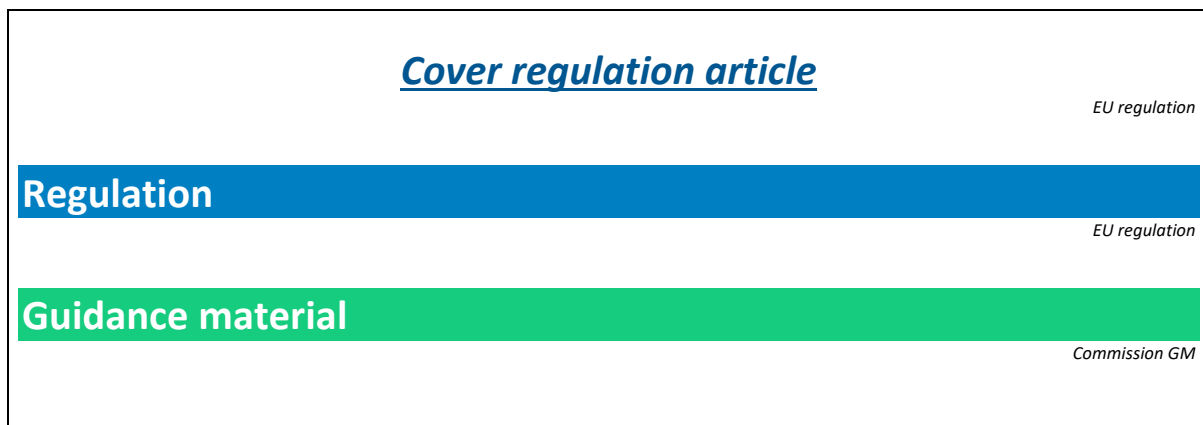
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## NOTE FROM THE EDITOR

The content of this document is arranged as follows: the cover regulation (recitals and articles) and the implementing rule (IR) or delegated rule (DR) appear first, then the IR and/or DR annex points, followed by the guidance material (GM).

All elements (i.e. articles, IRs, DRs, and GM) are colour-coded and can be identified according to the illustration below. The EU regulation or Commission GM through which the article, IR, DR, or GM was introduced or last amended is indicated below the article, IR, DR, or GM title *in italics*.



***Please note that Commission Implementing Regulation (EU) 2021/2082 applies from 1 January 2023.***

This document will be updated regularly to incorporate further amendments.

The format of this document has been adjusted to make it user-friendly and for reference purposes. Any comments should be sent to [erules@easa.europa.eu](mailto:erules@easa.europa.eu).

## INCORPORATED AMENDMENTS

### IMPLEMENTING AND DELEGATED REGULATIONS (IRs)

Incorporated Implementing Regulation	Affected Part	Applicability date <sup>1</sup>
<a href="#">Regulation (EU) No 376/2014</a>	N/a	15/11/2015
<a href="#">Implementing Regulation (EU) 2015/1018</a>	N/a	15/11/2015
<a href="#">Regulation (EU) 2018/1139</a>	Article 3 of Regulation (EU) No 376/2014	11/09/2018
<a href="#">Delegated Regulation (EU) 2020/2034</a>	Supplementing Regulation (EU) No 376/2014	1/01/2021
<a href="#">Implementing Regulation (EU) 2021/2082</a>	Laying down the arrangements for the implementation of Regulation (EU) No 376/2014	1/01/2023

### GUIDANCE MATERIAL (GM) (COMMISSION GM)

ED Decision	Issue No	Applicability date
<a href="#">Guidance Material — Regulation (EU) No 376/2014 and its implementing rules</a>	Version 1	December 2015

*Note: To access the official source documents, please use the links provided above.*

<sup>1</sup> This date is the earliest applicability date for this regulation. Some provisions of the regulation may be applicable at a later date. Besides, there may be some opt-out filed by the Member States.

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# REGULATION (EU) No 376/2014

## COVER REGULATION

**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**

### *Powers and recitals*

*Regulation (EU) No 376/2014*

THE EUROPEAN PARLIAMENT AND THE COUNCIL OF THE EUROPEAN UNION,

Having regard to the Treaty on the Functioning of the European Union, and in particular Article 100(2) thereof,

Having regard to the proposal from the European Commission,

After transmission of the draft legislative act to the national parliaments,

Having regard to the opinion of the European Economic and Social Committee <sup>(1)</sup>,

After consulting the Committee of the Regions,

Acting in accordance with the ordinary legislative procedure <sup>(2)</sup>,

Whereas:

- (1) A high general level of safety should be ensured in civil aviation in the Union and every effort should be made to reduce the number of accidents and incidents with a view to ensuring public confidence in aviation transport.
- (2) The rate of fatal accidents in civil aviation has remained fairly constant over the last decade. Nevertheless, the number of accidents could rise over the decades to come, due to an increase in air traffic and an increase in the technical complexity of aircraft.
- (3) Regulation (EU) No 996/2010 of the European Parliament and of the Council <sup>(3)</sup> aims to prevent accidents by facilitating the prompt holding of efficient and high-quality safety investigations. This Regulation should not interfere with the process of accident and incident investigations managed by national safety investigation authorities as defined in Regulation (EU) No 996/2010. In the event of an accident or a serious incident, notification of the occurrence is also subject to Regulation (EU) No 996/2010.
- (4) Existing legislative acts of the Union, in particular Regulation (EC) No 216/2008 of the European Parliament and of the Council <sup>(4)</sup> and its implementing regulations, impose obligations on

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<sup>1</sup> OJ C 198, 10.7.2013, p. 73.

<sup>2</sup> Position of the European Parliament of 26 February 2014 (not yet published in the Official Journal) and decision of the Council of 14 March 2014.

<sup>3</sup> 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).

<sup>4</sup> Regulation (EC) No 216/2008 of the European Parliament and of the Council of 20 February 2008 on common rules in the field of civil aviation and establishing a European Aviation Safety Agency, and repealing Council Directive 91/670/EEC, Regulation (EC) No 1592/2002 and Directive 2004/36/EC (OJ L 79, 19.3.2008, p. 1).

certain organisations to establish occurrence reporting systems in the context of their safety management systems. Compliance with Regulation (EC) No 216/2008 and its implementing regulations should not exempt organisations from compliance with this Regulation. Likewise, compliance with this Regulation should not exempt organisations from compliance with Regulation (EC) No 216/2008 and its implementing regulations. However, this should not give rise to two parallel reporting systems, and Regulation (EC) No 216/2008, its implementing regulations, and this Regulation should be seen as complementary.

- (5) Experience has shown that accidents are often preceded by safety-related incidents and deficiencies revealing the existence of safety hazards. Safety information is therefore an important resource for the detection of potential safety hazards. In addition, whilst the ability to learn from an accident is crucial, purely reactive systems have been found to be of limited use in continuing to bring forward improvements. Reactive systems should therefore be complemented by proactive systems which use other types of safety information to make effective improvements in aviation safety. The Union, its Member States, the European Aviation Safety Agency ('the Agency') and organisations should contribute to the improvement of aviation safety through the introduction of more proactive and evidence based safety systems which focus on accident prevention based on the analysis of all relevant safety information, including information on civil aviation occurrences.
- (6) In order to improve aviation safety, relevant civil aviation safety information should be reported, collected, stored, protected, exchanged, disseminated and analysed, and appropriate safety action should be taken on the basis of the information collected. This proactive and evidence-based approach should be implemented by the relevant aviation safety authorities of Member States, by organisations as part of their safety management system and by the Agency.
- (7) The imposition on organisations of occurrence reporting obligations should be proportionate to the size of the organisation concerned and the scope of its activity. It should therefore be possible, in particular for smaller organisations, to decide to join or merge functions related to occurrence handling within the organisation, to share occurrence reporting tasks with other organisations of the same nature or to outsource the collection, evaluation, processing, analysis and storage of details of occurrences to specialised entities approved by the competent authorities of the Member States. Such entities should comply with the protection and confidentiality principles established by this Regulation. The outsourcing organisation should maintain appropriate control of the outsourced tasks and should be ultimately accountable and responsible for the application of the requirements prescribed by this Regulation.
- (8) It is necessary to ensure that front-line aviation professionals report occurrences that pose a significant risk to aviation safety. Voluntary reporting systems should complement the mandatory reporting systems, and both should allow individuals to report details of aviation safety-related occurrences. Mandatory and voluntary reporting systems should be set up within organisations, the Agency and competent authorities of the Member States. The information collected should be transferred to the authority competent for appropriate monitoring in order to enhance aviation safety. Organisations should analyse those occurrences that could have an impact on safety, in order to identify safety hazards and take any appropriate corrective or preventive action. Organisations should send the preliminary results of their analyses to the competent authority of their Member States or to the Agency and should also send them the final results if those results identify an actual or potential aviation safety risk. The competent authorities of the Member States and the Agency should put in place a similar procedure for those occurrences that have been directly submitted to them and should adequately monitor the organisation's assessment and any corrective or preventive action taken.

- (9) Various categories of staff working or otherwise engaged in civil aviation witness events which are of relevance to accident prevention. They should therefore have access to tools enabling them to report such events, and their protection should be guaranteed. In order to encourage staff to report occurrences and enable them to appreciate more fully the positive impact which occurrence reporting has on air safety, they should be regularly informed about action taken under occurrence reporting systems.
- (10) The hazards and risk associated with complex motor-powered aircraft are very different from those associated with other types of aircraft. Therefore, while the entire aviation sector should be covered by this Regulation, the obligations imposed by it should be proportionate to the sphere of activity and the complexity of different types of aircraft. Accordingly, information collected on occurrences involving aircraft other than complex motor-powered ones should be subject to simplified reporting obligations which are better suited to that branch of aviation.
- (11) The development of other means of collecting safety information in addition to the systems required by this Regulation should be encouraged, with a view to collecting further information which could contribute to the improvement of aviation safety. Where organisations have existing and well-functioning safety information collection systems, they should be allowed to continue to use those systems alongside the systems to be established for the purpose of this Regulation.
- (12) Safety investigation authorities and any entity entrusted with regulating civil aviation safety within the Union should have full access to details of occurrences collected and occurrence reports stored by their Member States, in order to decide which incidents require a safety investigation, as well as to identify where lessons can be learned in the interest of aviation safety and to fulfil their oversight obligations.
- (13) It is essential to have high-quality and complete data, as analysis and trends derived from inaccurate data may show misleading results and may lead to effort being focused on inappropriate action. In addition, such inaccurate data may lead to a loss of confidence in the information produced by occurrence reporting schemes. In order to ensure the quality of occurrence reports, and to facilitate their completeness, they should contain certain minimum information, which may vary depending on the occurrence category. In addition, procedures should be implemented for checking the quality of information and avoiding inconsistency between an occurrence report and the details of the occurrence that were initially collected. Moreover, with the support of the Commission, adequate guidance material should be developed, notably to ensure the quality and to facilitate the completeness of data as well as the consistent and uniform integration of data into databases. Workshops should also be organised, notably by the Commission, to provide necessary support.
- (14) The Commission should develop a common European risk classification scheme to ensure the identification of any rapid action needed when looking at high-risk individual safety occurrences. That scheme should also enable key risk areas to be identified from aggregated information. Such a scheme should help the relevant entities in their assessment of occurrences and in determining where best to focus their efforts. A common European risk classification scheme should facilitate an integrated and harmonised approach to risk management across the European aviation system and thus enable organisations, Member States, the Commission and the Agency to focus on safety improvement efforts in a harmonised manner.
- (15) A common European risk classification scheme should also both enable key risk areas within the Union to be identified on the basis of aggregated information from a European perspective and support the work done in the area of the European Aviation Safety Programme and the

European Aviation Safety Plan. Appropriate support should be given by the Commission to ensure consistent and uniform risk classification across Member States.

- (16) To facilitate information exchange, occurrence reports should be stored in databases which should be compatible with the European Coordination Centre for Aircraft Incident Reporting Systems (ECCAIRS) (the software used by all Member States and by the European Central Repository to store occurrence reports) and with the ADREP taxonomy (the International Civil Aviation Organisation (ICAO) taxonomy, also used for the ECCAIRS software). The Agency and the Commission should provide technical support for the interoperability of the systems.
- (17) Organisations should store occurrence reports derived from details of occurrences collected under the mandatory and, where applicable, the voluntary reporting systems in one or more databases. It should be possible for the complexity of the database to be proportionate to the size of the organisation concerned and/or its significance with respect to the objectives of this Regulation, and it should at least consist of a data file containing common mandatory data fields and, where applicable, specific mandatory data fields.
- (18) An occurrence involving an aircraft registered in a Member State or operated by an organisation established in a Member State should be reported even if it happened outside the territory of that Member State.
- (19) Information on occurrences should be exchanged within the Union to enhance the detection of actual or potential hazards. This information exchange should also enable Member States to have access to all information on occurrences which occur on their territory or in their airspace but which are reported to another Member State. It should also allow the Agency to obtain precise information about occurrences and access to all occurrence reports collected in the Union in order, where necessary, to take corrective action to counteract a risk identified in the Union. This information exchange should enable the competent authorities of the Member States to obtain precise information about occurrences in their airspace and, where necessary, to take corrective action to counteract a risk identified on their territory.
- (20) The objective of the exchange of information on occurrences should be the prevention of aviation accidents and incidents. It should not be used to attribute blame or liability or to establish benchmarks for safety performance.
- (21) The most efficient way to ensure the exchange of large quantities of safety information between the Member States, the Commission and the Agency is through the European Central Repository, provided that the Member States, the Commission and the Agency have full access to it.
- (22) All safety-related information derived from occurrence reports collected in the Union should be transferred in the European Central Repository in a timely manner. This should include the collection of information on incidents but also information on accidents and serious incidents investigated pursuant to Regulation (EU) No 996/2010.
- (23) This Regulation should apply to information on occurrences which is stored in the databases of organisations, Member States or the Agency.
- (24) All safety-related information contained in the European Central Repository should be available to entities entrusted with regulating civil aviation safety within the Union, including the Agency, and to the authorities responsible for investigating accidents and incidents within the Union.
- (25) It should be possible for interested parties to request access to certain information contained in the European Central Repository, subject to the rules concerning the confidentiality of such information and the anonymity of the persons involved.

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- (26) As national points of contact have the best knowledge of interested parties established in a given Member State, it should be for each national point of contact to deal with requests from interested parties established in the territory of its own Member State. The Commission should deal with requests from interested parties from third countries or from international organisations.
- (27) Information contained in occurrence reports should be analysed, and safety risks identified. Any appropriate consequent action for improving aviation safety should be identified and implemented in a timely manner. Information on the analysis and follow-up of occurrences should be disseminated within organisations, competent authorities of the Member States and the Agency, since providing feedback on occurrences that have been reported incentivises individuals to report occurrences. Where applicable and when possible, information on the analysis and follow-up of occurrences should also be provided to individuals who have directly reported occurrences to the competent authorities of the Member States or to the Agency. Such feedback should comply with the rules on confidentiality and protection of the reporter and the persons mentioned in occurrence reports pursuant to this Regulation.
- (28) This Regulation should assist Member States, the Agency and organisations in managing aviation safety risks. The safety management systems of organisations are complemented by the safety management systems of the Member States and of the Agency. While organisations manage safety risks associated with their specific activities, the competent authorities of the Member States and the Agency manage safety risks for the aviation systems of, respectively, entire Member States and of the Union as a whole, addressing common safety risks for aviation in the Member State concerned or at Union level. The responsibilities of the Agency and of the competent authorities of the Member States should not exonerate organisations from their direct responsibilities in managing safety inherent in the products and in the services they provide. For that purpose, organisations should collect and analyse information on occurrences in order to identify and mitigate hazards associated with their activities. They should also assess associated safety risks and allocate resources to take prompt and appropriate safety risk mitigation measures. The overall process should be monitored by the relevant competent authority, which should, when necessary, require that additional action be taken to ensure that the safety deficiencies are correctly addressed. On the other hand, the competent authorities of the Member States and the Agency should complement the safety management systems of the organisations at Member State and European levels respectively.
- (29) When determining the action to be included within their State Safety Programme and State Safety Plan, and in order to ensure that the action is evidence-based, Member States should use the information derived from the occurrence reports that have been collected and from their analysis. State Safety Programmes and State Safety Plans are complemented at European level by the European Aviation Safety Programme and the European Aviation Safety Plan.
- (30) Since the objective of aviation safety improvement cannot be sufficiently achieved by the Member States because reporting systems operated by Member States in isolation are less efficient than a coordinated network with exchange of information allowing identification of possible safety problems and key risk areas at Union level, analysis at national level should be complemented by analysis and follow-up at Union level in order to ensure better prevention of aviation accidents and incidents. This Union-level task should be carried out by a network of aviation safety analysts in coordination with the Agency and the Commission. It should be possible for that network to decide, by consensus, to invite observers to their meetings, including industry employees or representatives.
- (31) The European Aviation Safety Programme and the European Aviation Safety Plan should benefit in particular from the work of the network of aviation safety analysts for the purpose of

determining what action needs to be implemented at Union level from an evidence-based perspective.

- (32) The general public should be provided with general aggregated information on the level of aviation safety in Member States and in the Union. That information should cover, in particular, trends and analysis deriving from the implementation of this Regulation by the Member States, as well as information in an aggregated form on the content of the European Central Repository, and may be provided by publishing safety performance indicators (SPI).
- (33) The civil aviation safety system is established on the basis of feedback and lessons learned from accidents and incidents. Occurrence reporting and the use of occurrence information for the improvement of safety depend on a relationship of trust between the reporter and the entity in charge of the collection and assessment of the information. This requires strict application of rules on confidentiality. The purpose of protecting safety information from inappropriate use, and of limiting access to the European Central Repository solely to interested parties participating in the improvement of civil aviation safety, is to ensure the continuing availability of safety information so that appropriate and timely preventive action can be taken and aviation safety improved. In this context, sensitive safety information should be protected in an appropriate way and its collection should be ensured by guaranteeing its confidentiality, protecting its source and ensuring the confidence of staff working in civil aviation in occurrence reporting systems. Appropriate measures should be put in place to ensure that information collected through occurrence reporting schemes is kept confidential and that access to the European Central Repository is restricted. National rules on freedom of information should take into account the necessary confidentiality of such information. The information collected should be adequately protected from unauthorised use or disclosure. It should be used strictly for the purpose of maintaining or improving aviation safety and should not be used to attribute blame or liability.
- (34) In order to ensure the confidence of employees or contracted personnel in the occurrence reporting system of the organisation, the information contained in occurrence reports should be protected appropriately and should not be used for purposes other than maintaining or improving aviation safety. The internal 'just culture' rules adopted by organisations pursuant to this Regulation should contribute in particular to the achievement of this objective. In addition, the limitation of the transmission of personal details, or of information allowing the identification of the reporter or of the other persons mentioned in occurrence reports, by a clear separation between the departments handling occurrence reports and the rest of the organisation, may be an efficient way to achieve this objective.
- (35) A reporter or a person mentioned in occurrence reports should be adequately protected. In this context, occurrence reports should be disidentified and details relating to the identity of the reporter and of the persons mentioned in occurrence reports should not be entered into databases.
- (36) In addition, the civil aviation system should promote a 'safety culture' facilitating the spontaneous reporting of occurrences and thereby advancing the principle of a 'just culture'. 'Just culture' is an essential element of a broader 'safety culture', which forms the basis of a robust safety management system. An environment embracing 'safety culture' principles should not prevent action being taken where necessary to maintain or improve the level of aviation safety.
- (37) A 'just culture' should encourage individuals to report safety-related information. It should not, however, absolve individuals of their normal responsibilities. In this context, employees and contracted personnel should not be subject to any prejudice on the basis of information



provided pursuant to this Regulation, except in cases of wilful misconduct or where there has been manifest, severe and serious disregard with respect to 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 to property, or seriously compromising the level of aviation safety.

- (38) In order to encourage reporting of occurrences, it should be appropriate to protect not only reporters, but also persons mentioned in the occurrence reports concerned. However, such protection should not exonerate those persons from their reporting obligations under this Regulation. In particular, in a situation where a person is mentioned in an occurrence report and has himself or herself the obligation to report that same occurrence, and intentionally fails to report it, then that person should lose his or her protection and face penalties in application of this Regulation.
- (39) Without prejudice to national criminal law and the proper administration of justice, it is important to clearly demarcate the extent of the protection of the reporter and other persons mentioned in occurrence reports from prejudice or prosecution.
- (40) In order to enhance the confidence of individuals in the system, the handling of occurrence reports should be organised in such a way as to appropriately safeguard the confidentiality of the identity of the reporter and other persons mentioned in occurrence reports with regard to fostering a 'just culture'. The aim, wherever possible, should be to enable an independent occurrence handling system to be established.
- (41) Staff of organisations, of the competent authorities of the Member States and of the Agency who are involved in the evaluation, processing or analysis of occurrences have a significant role to play in the identification of safety hazards and safety deficiencies. Experience shows that when occurrences are analysed with the benefit of hindsight following an accident, the analysis leads to the identification of risks and deficiencies that might otherwise not have been identified. It is possible, therefore, that the persons involved in the evaluation, processing or analysis of occurrences may fear potential consequences in terms of prosecution before judicial authorities. Without prejudice to national criminal law and the proper administration of justice, Member States should not institute proceedings against persons who, in the competent authorities of the Member States, are involved in the evaluation, processing or analysis of occurrences in respect of decisions taken as part of their duties which subsequently, and with the benefit of hindsight, prove to have been erroneous or ineffective but which, when they were taken and on the basis of the information available at that time, were proportional and appropriate.
- (42) Employees and contracted personnel should have the opportunity to report breaches of the principles delimiting their protection as established by this Regulation, and should not be penalised for so doing. Member States should define the consequences for those who infringe the principles of protection of the reporter and of other persons mentioned in occurrence reports and should adopt remedies or impose penalties as appropriate.
- (43) Individuals may be discouraged from reporting occurrences by the fear of self-incrimination and the potential consequences in terms of prosecution before judicial authorities. The objectives of this Regulation can be achieved without interfering unduly with the justice systems of the Member States. It is therefore appropriate to provide that unpremeditated or inadvertent infringements of the law that come to the attention of the authorities of the Member States solely through reporting pursuant to this Regulation should not be the subject of disciplinary, administrative or legal proceedings, unless where otherwise provided by applicable national

criminal law. However, the rights of third parties to institute civil proceedings should not be covered by this prohibition and should be subject only to national law.

- (44) Nevertheless, in the context of developing a ‘just culture’ environment, Member States should retain the option of extending the prohibition on using occurrence reports as evidence against reporters in administrative and disciplinary proceedings to civil or criminal proceedings.
- (45) In addition, the cooperation between safety authorities and judicial authorities should be enhanced and formalised by means of advance arrangements between themselves which should respect the balance between the various public interests at stake and which should in particular cover, for example, access to and the use of occurrence reports contained in the national databases.
- (46) To support the increased responsibilities of the Agency under this Regulation, it should be given sufficient resources to enable it to carry out the additional tasks assigned to it.
- (47) In order to supplement or amend this Regulation, the power to adopt acts in accordance with Article 290 of the Treaty on the Functioning of the European Union should be delegated to the Commission. It is of particular importance that the Commission carry out appropriate consultations during its preparatory work, including at expert level. The Commission, when preparing and drawing-up delegated acts, should ensure a simultaneous, timely and appropriate transmission of relevant documents to the European Parliament and to the Council.
- (48) In applying this Regulation, the Commission should consult the Agency and the network of aviation safety analysts referred to herein.
- (49) In order to ensure uniform conditions for the implementation of this Regulation, implementing powers should be conferred on the Commission. Those powers should be exercised in accordance with Regulation (EU) No 182/2011 of the European Parliament and of the Council <sup>(1)</sup>.
- (50) The rules on data processing and the protection of individuals as laid down in Directive 95/46/EC of the European Parliament and of the Council <sup>(2)</sup> and in Regulation (EC) No 45/2001 of the European Parliament and of the Council <sup>(3)</sup> should be fully respected in the application of this Regulation. The rules on access to data as laid down in Regulation (EC) No 1049/2001 of the European Parliament and of the Council <sup>(4)</sup> should be fully respected in the application of this Regulation except as regards the dissemination of data and information contained in the European Central Repository, which are protected under stricter access rules laid down in this Regulation.
- (51) Penalties should, in particular, be applicable against any person who or entity which, contrary to this Regulation, misuses information protected by this Regulation; acts in a prejudicial manner against the reporter or other persons mentioned in occurrence reports, except in cases where the exemptions laid down in this Regulation apply; does not establish an environment

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<sup>1</sup> Regulation (EU) No 182/2011 of the European Parliament and of the Council of 16 February 2011 laying down the rules and general principles concerning mechanisms for control by Member States of the Commission’s exercise of implementing powers (OJ L 55, 28.2.2011, p. 13).

<sup>2</sup> Directive 95/46/EC of the European Parliament and of the Council of 24 October 1995 on the protection of individuals with regard to the processing of personal data and on the free movement of such data (OJ L 281, 23.11.1995, p. 31).

<sup>3</sup> Regulation (EC) No 45/2001 of the European Parliament and of the Council of 18 December 2000 on the protection of individuals with regard to the processing of personal data by the Community institutions and bodies and on the free movement of such data (OJ L 8, 12.1.2001, p. 1).

<sup>4</sup> Regulation (EC) No 1049/2001 of the European Parliament and of the Council of 30 May 2001 regarding public access to European Parliament, Council and Commission documents (OJ L 145, 31.5.2001, p. 43).

appropriate for allowing the collection of details of occurrences; does not analyse the information collected; does not act to address any safety or potential safety deficiencies detected; or does not share the information collected in application of this Regulation.

- (52) Since the objective of this Regulation, namely the establishment of common rules in the field of occurrence reporting in civil aviation, cannot be sufficiently achieved by the Member States but can rather, by reason of its Union-wide scale and effects, be better achieved at Union level, the Union may adopt measures, in accordance with the principle of subsidiarity as set out in Article 5 of the Treaty on the European Union. In accordance with the principle of proportionality, as set out in that Article, this Regulation does not go beyond what is necessary in order to achieve that objective.
- (53) Regulation (EU) No 996/2010 should therefore be amended accordingly.
- (54) Directive 2003/42/EC of the European Parliament and of the Council <sup>(1)</sup>, Commission Regulation (EC) No 1321/2007 <sup>(2)</sup> and Commission Regulation (EC) No 1330/2007 <sup>(3)</sup> should therefore be repealed.
- (55) The European Data Protection Supervisor was consulted in accordance with Article 28(2) of Regulation (EC) No 45/2001 and delivered an opinion on 10 April 2013 <sup>(4)</sup>,

HAVE ADOPTED THIS REGULATION:

## **Article 1 — Objectives**

*Regulation (EU) No 376/2014*

1. This Regulation aims to improve aviation safety by ensuring that relevant safety information relating to civil aviation is reported, collected, stored, protected, exchanged, disseminated and analysed.
- This Regulation ensures:
- (a) that, where appropriate, safety action is taken in a timely manner based on analysis of the information collected;
  - (b) the continued availability of safety information by introducing rules on confidentiality and on the appropriate use of information and through the harmonised and enhanced protection of reporters and persons mentioned in occurrence reports; and
  - (c) that aviation safety risks are considered and dealt with at both Union level and national level.
2. The sole objective of occurrence reporting is the prevention of accidents and incidents and not to attribute blame or liability.

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<sup>1</sup> 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).

<sup>2</sup> 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).

<sup>3</sup> 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).

<sup>4</sup> OJ C 358, 7.12.2013, p. 19.

## Article 2 — Definitions

*Regulation (EU) No 376/2014*

For the purposes of this Regulation the following definitions apply:

- (1) ‘reporter’ means a natural person who reports an occurrence or other safety-related information pursuant to this Regulation;
- (2) ‘aircraft’ means any machine that can derive support in the atmosphere from the reactions of the air other than the reactions of the air against the earth’s surface;
- (3) ‘incident’ means an incident within the meaning of Regulation (EU) No 996/2010;
- (4) ‘serious incident’ means a serious incident within the meaning of Regulation (EU) No 996/2010;
- (5) ‘accident’ means an accident within the meaning of Regulation (EU) No 996/2010;
- (6) ‘disidentified information’ means information arising from occurrence reports from which all personal data such as names or addresses of natural persons have been removed;
- (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;
- (8) ‘organisation’ means any organisation providing aviation products and/or which employs, contracts or uses the services of persons required to report occurrences in accordance with [Article 4\(6\)](#);
- (9) ‘anonymisation’ means the removal from occurrence reports of all personal details relating to the reporter and to the persons mentioned in occurrence reports and any details, including the name of the organisation(s) involved in the occurrence, which may reveal the identity of the reporter or of a third party or lead to that information being inferred from the occurrence report;
- (10) ‘hazard’ means a situation or an object with the potential to cause death or injury to a person, damage to equipment or a structure, loss of material, or a reduction of ability to perform a prescribed function;
- (11) ‘safety investigation authority’ means the permanent national civil aviation safety investigation authority conducting or supervising safety investigations as referred to in [Article 4](#) of Regulation (EU) No 996/2010;
- (12) ‘just culture’ means a culture in which front-line operators or other persons are not punished for actions, omissions or decisions taken by them that are commensurate with their experience and training, but in which gross negligence, wilful violations and destructive acts are not tolerated;
- (13) ‘point of contact’ means:
  - (a) where a request for information is made by an interested party established in a Member State, the competent authority designated by each Member State in accordance with [Article 6\(3\)](#);
  - (b) where a request for information is made by an interested party established outside the Union, the Commission;
- (14) ‘interested party’ means any natural or legal person or any official body, whether or not having its own legal personality, that is in a position to participate in the improvement of aviation safety

by having access to information on occurrences exchanged by the Member States and which falls within one of the categories of interested parties set out in [Annex II](#);

- (15) 'State Safety Programme' means an integrated set of legal acts and activities aimed at managing civil aviation safety in a Member State;
- (16) 'European Aviation Safety Plan' means safety issues assessment and the related action plan at European level;
- (17) 'European Aviation Safety Programme' means the integrated set of regulations at Union level, together with the activities and processes used to jointly manage the safety of civil aviation at European level;
- (18) 'safety management system' means a systematic approach to managing aviation safety including the necessary organisational structures, accountabilities, policies and procedures, and includes any management system that, independently or integrated with other management systems of the organisation, addresses the management of safety.

### **Article 3 — Subject matter and scope**

*Regulation (EU) 2018/1139*

1. This Regulation lays down rules on:
  - (a) the reporting of occurrences which endanger or which, if not corrected or addressed, would endanger an aircraft, its occupants, any other person, equipment or installation affecting aircraft operations; and the reporting of other relevant safety-related information in that context;
  - (b) analysis and follow-up action in respect of reported occurrences and other safety-related information;
  - (c) the protection of aviation professionals;
  - (d) appropriate use collected safety information;
  - (e) the integration of information into the European Central Repository; and
  - (f) the dissemination of anonymised information to interested parties for the purpose of providing such parties with the information they need in order to improve aviation safety.
2. This Regulation applies to occurrences and other safety-related information involving civil aircraft to which Regulation (EU) 2018/1139 of the European Parliament and of the Council <sup>(1)</sup> applies.

However, this Regulation shall not apply to occurrences and other safety-related information involving unmanned aircraft for which a certificate or declaration is not required pursuant to Article 56(1) and (5) of Regulation (EU) 2018/1139, unless the occurrence or other safety-related information involving such unmanned aircraft resulted in a fatal or serious injury to a person or it involved aircraft other than unmanned aircraft.

Member States may decide to apply this Regulation also to occurrences and other safety-related information involving the aircraft to which Regulation (EU) 2018/1139 does not apply.

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<sup>1</sup> 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).

## **Article 4 — Mandatory reporting**

*Regulation (EU) No 376/2014*

1. 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 pursuant to this Article:
  - (a) occurrences related to the operation of the aircraft, such as:
    - (i) collision-related occurrences;
    - (ii) take-off and landing-related occurrences;
    - (iii) fuel-related occurrences;
    - (iv) in-flight occurrences;
    - (v) communication-related occurrences;
    - (vi) occurrences related to injury, emergencies and other critical situations;
    - (vii) crew incapacitation and other crew-related occurrences;
    - (viii) meteorological conditions or security-related occurrences;
  - (b) occurrences related to technical conditions, maintenance and repair of aircraft, such as:
    - (i) structural defects;
    - (ii) system malfunctions;
    - (iii) maintenance and repair problems;
    - (iv) propulsion problems (including engines, propellers and rotor systems) and auxiliary power unit problems;
  - (c) occurrences related to air navigation services and facilities, such as:
    - (i) collisions, near collisions or potential for collisions;
    - (ii) specific occurrences of air traffic management and air navigation services (ATM/ANS);
    - (iii) ATM/ANS operational occurrences;
  - (d) occurrences related to aerodromes and ground services, such as:
    - (i) occurrences related to aerodrome activities and facilities;
    - (ii) occurrences related to handling of passengers, baggage, mail and cargo;
    - (iii) occurrences related to aircraft ground handling and related services.
2. Each organisation established in a Member State shall establish a mandatory reporting system to facilitate the collection of details of occurrences referred to in paragraph 1.
3. Each Member State shall establish a mandatory reporting system to facilitate the collection of details of occurrences including the collection of details of occurrences collected by organisations pursuant to paragraph 2.
4. The European Aviation Safety Agency ('the Agency') shall establish a mandatory reporting system to facilitate the collection of details of occurrences, including the collection of details of occurrences collected pursuant to paragraph 2 by organisations which have been certified or approved by the Agency.

5. The Commission shall, by means of implementing acts, adopt a list classifying occurrences to be referred to when reporting occurrences pursuant to paragraph 1. Those implementing acts shall be adopted in accordance with the examination procedure referred to in [Article 19\(2\)](#).

The Commission shall include in those implementing acts a separate list classifying occurrences applicable to aircraft other than complex motor-powered aircraft. The list shall be a simplified version of the list referred to in the first subparagraph and shall, where appropriate, be adapted to the specificities of that branch of aviation.

6. The following natural persons shall report the occurrences referred to in paragraph 1 through the system established in accordance with paragraph 2 by the organisation which employs, contracts or uses the services of the reporter or, failing that, through the system established in accordance with paragraph 3 by the Member State of establishment of their organisation, or by the State which issued, validated or converted the pilot's licence, or through the system established in accordance with paragraph 4 by the Agency:
- (a) the pilot in command, or, in cases where the pilot in command is unable to report the occurrence, any other crew member next in the chain of command of an aircraft registered in a Member State or an aircraft registered outside the Union but used by an operator for which a Member State ensures oversight of operations or an operator established in the Union;
  - (b) a person engaged in designing, manufacturing, continuous airworthiness monitoring, maintaining or modifying an aircraft, or any equipment or part thereof, under the oversight of a Member State or of the Agency;
  - (c) a person who signs an airworthiness review certificate, or a release to service in respect of an aircraft or any equipment or part thereof, under the oversight of a Member State or of the Agency;
  - (d) a person who performs a function which requires him or her to be authorised by a Member State as a staff member of an air traffic service provider entrusted with responsibilities related to air navigation services or as a flight information service officer;
  - (e) a person who performs a function connected with the safety management of an airport to which Regulation (EC) No 1008/2008 of the European Parliament and of the Council <sup>(1)</sup> applies;
  - (f) a person who performs a function connected with the installation, modification, maintenance, repair, overhaul, flight-checking or inspection of air navigation facilities for which a Member State ensures the oversight;
  - (g) a person who performs a function connected with the ground handling of aircraft, including fuelling, loadsheet preparation, loading, de-icing and towing at an airport covered by Regulation (EC) No 1008/2008.

7. The persons listed in paragraph 6 shall report occurrences within 72 hours of becoming aware of the occurrence, unless exceptional circumstances prevent this.

8. Following notification of an occurrence, any organisation established in a Member State which is not covered by paragraph 9 shall report to the competent authority of that Member State, as referred to in [Article 6\(3\)](#), the details of occurrences collected in accordance with paragraph 2

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<sup>1</sup> Regulation (EC) No 1008/2008 of the European Parliament and of the Council of 24 September 2008 on common rules for the operation of air services in the Community (OJ L 293, 31.10.2008, p. 3).

of this Article as soon as possible, and in any event no later than 72 hours after becoming aware of the occurrence.

9. Following notification of an occurrence, each organisation established in a Member State which is certified or approved by the Agency shall report to the Agency the details of occurrences collected in accordance with paragraph 2 as soon as possible, and in any event no later than 72 hours after becoming aware of the occurrence.

## **Article 5 — Voluntary reporting**

*Regulation (EU) No 376/2014*

1. Each organisation established in a Member State shall establish a voluntary reporting system to facilitate the collection of:
  - (a) details of occurrences that may not be captured by the mandatory reporting system;
  - (b) other safety-related information which is perceived by the reporter as an actual or potential hazard to aviation safety.
2. Each Member State shall establish a voluntary reporting system to facilitate the collection of:
  - (a) details of occurrences that may not be captured by the mandatory reporting system;
  - (b) other safety-related information which is perceived by the reporter as an actual or potential hazard to aviation safety.

That system shall also include, but shall not be limited to, the collection of information transferred by organisations pursuant to paragraph 6.

3. The Agency shall establish a voluntary reporting system to facilitate the collection of:
  - (a) details of occurrences that may not be captured by the mandatory reporting system;
  - (b) other safety-related information which is perceived by the reporter as an actual or potential hazard to aviation safety.

That system shall also include, but shall not be limited to, the collection of information transferred by organisations certified or approved by the Agency pursuant to paragraph 5.

4. The voluntary reporting systems shall be used to facilitate the collection of details of occurrences and safety-related information:
  - (a) not subject to mandatory reporting pursuant to [Article 4\(1\)](#);
  - (b) reported by persons who are not listed in [Article 4\(6\)](#).
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.



7. Member States, the Agency and organisations may establish other safety information collection and processing systems to collect details of occurrences that might not be captured by the reporting systems referred to in [Article 4](#) and in paragraphs 1, 2 and 3 of this Article. Those systems may include reporting to entities other than those set out in [Article 6\(3\)](#) and may involve the active participation of:
  - (a) the aviation industry;
  - (b) professional organisations of aviation staff.
8. Information received from voluntary and mandatory reporting may be integrated into a single system.

## **Article 6 — Collection and storage of information**

*Regulation (EU) No 376/2014*

1. Each organisation established in a Member State shall designate one or more persons to handle independently the collection, evaluation, processing, analysis and storage of details of occurrences reported pursuant to [Articles 4](#) and [5](#).

The handling of the reports shall be done with a view to preventing the use of information for purposes other than safety, and shall appropriately safeguard the confidentiality of the identity of the reporter and of the persons mentioned in occurrence reports, with a view to promoting a 'just culture'.

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 this Regulation.
3. Each Member State shall designate one or more competent authorities to establish a mechanism to independently collect, evaluate, process, analyse and store details of occurrences reported pursuant to [Articles 4](#) and [5](#).

The handling of the reports shall be done with a view to preventing the use of information for purposes other than safety, and shall appropriately safeguard the confidentiality of the identity of the reporter and of the persons mentioned in occurrence reports, with a view to promoting a 'just culture'.

The authorities which may be designated pursuant to the first subparagraph, either jointly or separately, are the following:

- (a) the national civil aviation authority; and/or
- (b) the safety investigation authority; and/or
- (c) any other independent body or entity based in the Union that is entrusted with this function.

Where a Member State designates more than one body or entity, it shall designate one of them as point of contact for the transfer of information referred to in [Article 8\(2\)](#).

4. The Agency shall designate one or more persons to establish a mechanism to independently collect, evaluate, process, analyse and store details of occurrences reported in accordance with [Articles 4](#) and [5](#).

The handling of the reports shall be done with a view to preventing the use of information for purposes other than safety, and shall appropriately safeguard the confidentiality of the identity

of the reporter and of the persons mentioned in occurrence reports, with a view to promoting a 'just culture'.

5. Organisations shall store occurrence reports drawn up on the basis of details of occurrences collected in accordance with [Articles 4](#) and [5](#) in one or more databases.
6. The competent authorities referred to in paragraph 3 shall store occurrence reports drawn up on the basis of details of occurrences collected in accordance with [Articles 4](#) and [5](#) in a national database.
7. Relevant information on accidents and serious incidents collected or issued by safety investigation authorities shall also be stored in the national database.
8. The Agency shall store occurrence reports drawn up on the basis of details of occurrences collected in accordance with [Articles 4](#) and [5](#) in a database.
9. Safety investigation authorities shall have full access to their respective national database referred to in paragraph 6 for the purpose of discharging their responsibilities pursuant to [Article 5\(4\)](#) of Regulation (EU) No 996/2010.
10. Civil aviation authorities of Member States shall have full access to their respective national database referred to in paragraph 6 for the purposes of their safety-related responsibilities.

### **Article 7 – Quality and content of occurrence reports**

*Regulation (EU) No 376/2014*

1. Occurrence reports referred to in [Article 6](#) shall contain at least the information listed in [Annex I](#).
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 European risk classification scheme referred to in paragraph 5 of this Article.
3. Organisations, Member States and the Agency shall establish data quality checking processes to improve data consistency, notably between the information collected initially and the report stored in the database.
4. The databases referred to in paragraphs 5, 6 and 8 of [Article 6](#) shall use formats which are:
  - (a) standardised to facilitate information exchange; and
  - (b) compatible with the ECCAIRS software and the ADREP taxonomy.
5. The Commission, in close cooperation with the Member States and the Agency through the network of aviation safety analysts, referred to in [Article 14\(2\)](#), shall develop a common European risk classification scheme to enable the organisations, Member States and the Agency to classify occurrences in terms of safety risk. In so doing, the Commission shall take into account the need for compatibility with existing risk classification schemes.

The Commission shall develop that scheme by 15 May 2017.
6. The Commission shall be empowered to adopt delegated acts in accordance with Article 18 to define the common European risk classification scheme.
7. The Commission shall, by means of implementing acts, adopt the arrangements for the implementation of the common European risk classification scheme. Those implementing acts shall be adopted in accordance with the examination procedure referred to in [Article 19\(2\)](#).

8. The Commission and the Agency shall support the competent authorities of the Member States in their task of data integration, including for example in:
  - (a) the integration of the minimum information referred to in paragraph 1;
  - (b) the risk classification of occurrences referred to in paragraph 2; and
  - (c) the establishment of data quality checking processes referred to in paragraph 3.

The Commission and the Agency shall provide that support in such a way as to contribute to the harmonisation of the data entry process across Member States, in particular by providing to staff working in the bodies or entities referred to in [Article 6\(1\), \(3\) and \(4\)](#):

- (a) guidance material;
- (b) workshops; and
- (c) appropriate training.

### **Article 8 — European Central Repository**

*Regulation (EU) No 376/2014*

1. The Commission shall manage a European Central Repository to store all occurrence reports collected in the Union.
2. Each Member State shall, in agreement with the Commission, update the European Central Repository by transferring to it all information relating to safety stored in the national databases referred to in [Article 6\(6\)](#).
3. The Agency shall agree with the Commission the technical protocols for transferring to the European Central Repository all occurrence reports collected by the Agency under Regulation (EC) No 216/2008 and its implementing rules, particularly for occurrences stored in the Internal Occurrence Reporting System (IORS), as well as the information collected pursuant to [Articles 4\(9\) and 5\(5\)](#).
4. The Commission shall, by means of implementing acts, adopt the arrangements for the management of the European Central Repository as referred to in paragraph 1 and 2. Those implementing acts shall be adopted in accordance with the examination procedure referred to in [Article 19\(2\)](#).

### **Article 9 — Exchange of information**

*Regulation (EU) No 376/2014*

1. Member States and the Agency shall participate in an exchange of information by making all information relating to safety stored in their respective reporting databases available to the competent authorities of the other Member States, the Agency and the Commission, through the European Central Repository.

Occurrence reports shall be transferred to the European Central Repository no later than 30 days after having been entered in the national database.

Occurrence reports shall be updated whenever necessary with additional information relating to safety.

2. Member States shall also transfer information related to accidents and serious incidents to the European Central Repository as follows:
  - (a) during the course of the investigation: preliminary factual information on accidents and serious incidents;

- (b) when the investigation is completed:
  - (i) the final investigation report; and
  - (ii) when available, a summary in English of the final investigation report.
- 3. A Member State or the Agency shall forward all pertinent safety-related information to the relevant authority of the Member State or the Agency as soon as possible if, while collecting details of occurrences or when storing occurrence reports or carrying out an analysis in accordance with [Article 13](#)(6), it identifies safety matters which it considers either:
  - (a) to be of interest to other Member States or the Agency; or
  - (b) to possibly require safety action to be taken by other Member States or the Agency.

## **Article 10 — Dissemination of information stored in the European Central Repository**

*Regulation (EU) No 376/2014*

1. Any entity entrusted with regulating civil aviation safety, or any safety investigation authority, within the Union shall have secure full online access to information on occurrences contained in the European Central Repository.  
The information shall be used in accordance with [Articles 15](#) and [16](#).
2. Interested parties listed in [Annex II](#) may request access to certain information contained in the European Central Repository.  
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.  
Interested parties established outside the Union shall address their request to the Commission.  
The Commission shall inform the competent authority of the Member State concerned when a request is made pursuant to this paragraph.
3. Subject to Article 15(2) of Regulation (EU) No 996/2010, information contained in the European Central Repository relating to ongoing safety investigations conducted in accordance with that Regulation shall not be disclosed to interested parties pursuant to this Article.
4. For security reasons, interested parties shall not be granted direct access to the European Central Repository.

## **Article 11 — Processing of requests and decisions**

*Regulation (EU) No 376/2014*

1. Requests for information contained in the European Central Repository shall be submitted using forms approved by the point of contact. Those forms shall contain at least the items set out in [Annex III](#).
2. A point of contact which receives a request shall verify that:
  - (a) the request is made by an interested party;
  - (b) it is competent to deal with that request.

Where the point of contact determines that another Member State or the Commission is competent to deal with the request, it shall transfer it to that Member State or to the Commission, as appropriate.

3. A point of contact which receives a request shall evaluate on a case-by-case basis whether the request is justified and practicable.  

A point of contact may supply information to interested parties on paper or by using secure electronic means of communication.
4. Where the request is accepted, the point of contact shall determine the amount and the level of information to be supplied. Without prejudice to [Articles 15](#) and [16](#), the information shall be limited to what is strictly required for the purpose of the request.  

Information unrelated to the interested party's own equipment, operations or field of activity shall be supplied only in aggregated or anonymised form. Information in non-aggregated form may be provided to the interested party if it provides a detailed written justification. That information shall be used in accordance with [Articles 15](#) and [16](#).
5. The point of contact shall supply interested parties listed in point (b) of [Annex II](#) only with information relating to the interested party's own equipment, operations or field of activity.
6. A point of contact receiving a request from an interested party listed in point (a) of [Annex II](#) may take a general decision to supply information on a regular basis to that interested party, provided that:
  - (a) the information requested is related to the interested party's own equipment, operations or field of activity;
  - (b) the general decision does not grant access to the entire content of the database;
  - (c) the general decision relates only to anonymised information.
7. The interested party shall use the information received pursuant to this Article subject to the following conditions:
  - (a) the interested party shall use the information only for the purpose specified in the request form, which should be compatible with the objective of this Regulation as stated in [Article 1](#); and
  - (b) the interested party shall not disclose the information received without the written consent of the information provider and shall take the necessary measures to ensure appropriate confidentiality of the information received.
8. The decision to disseminate information pursuant to this Article shall be limited to what is strictly required for the purpose of its user.

## **Article 12 — Record of requests and exchange of information**

*Regulation (EU) No 376/2014*

1. The point of contact shall record each request received and the action taken pursuant to that request.  

That information shall be transmitted in a timely manner to the Commission whenever a request is received and/or action is taken.
2. The Commission shall make available the updated list of requests received and action taken by the various points of contact and by the Commission itself to all points of contact.

## **Article 13 — Occurrence analysis and follow-up at national level**

*Regulation (EU) No 376/2014*

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.  
  
Based on that analysis, each organisation shall determine any appropriate corrective or preventive action, required to improve aviation safety.
2. When, following the analysis referred to in paragraph 1, an organisation established in a Member State identifies any appropriate corrective or preventive action required to address actual or potential aviation safety deficiencies, it shall:
  - (a) implement that action in a timely manner; and
  - (b) establish a process to monitor the implementation and effectiveness of the action.
3. Each organisation established in a Member State shall regularly provide its employees and contracted personnel with information concerning the analysis of, and follow-up on, occurrences for which preventive or corrective action is taken.
4. Where an organisation established in a Member State which is not covered by paragraph 5 identifies an actual or potential aviation safety risk as a result of its analysis of occurrences or group of occurrences reported pursuant to [Articles 4\(8\)](#) and [5\(6\)](#), it shall transmit to the competent authority of that Member State, within 30 days from the date of notification of the occurrence by the reporter:
  - (a) the preliminary results of the analysis performed pursuant to paragraph 1, if any; and
  - (b) any action to be taken pursuant to paragraph 2.

The organisation shall report the final results of the analysis, where required, as soon as they are available and, in principle, no later than three months from the date of notification of the occurrence.

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.
5. Where an organisation established in a Member State and certified or approved by the Agency identifies an actual or potential aviation safety risk as a result of its analysis of occurrences or group of occurrences reported pursuant to [Articles 4\(9\)](#) and [5\(5\)](#), it shall transmit to the Agency, within 30 days from the date of notification of the occurrence by the reporter:
  - (a) the preliminary results of the analysis performed pursuant to paragraph 1, if any; and
  - (b) any action to be taken pursuant to paragraph 2.

The organisation certified or approved by the Agency shall transmit to the Agency the final results of the analysis, where required, as soon as they are available and, in principle, no later than three months from the date of notification of the occurrence.

The Agency 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.
6. Each Member State and the Agency shall develop a process to analyse the information relating to occurrences which are directly reported to them in accordance with [Articles 4\(6\)](#), [5\(2\)](#) and

- [5](#)(3) in order to identify the safety hazards associated with those occurrences. Based on that analysis, they shall determine any appropriate corrective or preventive action required to improve aviation safety.
7. When, following the analysis referred to in paragraph 6, a Member State or the Agency identifies any appropriate corrective or preventive action required to address actual or potential aviation safety deficiencies, it shall:
    - (a) implement that action in a timely manner; and
    - (b) establish a process to monitor the implementation and effectiveness of the action.
  8. For each occurrence or group of occurrences monitored in accordance with paragraph 4 or 5, each Member State and the Agency shall have access to the analysis made and shall appropriately monitor action taken by the organisations for which it is respectively responsible.  
If a Member State or the Agency concludes that the implementation and the effectiveness of the reported action is inappropriate to address actual or potential safety deficiencies, it shall ensure that additional appropriate action is taken and implemented by the relevant organisation.
  9. Where available, information relating to the analysis and the follow-up of individual occurrences or groups of occurrences obtained pursuant to this Article shall be stored in the European Central Repository, in accordance with [Article 8](#)(2) and (3), in a timely manner and no later than two months after their storage in the national database.
  10. Member States shall use information obtained from the analysis of occurrence reports to identify remedial action to be taken, if any, within the State Safety Programme.
  11. In order to inform the public of the level of safety in civil aviation, each Member State shall publish a safety review at least once a year. The safety review shall:
    - (a) contain aggregated and anonymised information on the type of occurrences and safety-related information reported through its national mandatory and voluntary reporting systems;
    - (b) identify trends;
    - (c) identify the action it has taken.
  12. Member States may also publish anonymised occurrence reports and risk analysis outcomes.

## **Article 14 – Occurrence analysis and follow up at Union level**

*Regulation (EU) No 376/2014*

1. The Commission, the Agency and the competent authorities of the Member States shall, in collaboration, participate regularly in the exchange and analysis of information contained in the European Central Repository.  
Without prejudice to the confidentiality requirements laid down in this Regulation, observers may be invited on a case-by-case basis, where appropriate.
2. The Commission, the Agency and the competent authorities of the Member States shall collaborate through a network of aviation safety analysts.  
The network of aviation safety analysts shall contribute to the improvement of aviation safety in the Union, in particular by performing safety analysis in support of the European Aviation Safety Programme and the European Aviation Safety Plan.

3. The Agency shall support the activities of the network of aviation safety analysts by, for example, providing assistance for the preparation and organisation of the meetings of the network.
4. The Agency shall include information about the result of information analysis referred to in paragraph 1 in the annual safety review referred to in Article 15(4) of Regulation (EC) No 216/2008.

## **Article 15 — Confidentiality and appropriate use of information**

*Regulation (EU) No 376/2014*

1. Member States and organisations, in accordance with their national law, and the Agency shall take the necessary measures to ensure the appropriate confidentiality of the details of occurrences received by them pursuant to [Articles 4, 5](#) and [10](#).

Each Member State, each organisation established in a Member State, or the Agency shall process personal data only to the extent necessary for the purposes of this Regulation and without prejudice to national legal acts implementing Directive 95/46/EC.

2. Without prejudice to the provisions relating to the protection of safety information in Articles 12, 14 and 15 of Regulation (EU) No 996/2010, information derived from occurrence reports shall be used only for the purpose for which it has been collected.

Member States, the Agency and organisations shall not make available or use the information on occurrences:

- (a) in order to attribute blame or liability; or
  - (b) for any purpose other than the maintenance or improvement of aviation safety.
3. The Commission, the Agency and the competent authorities of the Member States, when discharging their obligations under [Article 14](#) in relation to the information contained in the European Central Repository, shall:
    - (a) ensure the confidentiality of the information; and
    - (b) limit the use of the information to what is strictly necessary in order to discharge their safety-related obligations without attributing blame or liability; in this respect, the information shall be used in particular for risk management and for analysis of safety trends which may lead to safety recommendations or actions, addressing actual or potential safety deficiencies.
  4. Member States shall ensure that their competent authorities referred to in [Article 6\(3\)](#) and their competent authorities for the administration of justice cooperate with each other through advance administrative arrangements. These advance administrative arrangements shall seek to ensure the correct balance between the need for proper administration of justice, on the one hand, and the necessary continued availability of safety information, on the other.

## **Article 16 — Protection of the information source**

*Regulation (EU) No 376/2014*

1. For the purposes of this Article, ‘personal details’ includes in particular names or addresses of natural persons.
2. Each organisation established in a Member State shall ensure that all personal details are made available to staff of that organisation other than persons designated in accordance with



[Article 6](#)(1) only where absolutely necessary in order to investigate occurrences with a view to enhancing aviation safety.

Disidentified information shall be disseminated within the organisation as appropriate.

3. Each Member State shall ensure that no personal details are ever recorded in the national database referred to in [Article 6](#)(6). Such disidentified information shall be made available to all relevant parties, for example to allow them to discharge their obligations in relation to aviation safety improvement.
4. The Agency shall ensure that no personal details are ever recorded in the Agency database referred to in [Article 6](#)(8). Such disidentified information shall be made available to all relevant parties, for example to allow them to discharge their obligations in relation to aviation safety improvement.
5. Member States and the Agency shall not be prevented from taking any action necessary for maintaining or improving aviation safety.
6. Without prejudice to applicable national criminal law, Member States shall refrain from instituting proceedings in respect of unpremeditated or inadvertent infringements of the law which come to their attention only because they have been reported pursuant to [Articles 4](#) and [5](#).

The first subparagraph shall not apply in the cases referred to in paragraph 10. Member States may retain or adopt measures to strengthen the protection of reporters or persons mentioned in occurrence reports. Member States may in particular apply this rule without the exceptions referred to in paragraph 10.

7. If disciplinary or administrative proceedings are instituted under national law, information contained in occurrence reports shall not be used against:
  - (a) the reporters; or
  - (b) the persons mentioned in occurrence reports.

The first subparagraph shall not apply in the cases referred to in paragraph 10.

Member States may retain or adopt measures to strengthen the protection of reporters or persons mentioned in occurrence reports. Member States may in particular extend that protection to civil or criminal proceedings.

8. Member States may adopt or maintain in force legislative provisions ensuring a higher level of protection for reporters or for persons mentioned in occurrence reports than those established in this Regulation.
9. 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.
10. The protection under paragraphs 6, 7 and 9 of this Article 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.

11. 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.

12. Each Member State shall designate a body responsible for the implementation of paragraphs 6, 9 and 11.

Employees and contracted personnel may report to that body alleged infringements of the rules established by this Article. Employees and contracted personnel shall not be penalised for reporting alleged infringements. Employees and contracted personnel may inform the Commission about such alleged infringements.

Where appropriate, the designated body shall advise the relevant authorities of its Member State concerning remedies or penalties in application of [Article 21](#).

13. On 15 May 2019 and every five years thereafter, each Member State shall send the Commission a report on the application of this Article, and in particular on the activities of the body designated pursuant to paragraph 12. The report shall not contain any personal data.

### **Article 17 – Updating of the annexes**

*Regulation (EU) No 376/2014*

The Commission shall be empowered to adopt delegated acts in accordance with [Article 18](#) in order to:

- (a) update the list of mandatory data fields in occurrence reports laid down in [Annex I](#) where, in the light of experience gained in the application of this Regulation, changes prove necessary in order to improve aviation safety;
- (b) update the request for European Central Repository information form provided in [Annex III](#), to take account of experience gained and of new developments;
- (c) align any of the Annexes with the ECCAIRS software and the ADREP taxonomy, as well as with legal acts adopted by the Union and with international agreements.

With a view to updating the list of mandatory fields, the Agency and the network of aviation safety analysts referred to in [Article 14](#)(2) shall provide the Commission with appropriate opinion(s).

### **Article 18 – Exercise of the delegation**

*Regulation (EU) No 376/2014*

1. The power to adopt delegated acts is conferred on the Commission subject to the conditions laid down in this Article.
2. The power to adopt delegated acts referred to in [Article 7](#)(6) and [Article 17](#) shall be conferred on the Commission for a period of five years from the entry into force of this Regulation. The Commission shall draw up a report in respect of the delegation of power not later than nine months before the end of the five year period. The delegation of power shall be tacitly extended for periods of an identical duration, unless the European Parliament or the Council opposes such extension not later than three months before the end of each period.
3. The delegation of power referred to in [Article 7](#)(6) and [Article 17](#) may be revoked at any time by the European Parliament or by the Council. A decision to revoke shall put an end to the delegation of the power specified in that decision. It shall take effect the day following the

publication of the decision in the *Official Journal of the European Union* or at a later date specified therein. It shall not affect the validity of any delegated acts already in force.

4. As soon as it adopts a delegated act, the Commission shall notify it simultaneously to the European Parliament and to the Council.
5. A delegated act adopted pursuant to [Article 7\(6\)](#) and [Article 17](#) shall enter into force only if no objection has been expressed either by the European Parliament or the Council within a period of two months of notification of that act to the European Parliament and the Council or if, before the expiry of that period, the European Parliament and the Council have both informed the Commission that they will not object. That period shall be extended by two months at the initiative of the European Parliament or of the Council.

### **Article 19 — Committee procedure**

*Regulation (EU) No 376/2014*

1. The Commission shall be assisted by the committee established by Article 65 of Regulation (EC) No 216/2008. That committee shall be a committee within the meaning of Regulation (EU) No 182/2011.
2. Where reference is made to this paragraph, Article 5 of Regulation (EU) No 182/2011 shall apply. Where the committee delivers no opinion, the Commission shall not adopt the draft implementing act and the third subparagraph of Article 5(4) of Regulation (EU) No 182/2011 shall apply.

### **Article 20 — Access to documents and protection of personal data**

*Regulation (EU) No 376/2014*

1. With the exception of [Articles 10](#) and [11](#), which establish stricter rules on access to the data and information contained in the European Central Repository, this Regulation shall apply without prejudice to Regulation (EC) No 1049/2001.
2. This Regulation shall apply without prejudice to national legal acts implementing Directive 95/46/EC and in accordance with Regulation (EC) No 45/2001.

### **Article 21 — Penalties**

*Regulation (EU) No 376/2014*

Member States shall lay down the rules on penalties applicable to infringements of this Regulation. The penalties provided for shall be effective, proportionate and dissuasive. Member States shall notify to the Commission those provisions and any subsequent amendment affecting them.

### **Article 22 — Amendment to Regulation (EU) No 996/2010**

*Regulation (EU) No 376/2014*

Article 19 of Regulation (EU) No 996/2010 is deleted.

However, that Article shall remain applicable until the date of application of this Regulation in accordance with [Article 24\(3\)](#).

### **Article 23 — Repeals**

*Regulation (EU) No 376/2014*

Directive 2003/42/EC, Regulation (EC) No 1321/2007 and Regulation (EC) No 1330/2007 are repealed. They shall remain applicable until the date of application of this Regulation in accordance with [Article 24\(3\)](#).

## **Article 24 — Entry into force and application**

Regulation (EU) No 376/2014

1. This Regulation shall enter into force on the twentieth day following that of its publication in the *Official Journal of the European Union*.
2. By 16 November 2020, the Commission shall publish and send to the European Parliament and to the Council an evaluation report on the implementation of this Regulation. That report shall cover, in particular, the contribution made by this Regulation to reducing the number of aircraft accidents and related fatalities. If appropriate and on the basis of that report, the Commission shall make proposals for amending this Regulation.
3. This Regulation shall apply from 15 November 2015 and not before the entry into force of the implementing measures referred to in [Article 4\(5\)](#). [Article 7\(2\)](#) shall apply once the delegated and implementing acts specifying and developing the European common risk classification scheme referred to in [Article 7\(6\)](#) and (7) enter into force.

This Regulation shall be binding in its entirety and directly applicable in all Member States.

Done at Brussels, 3 April 2014.

*For the European Parliament*

*The President*

M. SCHULZ

*For the Council*

*The President*

D. KOURKOULAS

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## ANNEXES

### ANNEX I — LIST OF REQUIREMENTS APPLICABLE TO THE MANDATORY AND VOLUNTARY OCCURRENCE REPORTING SCHEMES

*Regulation (EU) No 376/2014*

*Note:* The data fields must be completed with the information requested. If it is not possible for the competent authorities of the Member States or the Agency to include that information because it has not been provided by the organisation or the reporter, the data field may be completed with the value 'unknown'. However, with a view to ensuring that the appropriate information is transmitted, use of that 'unknown' value should, to the best extent possible, be avoided, and the report should, where possible, be completed with the information later.

#### 1. COMMON MANDATORY DATA FIELDS

When entering, in their respective databases, information on every occurrence mandatorily reported and, to the best extent possible, every occurrence voluntarily reported, organisations, Member States and the Agency must ensure that occurrence reports recorded in their databases contain at least the following information:

- (1) **Headline**
  - Headline
- (2) **Filing Information**
  - Responsible Entity
  - File Number
  - Occurrence Status
- (3) **When**
  - UTC Date
- (4) **Where**
  - State/Area of Occurrence
  - Location of Occurrence
- (5) **Classification**
  - Occurrence Class
  - Occurrence Category
- (6) **Narrative**
  - Narrative Language
  - Narrative
- (7) **Events**
  - Event Type
- (8) **Risk classification**

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## **2. SPECIFIC MANDATORY DATA FIELDS**

### **2.1. Aircraft-related data fields**

When entering, in their respective databases, information on every occurrence mandatorily reported and, to the best extent possible, every occurrence voluntarily reported, organisations, Member States and the Agency must ensure that occurrence reports recorded in their databases contain at least the following information:

- (1) Aircraft Identification
  - State of Registry
  - Make/Model/Series
  - Aircraft serial number
  - Aircraft Registration
  - Call sign
- (2) Aircraft Operation
  - Operator
  - Type of operation
- (3) Aircraft Description
  - Aircraft Category
  - Propulsion Type
  - Mass Group
- (4) History of Flight
  - Last Departure Point
  - Planned Destination
  - Flight Phase
- (5) Weather
  - Weather relevant

### **2.2. Data fields relating to air navigation services**

When entering, in their respective databases, information on every occurrence mandatorily reported and, to the best extent possible, every occurrence voluntarily reported, organisations, Member States and the Agency must ensure that occurrence reports recorded in their databases contain at least the following information:

- (1) ATM relation
  - ATM contribution
  - Service affected (effect on ATM service)
- (2) ATS Unit Name

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### **2.2.1. Separation Minima Infringement/Loss of Separation and Airspace Infringement-related data fields**

When entering, in their respective databases, information on every occurrence mandatorily reported and, to the best extent possible, every occurrence voluntarily reported, organisations, Member States and the Agency must ensure that occurrence reports recorded in their databases contain at least the following information:

- (1) Airspace
  - Airspace type
  - Airspace class
  - FIR/UIR name

### **2.3. Aerodrome-related data fields**

When entering, in their respective databases, information on every occurrence mandatorily reported and, to the best extent possible, every occurrence voluntarily reported, organisations, Member States and the Agency must ensure that occurrence reports recorded in their databases contain at least the following information:

- (1) Location Indicator (ICAO indicator of the airport)
- (2) Location on the aerodrome

### **2.4. Aircraft damage or personal injury-related data fields**

When entering, in their respective databases, information on every occurrence mandatorily reported and, to the best extent possible, every occurrence voluntarily reported, organisations, Member States and the Agency must ensure that occurrence reports recorded in their databases contain at least the following information:

- (1) Severity
  - Highest Damage
  - Injury Level
- (2) Injuries to persons
  - Number of injuries on ground (fatal, serious, minor)
  - Number of injuries on aircraft (fatal, serious, minor)

## ANNEX II — INTERESTED PARTIES

*Regulation (EU) No 376/2014*

- (a) List of interested parties which may receive information on the basis of a case-by-case decision under [Article 11\(4\)](#) or on the basis of a general decision under [Article 11\(6\)](#):
1. Manufacturers: designers and manufacturers of aircraft, engines, propellers and aircraft parts and appliances, and their respective associations; designers and manufacturers of air traffic management (ATM) systems and constituents; designers and manufacturers of systems and constituents for air navigation services (ANS); designers and manufacturers of systems and equipment used on the air side of aerodromes
  2. Maintenance: organisations involved in the maintenance or overhaul of aircraft, engines, propellers and aircraft parts and appliances; in the installation, modification, maintenance, repair, overhaul, flight checking or inspection of air navigation facilities; or in the maintenance or overhaul of aerodrome air side systems, constituents and equipment
  3. Operators: airlines and operators of aircraft and associations of airlines and operators; aerodrome operators and associations of aerodrome operators
  4. Air navigation services providers and providers of ATM-specific functions
  5. Aerodrome service providers: organisations in charge of ground handling of aircraft, including fuelling, loadsheet preparation, loading, de-icing and towing at an aerodrome, as well as rescue and firefighting, or other emergency services
  6. Aviation training organisations
  7. Third-country organisations: governmental aviation authorities and accident investigation authorities from third countries
  8. International aviation organisations
  9. Research: public or private research laboratories, centres or entities; or universities engaged in aviation safety research or studies
- (b) List of interested parties which may receive information on the basis of a case-by-case decision under [Article 11\(4\)](#) and (5):
1. Pilots (on a personal basis)
  2. Air traffic controllers (on a personal basis) and other ATM/ANS staff carrying out safety-related tasks
  3. Engineers/technicians/air traffic safety electronics staff/aviation (or aerodrome) managers (on a personal basis)
  4. Professional representative bodies of staff carrying out safety-related tasks



## ANNEX III — REQUEST FOR INFORMATION FROM THE EUROPEAN CENTRAL REPOSITORY

*Regulation (EU) No 376/2014*

1. Name:  
Function/position:  
Company:  
Address:  
Tel.:  
E-mail:  
Date:  
Nature of business:  
Category of interested party (see [Annex II](#) to 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 <sup>(1)</sup>):
2. Information requested (please be as specific as possible; include the relevant date/period in which you are interested):
3. Reason for the request:
4. Explain the purpose for which the information will be used:
5. Date by which the information is requested:
6. The completed form should be sent, via e-mail, to: (point of contact)
7. Access to information  

The point of contact is not required to supply any requested information. It may do so only if it is confident that the request is compatible with Regulation (EU) No 376/2014. The requestor commits itself and its organisation to restrict the use of the information to the purpose it has described under point 4. It is also recalled that information provided on the basis of this request is made available only for the purposes of flight safety as provided in Regulation (EU) No 376/2014 and not for other purposes such as, in particular, attributing blame or liability or for commercial purposes.

The requestor is not allowed to disclose information provided to it to anyone without the written consent of the point of contact.

Failure to comply with these conditions may lead to a refusal of access to further information from the European Central Repository and, where applicable, to the imposition of penalties.

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<sup>1</sup> OJ L 122, 24.4.2014, p. 18.

8. Date, place and signature:

# COMMISSION IMPLEMENTING REGULATION (EU) 2015/1018

## COVER REGULATION

**COMMISSION IMPLEMENTING REGULATION (EU) 2015/1018 of 29 June 2015 laying down a list classifying occurrences in civil aviation to be mandatorily reported according to Regulation (EU) No 376/2014 of the European Parliament and of the Council**

### *Powers and recitals*

*Regulation (EU) 2015/1018*

THE EUROPEAN COMMISSION,

Having regard to the Treaty on the Functioning of the European Union,

Having regard to 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 <sup>(1)</sup>, and in particular Article 4(5) thereof,

Whereas:

- (1) Regulation (EU) No 376/2014 requires occurrence reporting systems to be established at organisation, Member State and Union levels, in view for all relevant civil aviation safety information to be reported, collected, stored, protected, exchanged, disseminated, analysed and followed-up. In addition, it provides for rules limiting the use of information collected to the enhancement of aviation safety and appropriately protecting the reporter and other persons mentioned in occurrence reports in view of ensuring a continued availability of safety information. Regulation (EU) No 376/2014 applies to all aircraft defined and covered by that Regulation, including manned aircraft and Remotely Piloted Aircraft Systems.
- (2) According to the first subparagraph of Article 4(5) of Regulation (EU) No 376/2014, the Commission is required to adopt a list classifying occurrences to be referred to when reporting occurrences, under mandatory reporting systems set out in that Regulation, and which fall within the categories of Article 4(1) of that Regulation. A second list should contain, in accordance with the second subparagraph of Article 4(5) of Regulation (EU) No 376/2014, a classification of occurrences applicable to aircraft other than complex motor-powered aircraft. This second list should where appropriate, be adapted to the specificities of that aviation sector.
- (3) The division in categories of occurrences to be reported provided for in Regulation (EU) No 376/2014 was established in order to allow the identification, by the persons designated by that Regulation, of the occurrences to be reported by each of them. In line with that objective, the lists of occurrences should be divided following the categories to which reporters should refer, according to their respective situation, in accordance with Regulation (EU) No 376/2014.

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<sup>1</sup> OJ L 122, 24.4.2014, p. 18.

- (4) The measures provided for in this Regulation are in accordance with the opinion of the Committee established by Article 65 of Regulation (EC) No 216/2008 of the European Parliament and of the Council <sup>(1)</sup>.

HAS ADOPTED THIS REGULATION:

### **Article 1**

*Regulation (EU) 2015/1018*

The detailed classification of the occurrences to be referred to when reporting, through mandatory reporting systems, occurrences pursuant to Article 4(1) of Regulation (EU) No 376/2014 is set out in Annexes I to V to this Regulation.

### **Article 2**

*Regulation (EU) 2015/1018*

This Regulation shall enter into force on the twentieth day following that of its publication in the *Official Journal of the European Union*.

It shall apply from 15 November 2015.

This Regulation shall be binding in its entirety and directly applicable in all Member States.

Done at Brussels, 29 June 2015.

*For the Commission*

*The President*

Jean-Claude JUNCKER

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<sup>1</sup> Regulation (EC) No 216/2008 of the European Parliament and of the Council of 20 February 2008 on common rules in the field of civil aviation and establishing a European Aviation Safety Agency, and repealing Council Directive 91/670/EEC, Regulation (EC) No 1592/2002 and Directive 2004/36/EC (OJ L 79, 19.3.2008, p. 1).

## ANNEXES

# ANNEX I — OCCURRENCES RELATED TO THE OPERATION OF THE AIRCRAFT

*Regulation (EU) 2015/1018*

*Remark:* This Annex is structured in such a way that the pertinent occurrences are linked with categories of activities during which they are normally observed, according to experience, in order to facilitate the reporting of those occurrences. However, this presentation must not be understood as meaning that occurrences must not be reported in case they take place outside the category of activities to which they are linked in the list.

## 1. AIR OPERATIONS

### 1.1. Flight preparation

- (1) Use of incorrect data or erroneous entries into equipment used for navigation or performance calculations which has or could have endangered the aircraft, its occupants or any other person.
- (2) Carriage or attempted carriage of dangerous goods in contravention of applicable legislations including incorrect labelling, packaging and handling of dangerous goods.

### 1.2. Aircraft preparation

- (1) Incorrect fuel type or contaminated fuel.
- (2) Missing, incorrect or inadequate De-icing/Anti-icing treatment.

### 1.3. Take-off and landing

- (1) Taxiway or runway excursion.
- (2) Actual or potential taxiway or runway incursion.
- (3) Final Approach and Take-off Area (FATO) incursion.
- (4) Any rejected take-off.
- (5) Inability to achieve required or expected performance during take-off, go-around or landing.
- (6) Actual or attempted take-off, approach or landing with incorrect configuration setting.
- (7) Tail, blade/wingtip or nacelle strike during take-off or landing.
- (8) Approach continued against air operator stabilised approach criteria.
- (9) Continuation of an instrument approach below published minimums with inadequate visual references.
- (10) Precautionary or forced landing.
- (11) Short and long landing.
- (12) Hard landing.

**1.4. Any phase of flight**

- (1) Loss of control.
- (2) Aircraft upset, exceeding normal pitch attitude, bank angle or airspeed inappropriate for the conditions.
- (3) Level bust.
- (4) Activation of any flight envelope protection, including stall warning, stick shaker, stick pusher and automatic protections.
- (5) Unintentional deviation from intended or assigned track of the lowest of twice the required navigation performance or 10 nautical miles.
- (6) Exceedance of aircraft flight manual limitation.
- (7) Operation with incorrect altimeter setting.
- (8) Jet blast or rotor and prop wash occurrences which have or could have endangered the aircraft, its occupants or any other person.
- (9) Misinterpretation of automation mode or of any flight deck information provided to the flight crew which has or could have endangered the aircraft, its occupants or any other person.

**1.5. Other types of occurrences**

- (1) Unintentional release of cargo or other externally carried equipment.
- (2) Loss of situational awareness (including environmental, mode and system awareness, spatial disorientation, and time horizon).
- (3) Any occurrence where the human performance has directly contributed to or could have contributed to an accident or a serious incident.

**2. TECHNICAL OCCURRENCES****2.1. Structure and systems**

- (1) Loss of any part of the aircraft structure in flight.
- (2) Loss of a system.
- (3) Loss of redundancy of a system.
- (4) Leakage of any fluid which resulted in a fire hazard or possible hazardous contamination of aircraft structure, systems or equipment, or which has or could have endangered the aircraft, its occupants or any other person.
- (5) Fuel system malfunctions or defects, which had an effect on fuel supply and/or distribution.
- (6) Malfunction or defect of any indication system when this results in misleading indications to the crew.
- (7) Abnormal functioning of flight controls such as asymmetric or stuck/jammed flight controls (for example: lift (flaps/slats), drag (spoilers), attitude control (ailerons, elevators, rudder) devices).

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

- (1) Failure or significant malfunction of any part or controlling of a propeller, rotor or powerplant.
- (2) Damage to or failure of main/tail rotor or transmission and/or equivalent systems.
- (3) Flameout, in-flight shutdown of any engine or APU when required (for example: ETOPS (Extended range Twin engine aircraft Operations), MEL (Minimum Equipment List)).
- (4) Engine operating limitation exceedance, including overspeed or inability to control the speed of any high-speed rotating component (for example: APU, air starter, air cycle machine, air turbine motor, propeller or rotor).
- (5) Failure or malfunction of any part of an engine, powerplant, APU or transmission resulting in any one or more of the following:
  - (a) thrust-reversing system failing to operate as commanded;
  - (b) inability to control power, thrust or rpm (revolutions per minute);
  - (c) non-containment of components/debris.

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

- (1) Unsafe ATC (Air Traffic Control) clearance.
- (2) Prolonged loss of communication with ATS (Air Traffic Service) or ATM Unit.
- (3) Conflicting instructions from different ATS Units potentially leading to a loss of separation.
- (4) Misinterpretation of radio-communication which has or could have endangered the aircraft, its occupants or any other person.
- (5) Intentional deviation from ATC instruction which has or could have endangered the aircraft, its occupants or any other person.

**4. EMERGENCIES AND OTHER CRITICAL SITUATIONS**

- (1) Any event leading to the declaration of an emergency ('Mayday' or 'PAN call').
- (2) Any burning, melting, smoke, fumes, arcing, overheating, fire or explosion.
- (3) Contaminated air in the cockpit or in the passenger compartment which has or could have endangered the aircraft, its occupants or any other person.
- (4) Failure to apply the correct non-normal or emergency procedure by the flight or cabin crew to deal with an emergency.
- (5) Use of any emergency equipment or non-normal procedure affecting in-flight or landing performance.
- (6) Failure of any emergency or rescue system or equipment which has or could have endangered the aircraft, its occupants or any other person.
- (7) Uncontrollable cabin pressure.

- (8) Critically low fuel quantity or fuel quantity at destination below required final reserve fuel.
- (9) Any use of crew oxygen system by the crew.
- (10) Incapacitation of any member of the flight or cabin crew that results in the reduction below the minimum certified crew complement.
- (11) Crew fatigue impacting or potentially impacting their ability to perform safely their flight duties.

## **5. EXTERNAL ENVIRONMENT AND METEOROLOGY**

- (1) A collision or a near collision on the ground or in the air, with another aircraft, terrain or obstacle <sup>(1)</sup>.
- (2) ACAS RA (Airborne Collision Avoidance System, Resolution Advisory).
- (3) Activation of genuine ground collision system such as GPWS (Ground Proximity Warning System)/TAWS (Terrain Awareness and Warning System) 'warning'.
- (4) Wildlife strike including bird strike.
- (5) Foreign object damage/debris (FOD).
- (6) Unexpected encounter of poor runway surface conditions.
- (7) Wake-turbulence encounters.
- (8) Interference with the aircraft by firearms, fireworks, flying kites, laser illumination, high powered lights, lasers, Remotely Piloted Aircraft Systems, model aircraft or by similar means.
- (9) A lightning strike which resulted in damage to the aircraft or loss or malfunction of any aircraft system.
- (10) A hail encounter which resulted in damage to the aircraft or loss or malfunction of any aircraft system.
- (11) Severe turbulence encounter or any encounter resulting in injury to occupants or deemed to require a 'turbulence check' of the aircraft.
- (12) A significant wind shear or thunderstorm encounter which has or could have endangered the aircraft, its occupants or any other person.
- (13) Icing encounter resulting in handling difficulties, damage to the aircraft or loss or malfunction of any aircraft system.
- (14) Volcanic ash encounter.

## **6. SECURITY**

- (1) Bomb threat or hijack.
- (2) Difficulty in controlling intoxicated, violent or unruly passengers.
- (3) Discovery of a stowaway.

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<sup>1</sup> Obstacle includes vehicle.



## **ANNEX II — OCCURRENCES RELATED TO TECHNICAL CONDITIONS, MAINTENANCE AND REPAIR OF THE AIRCRAFT**

*Regulation (EU) 2015/1018*

### **1. MANUFACTURING**

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.

### **2. DESIGN**

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.

*Remark:* This list is applicable to occurrences occurring on 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 Commission Regulation (EU) No 748/2012 <sup>(1)</sup>.

### **3. MAINTENANCE AND CONTINUING AIRWORTHINESS MANAGEMENT**

- (1) Serious structural damage (for example: cracks, permanent deformation, delamination, debonding, burning, excessive wear, or corrosion) found during maintenance of the aircraft or component.
- (2) Serious leakage or contamination of fluids (for example: hydraulic, fuel, oil, gas or other fluids).
- (3) Failure or malfunction of any part of an engine or powerplant and/or transmission resulting in any one or more of the following:
  - (a) non-containment of components/debris;
  - (b) failure of the engine mount structure.
- (4) Damage, failure or defect of propeller, which could lead to in-flight separation of the propeller or any major portion of the propeller and/or malfunctions of the propeller control.
- (5) Damage, failure or defect of main rotor gearbox/attachment, which could lead to in-flight separation of the rotor assembly and/or malfunctions of the rotor control.
- (6) 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.
- (7) Incorrect assembly or installation of components of the aircraft found during an inspection or test procedure not intended for that specific purpose.
- (8) Wrong assessment of a serious defect, or serious non-compliance with MEL and Technical logbook procedures.

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

- (9) Serious damage to Electrical Wiring Interconnection System (EWIS).
- (10) Any defect in a life-controlled critical part causing retirement before completion of its full life.
- (11) The use of products, components or materials, from unknown, suspect origin, or unserviceable critical components.
- (12) Misleading, incorrect or insufficient applicable maintenance data or procedures that could lead to significant maintenance errors, including language issue.
- (13) Incorrect control or application of aircraft maintenance limitations or scheduled maintenance.
- (14) Releasing an aircraft to service from maintenance in case of any non-compliance which endangers the flight safety.
- (15) Serious damage caused to an aircraft during maintenance activities due to incorrect maintenance or use of inappropriate or unserviceable ground support equipment that requires additional maintenance actions.
- (16) Identified burning, melting, smoke, arcing, overheating or fire occurrences.
- (17) Any occurrence where the human performance, including fatigue of personnel, has directly contributed to or could have contributed to an accident or a serious incident.
- (18) Significant malfunction, reliability issue, or recurrent recording quality issue affecting a flight recorder system (such as a flight data recorder system, a data link recording system or a cockpit voice recorder system) or lack of information needed to ensure the serviceability of a flight recorder system.

## **ANNEX III — OCCURRENCES RELATED TO AIR NAVIGATION SERVICES AND FACILITIES**

*Regulation (EU) 2015/1018*

*Remark:* This Annex is structured in such a way that the pertinent occurrences are linked with categories of activities during which they are normally observed, according to experience, in order to facilitate the reporting of those occurrences. However, this presentation must not be understood as meaning that occurrences must not be reported in case they take place outside the category of activities to which they are linked in the list.

### **1. AIRCRAFT-RELATED OCCURRENCES**

- (1) A collision or a near collision on the ground or in the air, between an aircraft and another aircraft, terrain or obstacle <sup>(1)</sup>, including near-controlled flight into terrain (near CFIT).
- (2) Separation minima infringement <sup>(2)</sup>.
- (3) Inadequate separation <sup>(3)</sup>.
- (4) ACAS RAs.
- (5) Wildlife strike including bird strike.
- (6) Taxiway or runway excursion.
- (7) Actual or potential taxiway or runway incursion.
- (8) Final Approach and Take-off Area (FATO) incursion.
- (9) Aircraft deviation from ATC clearance.
- (10) Aircraft deviation from applicable air traffic management (ATM) regulation:
  - (a) aircraft deviation from applicable published ATM procedures;
  - (b) airspace infringement including unauthorised penetration of airspace;
  - (c) deviation from aircraft ATM-related equipment carriage and operations, as mandated by applicable regulations.
- (11) Call sign confusion related occurrences.

### **2. DEGRADATION OR TOTAL LOSS OF SERVICES OR FUNCTIONS**

- (1) Inability to provide ATM services or to execute ATM functions:
  - (a) inability to provide air traffic services or to execute air traffic services functions;
  - (b) inability to provide airspace management services or to execute airspace management functions;

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<sup>1</sup> Obstacle includes vehicle.

<sup>2</sup> This refers to a situation in which prescribed separation minima were not maintained between aircraft or between aircraft and airspace to which separation minima is prescribed.

<sup>3</sup> In the absence of prescribed separation minima, a situation in which aircraft were perceived to pass too close to each other for pilots to ensure safe separation.

- (c) inability to provide air traffic flow management and capacity services or to execute air traffic flow management and capacity functions.
- (2) Missing or significantly incorrect, corrupted, inadequate or misleading information from any support service <sup>(1)</sup>, including relating to poor runway surface conditions.
- (3) Failure of communication service.
- (4) Failure of surveillance service.
- (5) Failure of data processing and distribution function or service.
- (6) Failure of navigation service.
- (7) Failure of ATM system security which had or could have a direct negative impact on the safe provision of service.
- (8) Significant ATS sector/position overload leading to a potential deterioration in service provision.
- (9) Incorrect receipt or interpretation of significant communications, including lack of understanding of the language used, when this had or could have a direct negative impact on the safe provision of service.
- (10) Prolonged loss of communication with an aircraft or with other ATS unit.

### **3. OTHER OCCURRENCES**

- (1) Declaration of an emergency ('Mayday' or 'PAN' call).
- (2) Significant external interference with Air Navigation Services (for example radio broadcast stations transmitting in the FM band, interfering with ILS (instrument landing system), VOR (VHF Omni Directional Radio Range) and communication).
- (3) Interference with an aircraft, an ATS unit or a radio communication transmission including by firearms, fireworks, flying kites, laser illumination, high-powered lights lasers, Remotely Piloted Aircraft Systems, model aircraft or by similar means.
- (4) Fuel dumping.
- (5) Bomb threat or hijack.
- (6) Fatigue impacting or potentially impacting the ability to perform safely the air navigation or air traffic duties.
- (7) Any occurrence where the human performance has directly contributed to or could have contributed to an accident or a serious incident.

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<sup>1</sup> For example: air traffic service (ATS), automatic terminal information service (ATIS), meteorological services, navigation databases, maps, charts, aeronautical information service (AIS), manuals.

## **ANNEX IV — OCCURRENCES RELATED TO AERODROMES AND GROUND SERVICES**

*Regulation (EU) 2015/1018*

### **1. SAFETY MANAGEMENT OF AN AERODROME**

*Remark:* This Section is structured in such a way that the pertinent occurrences are linked with categories of activities during which they are normally observed, according to experience, in order to facilitate the reporting of those occurrences. However, this presentation must not be understood as meaning that occurrences must not be reported in case they take place outside the category of activities to which they are linked in the list.

#### **1.1. Aircraft- and obstacle-related occurrences**

- (1) A collision or near collision, on the ground or in the air, between an aircraft and another aircraft, terrain or obstacle <sup>(1)</sup>.
- (2) Wildlife strike including bird strike.
- (3) Taxiway or runway excursion.
- (4) Actual or potential taxiway or runway incursion.
- (5) Final Approach and Take-off Area (FATO) incursion or excursion.
- (6) Aircraft or vehicle failure to follow clearance, instruction or restriction while operating on the movement area of an aerodrome (for example: wrong runway, taxiway or restricted part of an aerodrome).
- (7) Foreign object on the aerodrome movement area which has or could have endangered the aircraft, its occupants or any other person.
- (8) Presence of obstacles on the aerodrome or in the vicinity of the aerodrome which are not published in the AIP (Aeronautical Information Publication) or by NOTAM (Notice to Airmen) and/or that are not marked or lighted properly.
- (9) Push-back, power-back or taxi interference by vehicle, equipment or person.
- (10) Passengers or unauthorised person left unsupervised on apron.
- (11) Jet blast, rotor down wash or propeller blast effect.
- (12) Declaration of an emergency ('Mayday' or 'PAN' call).

#### **1.2. Degradation or total loss of services or functions**

- (1) Loss or failure of communication between:
  - (a) aerodrome, vehicle or other ground personnel and air traffic services unit or apron management service unit;
  - (b) apron management service unit and aircraft, vehicle or air traffic services unit.
- (2) Significant failure, malfunction or defect of aerodrome equipment or system which has or could have endangered the aircraft or its occupants.

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<sup>1</sup> Obstacle includes vehicle.

- (3) Significant deficiencies in aerodrome lighting, marking or signs.
- (4) Failure of the aerodrome emergency alerting system.
- (5) Rescue and firefighting services not available according to applicable requirements.

### **1.3. Other occurrences**

- (1) Fire, smoke, explosions in aerodrome facilities, vicinities and equipment which has or could have endangered the aircraft, its occupants or any other person.
- (2) Aerodrome security related occurrences (for example: unlawful entry, sabotage, bomb threat).
- (3) Absence of reporting of a significant change in aerodrome operating conditions which has or could have endangered the aircraft, its occupants or any other person.
- (4) Missing, incorrect or inadequate de-icing/anti-icing treatment.
- (5) Significant spillage during fuelling operations.
- (6) Loading of contaminated or incorrect type of fuel or other essential fluids (including oxygen, nitrogen, oil and potable water).
- (7) Failure to handle poor runway surface conditions.
- (8) Any occurrence where the human performance has directly contributed to or could have contributed to an accident or a serious incident.

## **2. GROUND HANDLING OF AN AIRCRAFT**

*Remark:* This Section is structured in such a way that the pertinent occurrences are linked with categories of activities during which they are normally observed, according to experience, in order to facilitate the reporting of those occurrences. However, this presentation must not be understood as meaning that occurrences must not be reported in case they take place outside the category of activities to which they are linked in the list.

### **2.1. Aircraft- and aerodrome-related occurrences**

- (1) A collision or near collision, on the ground or in the air, between an aircraft and another aircraft, terrain or obstacle <sup>(1)</sup>.
- (2) Runway or taxiway incursion.
- (3) Runway or taxiway excursion.
- (4) Significant contamination of aircraft structure, systems and equipment arising from the carriage of baggage, mail or cargo.
- (5) Push-back, power-back or taxi interference by vehicle, equipment or person.
- (6) Foreign object on the aerodrome movement area which has or could have endangered the aircraft, its occupants or any other person.
- (7) Passengers or unauthorised person left unsupervised on apron.
- (8) Fire, smoke, explosions in aerodrome facilities, vicinities and equipment which has or could have endangered the aircraft, its occupants or any other person.

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<sup>1</sup> Obstacle includes vehicle.

- (9) Aerodrome security-related occurrences (for example: unlawful entry, sabotage, bomb threat).

## **2.2. Degradation or total loss of services or functions**

- (1) Loss or failure of communication with aircraft, vehicle, air traffic services unit or apron management service unit.
- (2) Significant failure, malfunction or defect of aerodrome equipment or system which has or could have endangered the aircraft or its occupants.
- (3) Significant deficiencies in aerodrome lighting, marking or signs.

## **2.3. Ground handling specific occurrences**

- (1) Incorrect handling or loading of passengers, baggage, mail or cargo, likely to have a significant effect on aircraft mass and/or balance (including significant errors in loadsheet calculations).
- (2) Boarding equipment removed leading to endangerment of aircraft occupants.
- (3) Incorrect stowage or securing of baggage, mail or cargo likely in any way to endanger the aircraft, its equipment or occupants or to impede emergency evacuation.
- (4) Transport, attempted transport or handling of dangerous goods which resulted or could have resulted in the safety of the operation being endangered or led to an unsafe condition (for example: dangerous goods incident or accident as defined in the ICAO Technical Instructions <sup>(1)</sup>).
- (5) Non-compliance on baggage or passenger reconciliation.
- (6) Non-compliance with required aircraft ground handling and servicing procedures, especially in de-icing, refuelling or loading procedures, including incorrect positioning or removal of equipment.
- (7) Significant spillage during fuelling operations.
- (8) Loading of incorrect fuel quantities likely to have a significant effect on aircraft endurance, performance, balance or structural strength.
- (9) Loading of contaminated or incorrect type of fuel or other essential fluids (including oxygen, nitrogen, oil and potable water).
- (10) Failure, malfunction or defect of ground equipment used for ground handling, resulting into damage or potential damage to the aircraft (for example: tow bar or GPU (Ground Power Unit)).
- (11) Missing, incorrect or inadequate de-icing/anti-icing treatment.
- (12) Damage to aircraft by ground handling equipment or vehicles including previously unreported damage.
- (13) Any occurrence where the human performance has directly contributed to or could have contributed to an accident or a serious incident.

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<sup>1</sup> Technical Instructions For The Safe Transport of Dangerous Goods by Air (ICAO — Doc 9284).

## ANNEX V— OCCURRENCES RELATED TO AIRCRAFT OTHER THAN COMPLEX MOTOR-POWERED AIRCRAFT, INCLUDING SAILPLANES AND LIGHTER-THAN-AIR VEHICLES

*Regulation (EU) 2015/1018*

For the purposes of this Annex:

- (a) 'Aircraft other than complex motor-powered aircraft' means any aircraft other than that defined in Article 3(j) of Regulation (EC) No 216/2008;
- (b) 'Sailplane' has the meaning assigned in Article 2(117) of Commission Implementing Regulation (EU) No 923/2012 <sup>(1)</sup>;
- (c) 'Lighter-than-air vehicles' has the meaning assigned in point ML10 of the section 'Definitions of terms used in this list' of the Annex to Directive 2009/43/EC of the European Parliament and of the Council <sup>(2)</sup>.

### **1. AIRCRAFT OTHER THAN COMPLEX MOTOR-POWERED AIRCRAFT EXCLUDING SAILPLANES AND LIGHTER-THAN-AIR VEHICLES**

*Remark:* This Section is structured in such a way that the pertinent occurrences are linked with categories of activities during which they are normally observed, according to experience, in order to facilitate the reporting of those occurrences. However, this presentation must not be understood as meaning that occurrences must not be reported in case they take place outside the category of activities to which they are linked in the list.

#### **1.1. Air operations**

- (1) Unintentional loss of control.
- (2) Landing outside of intended landing area.
- (3) Inability or failure to achieve required aircraft performance expected in normal conditions during take-off, climb or landing.
- (4) Runway incursion
- (5) Runway excursion.
- (6) Any flight which has been performed with an aircraft which was not airworthy, or for which flight preparation was not completed, which has or could have endangered the aircraft, its occupants or any other person.
- (7) Unintended flight into IMC (Instrument Meteorological Conditions) conditions of aircraft not IFR (Instrument flight rules) certified, or a pilot not qualified for IFR, which has or could have endangered the aircraft, its occupants or any other person.

<sup>1</sup> Commission Implementing Regulation (EU) No 923/2012 of 26 September 2012 laying down the common rules of the air and operational provisions regarding services and procedures in air navigation and amending Implementing Regulation (EU) No 1035/2011 and Regulations (EC) No 1265/2007, (EC) No 1794/2006, (EC) No 730/2006, (EC) No 1033/2006 and (EU) No 255/2010 (OJ L 281, 13.10.2012, p. 1).

<sup>2</sup> Directive 2009/43/EC of the European Parliament and of the Council of 6 May 2009 simplifying terms and conditions of transfers of defence-related products within the Community (OJ L 146, 10.6.2009, p. 1).



- (8) Unintentional release of cargo <sup>(1)</sup>.

#### **1.2. Technical occurrences**

- (1) Abnormal severe vibration (for example: aileron or elevator ‘flutter’, or of propeller).
- (2) Any flight control not functioning correctly or disconnected.
- (3) A failure or substantial deterioration of the aircraft structure.
- (4) A loss of any part of the aircraft structure or installation in flight.
- (5) A failure of an engine, rotor, propeller, fuel system or other essential system.
- (6) Leakage of any fluid which resulted in a fire hazard or possible hazardous contamination of aircraft structure, systems or equipment, or risk to occupants.

#### **1.3. Interaction with air navigation services and air traffic management**

- (1) Interaction with air navigation services (for example: incorrect services provided, conflicting communications or deviation from clearance) which has or could have endangered the aircraft, its occupants or any other person.
- (2) Airspace infringement.

#### **1.4. Emergencies and other critical situations**

- (1) Any occurrence leading to an emergency call.
- (2) Fire, explosion, smoke, toxic gases or toxic fumes in the aircraft.
- (3) Incapacitation of the pilot leading to inability to perform any duty.

#### **1.5. External environment and meteorology**

- (1) A collision on the ground or in the air, with another aircraft, terrain or obstacle <sup>(2)</sup>.
- (2) A near collision, on the ground or in the air, with another aircraft, terrain or obstacle <sup>(1)</sup> requiring an emergency avoidance manoeuvre to avoid a collision.
- (3) Wildlife strike including bird strike which resulted in damage to the aircraft or loss or malfunction of any essential service.
- (4) Interference with the aircraft by firearms, fireworks, flying kites, laser illumination, high powered lights lasers, Remotely Piloted Aircraft Systems, model aircraft or by similar means.
- (5) A lightning strike resulting in damage to or loss of functions of the aircraft.
- (6) Severe turbulence encounter which resulted in injury to aircraft occupants or in the need for a post-flight turbulence damage check of the aircraft.
- (7) Icing including carburettor icing which has or could have endangered the aircraft, its occupants or any other person.

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<sup>1</sup> This item applies only to commercial operations within the meaning of Article 3(i) of Regulation (EC) No 216/2008.

<sup>2</sup> Obstacle includes vehicle.

## 2. SAILPLANES (GLIDERS)

*Remark:* This Section is structured in such a way that the pertinent occurrences are linked with categories of activities during which they are normally observed, according to experience, in order to facilitate the reporting of those occurrences. However, this presentation must not be understood as meaning that occurrences must not be reported in case they take place outside the category of activities to which they are linked in the list.

### 2.1. Air operations

- (1) Unintentional loss of control.
- (2) An occurrence where the sailplane pilot was unable to release either the winch cable or the aerotow rope and had to do so using emergency procedures.
- (3) Any release of the winch cable or the aerotow rope if the release has or could have endangered the sailplane, its occupants or any other person.
- (4) In the case of a powered sailplane, an engine failure during take-off.
- (5) Any flight which has been performed with a sailplane which was not airworthy, or for which an incomplete flight preparation has or could have endangered the sailplane, its occupants or any other person.

### 2.2. Technical occurrences

- (1) Abnormal severe vibration (for example: aileron or elevator 'flutter', or of propeller).
- (2) Any flight control not functioning correctly or disconnected.
- (3) A failure or substantial deterioration of the sailplane structure.
- (4) A loss of any part of the sailplane structure or installation in flight.

### 2.3. Interaction with air navigation services and air traffic management

- (1) Interaction with air navigation services (for example: incorrect services provided, conflicting communications or deviation from clearance) which has or could have endangered the sailplane, its occupants or any other person.
- (2) Airspace infringements.

### 2.4. Emergencies and other critical situations

- (1) Any occurrence leading to an emergency call.
- (2) Any situation where no safe landing area remains available.
- (3) Fire, explosion, smoke, or toxic gases or fumes in the sailplane.
- (4) Incapacitation of the pilot leading to inability to perform any duty.

### 2.5. External environment and meteorology

- (1) A collision on the ground or in the air, with an aircraft, terrain or obstacle <sup>(1)</sup>.

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<sup>1</sup> Obstacle includes vehicle.

- (2) A near collision, on the ground or in the air, with an aircraft, terrain or obstacle <sup>(1)</sup> requiring an emergency avoidance manoeuvre to avoid a collision.
- (3) Interference with the sailplane by firearms, fireworks, flying kites, laser illumination, high powered lights lasers, Remotely Piloted Aircraft Systems, model aircraft or by similar means.
- (4) A lightning strike resulting in damage to the sailplane.

### **3. LIGHTER-THAN-AIR VEHICLES (BALLOONS AND AIRSHIPS)**

*Remark:* This Section is structured in such a way that the pertinent occurrences are linked with categories of activities during which they are normally observed, according to experience, in order to facilitate the reporting of those occurrences. However, this presentation must not be understood as meaning that occurrences must not be reported in case they take place outside the category of activities to which they are linked in the list.

#### **3.1. Air operations**

- (1) Any flight which has been performed with a lighter-than-air vehicle which was not airworthy, or for which an incomplete flight preparation has or could have endangered the lighter-than-air vehicle, its occupants or any other person.
- (2) Unintended permanent extinction of the pilot light.

#### **3.2. Technical occurrences**

- (1) Failure of any of the following parts or controls: dip tube on fuel cylinder, envelope pulley, control line, tether rope, valve seal leak on burner, valve seal leak on fuel cylinder, carabiner, damage to fuel line, lifting gas valve, envelope or ballonet, blower, pressure relief valve (gas balloon), winch (tethered gas balloons).
- (2) Significant leakage or loss of lifting gas (for example: porosity, unseated lifting gas valves).

#### **3.3. Interaction with air navigation services and air traffic management**

- (1) Interaction with air navigation services (for example: incorrect services provided, conflicting communications or deviation from clearance) which has or could have endangered the lighter-than-air vehicle, its occupants or any other person.
- (2) Airspace infringement.

#### **3.4. Emergencies and other critical situations**

- (1) Any occurrence leading to an emergency call.
- (2) Fire, explosion, smoke or toxic fumes in the lighter-than-air vehicle (beyond the normal operation of the burner).
- (3) Lighter-than-air vehicle's occupants ejected from basket or gondola.
- (4) Incapacitation of the pilot leading to inability to perform any duty.
- (5) Unintended lift or drag of ground crew, leading to fatality or injury of a person.

### **3.5. External environment and meteorology**

- (1) A collision or near collision on the ground or in the air, with an aircraft, terrain or obstacle <sup>(1)</sup> which has or could have endangered the lighter-than-air vehicle, its occupants or any other person.
- (2) Interference with the lighter-than-air vehicle by firearms, fireworks, flying kites, laser illumination, high powered lights lasers, Remotely Piloted Aircraft Systems, model aircraft or by similar means.
- (3) Unexpected encounter of adverse weather conditions which has or could have endangered the lighter-than-air vehicle, its occupants or any other person.

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<sup>1</sup> Obstacle includes vehicle.

# COMMISSION DELEGATED REGULATION (EU) 2020/2034

## COVER REGULATION

### COMMISSION DELEGATED REGULATION (EU) 2020/2034 of 6 October 2020 supplementing Regulation (EU) No 376/2014 of the European Parliament and of the Council as regards the common European risk classification scheme

*Regulation (EU) 2020/2034*

THE EUROPEAN COMMISSION,

Having regard to the Treaty on the Functioning of the European Union,

Having regard to 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 <sup>(1)</sup>, and in particular Article 7(6) thereof,

Whereas:

- (1) The Commission, in close cooperation with the Member States and the European Union Aviation Safety Agency ('Agency') through the network of aviation safety analysts, developed a methodology for the classification of occurrences in terms of safety risk, by taking into account the need for compatibility with existing risk classification schemes. The common European risk classification scheme ('ERCS') was developed by 15 May 2017 in accordance with the target date set out in Article 7(5) of Regulation (EU) No 376/2014. The ERCS should be now set out in this Regulation.
- (2) It should support the competent authorities of the Member States and the Agency in their assessment of occurrences, its key purpose should be the identification and classification in a harmonised manner of the level of risk posed by each occurrence to aviation safety. Its purpose should not be the identification of the outcome of the occurrence.
- (3) The ERCS should also allow for the identification of rapid actions needed in reply to high-risk safety occurrences. It should also enable the identification of key risk areas from aggregated information and the identification and comparison of their risk levels.
- (4) The ERCS should facilitate an integrated and harmonised approach to risk management across the European aviation system and therefore enable the competent authorities of Member States and the Agency to focus on safety improvement efforts in a harmonised manner as part of the European Plan for Aviation Safety referred to in Article 6 of Regulation (EU) 2018/1139 of the European Parliament and of the Council<sup>(2)</sup>.

<sup>1</sup> [OJ L 122, 24.4.2014](#), p. 18.

<sup>2</sup> 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).

- (5) Commission Implementing Regulation (EU) 2019/317<sup>(1)</sup> laying down a performance and charging scheme in the single European sky establishes the rate of runway incursions and separation minima infringement at Union level with a safety impact as the indicators to be monitored on an annual basis during the third reference period (RP3) that covers the calendar years 2020 to 2024 inclusive. This Regulation should be applied as of 1 January 2021 to align the use of the ERCS with the start of the RP3 second annual monitoring period and ensure the harmonised assessment of occurrences,

HAS ADOPTED THIS REGULATION:

### **Article 1 – Subject matter**

*Regulation (EU) 2020/2034*

This Regulation sets out the common European risk classification scheme (ERCS) for the determination of the safety risk of an occurrence.

### **Article 2 – Definitions**

*Regulation (EU) 2020/2034*

For the purposes of this Regulation, the following definitions shall apply:

- (1) ‘European risk classification scheme’ or ‘ERCS’ means the methodology applied for the assessment of the risk posed by an occurrence to civil aviation in the form of a safety risk score;
- (2) ‘ERCS matrix’ means a grid made up of the variables described in [Article 3\(3\)](#) which serves for the illustrative representation of the safety risk score;
- (3) ‘safety risk score’ means the result of the risk classification of an occurrence by combining the values of the variables described in [Article 3\(3\)](#);
- (4) ‘high-risk area’ means an area where an aircraft impact would cause numerous injuries, result in a high number of fatalities, or both because of the nature of the activities in that area, such as nuclear or chemical plants;
- (5) ‘populated area’ means an area with clustered or scattered buildings and a permanent human population, such as city, settlement, town, or village;
- (6) ‘life changing injury’ means an injury reducing the person’s quality of life in regard to reduced mobility or reduced cognitive or physical ability in daily life.

### **Article 3 – Common European risk classification scheme**

*Regulation (EU) 2020/2034*

1. The ERCS is set out in the Annex.
2. The ERCS shall address the safety risk of an occurrence and not its actual outcome. The assessment of each occurrence shall determine the worst likely accident outcome that the occurrence might have led to, and how close to that accident outcome the occurrence was.
3. The ERCS shall be based on the ERCS matrix composed of the following two variables:
  - (a) severity: identification of the worst likely accident outcome that would have resulted if the occurrence under assessment had escalated into an accident;

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<sup>1</sup> Commission Implementing Regulation (EU) 2019/317 of 11 February 2019 laying down a performance and charging scheme in the single European sky and repealing Implementing Regulations (EU) No 390/2013 and (EU) No 391/2013 ([OJ L 56, 25.2.2019](#), p. 1).

- (b) probability: identification of the likelihood of the occurrence under assessment to escalate into the worst likely accident outcome referred to in point (a).

### **Article 4 – Entry into force**

*Regulation (EU) 2020/2034*

This Regulation shall enter into force on the twentieth day following that of its publication in the *Official Journal of the European Union*.

It shall apply from 1 January 2021.

This Regulation shall be binding in its entirety and directly applicable in all Member States.

Done at Brussels, 6 October 2020.

*For the Commission*

*The President*

Ursula VON DER LEYEN

## ANNEX

### The common European risk classification scheme

*Regulation (EU) 2020/2034*

The ERCS shall consist of the following two steps:

STEP 1: Determination of the values of the two variables: severity and probability.

STEP 2: Scoring of the safety risk within the ERCS matrix based on the two determined values of variables.

#### **STEP 1: DETERMINATION OF THE VALUES OF THE VARIABLES**

##### **1. Severity of the potential accident outcome**

###### **1.1. Identification**

The identification of the severity of the potential accident outcome shall follow the following two steps:

- (a) a determination of the most likely type of accident that the occurrence under assessment could have escalated to (the so called key risk area);
- (b) a determination of the potential loss of life category based on aircraft size and proximity to populated or high-risk areas.

There are following key risk areas:

- a. airborne collision: a collision between aircraft while both aircraft are airborne; or between aircraft and other airborne objects (excluding birds and wildlife);
- b. aircraft upset: an undesired aircraft state characterised by unintentional divergences from parameters normally experienced during operations, which might ultimately lead to an uncontrolled impact with terrain;
- c. collision on runway: a collision between an aircraft and another object (other aircraft, vehicles, etc.) or person that occurs on a runway of an aerodrome or other predesignated landing area. It does not include collisions with birds or wildlife;
- d. excursion: an occurrence when an aircraft leaves the runway or movement area of an aerodrome or landing surface of any other predesignated landing area, without getting airborne. It includes high-impact vertical landings for rotorcraft or vertical take-off and landing aircraft and balloons or airships;
- e. fire, smoke and pressurisation: an occurrence involving cases of fire, smoke, fumes or pressurisation situations that may become incompatible with human life. This includes occurrences involving fire, smoke or fumes affecting any part of an aircraft, in flight or on the ground, which is not the result of impact or malicious acts;
- f. ground damage: damage to aircraft induced by operation of aircraft on ground on any other ground area than a runway or predesignated landing area, as well as damage during maintenance;
- g. obstacle collision in flight: collision between an airborne aircraft and obstacles rising from the surface of the earth. Obstacles include tall buildings, trees, power cables, telegraph wires and antennae as well as tethered objects;



- h. terrain collision: an occurrence where an airborne aircraft collides with terrain, without indication that the flight crew was unable to control the aircraft. It includes instances when the flight crew is affected by visual illusions or degraded visual environment;
- i. other injuries: an occurrence where fatal or non-fatal injuries have been inflicted, which cannot be attributed to any other key risk area;
- j. security: an act of unlawful interference against civil aviation. It includes all incidents and breaches related to surveillance and protection, access control, screening, implementation of security controls and any other acts intended to cause malicious or wanton destruction of aircraft and property, endangering or resulting in unlawful interference with civil aviation and its facilities. Includes both physical and cyber security events.

The potential loss of life shall be categorised in the following way:

- (a) more than 100 possible fatalities – where the occurrence under assessment involves at least any of the following:
  - one large certified aircraft with more than 100 potential passengers on board;
  - an equivalent size aircraft for cargo;
  - one aircraft of any type in a heavily populated area or in a high-risk area or both;
  - any situation involving any type of aircraft where more than 100 fatalities may be possible;
- (b) between 20 to 100 possible fatalities – where the occurrence under assessment involves at least any of the following:
  - one medium certified aircraft with 20 to 100 potential passengers on board or equivalent size for cargo aircraft;
  - any situation where 20 to 100 fatalities may be possible;
- (c) between 2 to 19 possible fatalities where the occurrence under assessment involves at least any of the following:
  - one small certified aircraft with up to 19 potential passengers on board;
  - an equivalent size for cargo aircraft;
  - any situation where 2 to 19 fatalities may be possible;
- (d) 1 possible fatality – where the occurrence under assessment involves at least any of the following:
  - one uncertified aircraft, that is aircraft not subject to European Union Aviation Safety Agency certification requirements;
  - any situation where a single fatality may be possible;
- (e) 0 possible fatalities – where the occurrence under assessment involves personal injuries only, regardless of the number of minor and serious injuries as long as there are no fatalities.

## 1.2 Determination

The severity of the accident shall result in one of the following severity scores:

- ‘**A**’ which stands for no likelihood of an accident;
- ‘**E**’ which stands for an accident involving minor and serious injury (not life changing) or minor aircraft damage;
- ‘**I**’ which stands for an accident involving a single fatality, life changing injury or substantial damage accident;
- ‘**M**’ which stands for a major accident with limited amount of fatalities, life changing injuries or destruction of the aircraft;
- ‘**S**’ which stands for a significant accident with potential for fatalities and injuries;
- ‘**X**’ which stands for an extreme catastrophic accident with the potential for significant number of fatalities.

The severity score shall be calculated by combining the key risk area and the potential loss of life as laid down in the following table:

KEY RISK AREA	CATEGORY	SEVERITY SCORE
Airborne collision	More than 100 possible fatalities	X
	Between 20 to 100 possible fatalities	S
	Between 2 to 19 possible fatalities	M
	1 possible fatality	I
Aircraft upset	More than 100 possible fatalities	X
	Between 20 to 100 possible fatalities	S
	Between 2 to 19 possible fatalities	M
	1 possible fatality	I
Collision on runway	More than 100 possible fatalities	X
	Between 20 to 100 possible fatalities	S
	Between 2 to 19 possible fatalities	M
	1 possible fatality	I
	0 possible fatalities	E
Excursions	Between 20 to 100 possible fatalities	S

	Between 2 to 19 possible fatalities	M
	1 possible fatality	I
	0 possible fatalities	E
<b>Fire, smoke and pressurisation</b>	More than 100 possible fatalities	X
	Between 20 to 100 possible fatalities	S
	Between 2 to 19 possible fatalities	M
	1 possible fatality	I
<b>Ground damage</b>	Between 2 to 19 possible fatalities	M
	1 possible fatality	I
	0 possible fatalities	E
<b>Obstacle collision in flight</b>	More than 100 possible fatalities	X
	Between 20 to 100 possible fatalities	S
	Between 2 to 19 possible fatalities	M
	1 possible fatality	I
<b>Terrain collision</b>	More than 100 possible fatalities	X
	Between 20 to 100 possible fatalities	S
	Between 2 to 19 possible fatalities	M
	1 possible fatality	I
<b>Other injuries</b>	Between 20 to 100 possible fatalities	S
	Between 2 to 19 possible fatalities	M
	1 possible fatality	I
	0 possible fatalities	E
<b>Security</b>	More than 100 possible fatalities	X
	Between 20 to 100 possible fatalities	S
	Between 2 to 19 possible fatalities	M

	1 possible fatality	I
	0 possible fatalities	E

## 2. Probability of the potential accident outcome

The probability of the worst likely accident outcome shall be obtained by using the ERCS barrier model defined in Section 2.1.

### 2.1. ERCS barrier model

The purpose of the ERCS barrier model is to assess the effectiveness (that is the number and the strength) of the barriers in the safety system laid down in the Table in Section 2.1.1 which were remaining between the actual occurrence and the worst likely accident outcome. Ultimately, the ERCS barrier model shall determine how close the occurrence under assessment has been to the potential accident.

#### 2.1.1. Barriers

The ERCS barrier model consists of 8 barriers, ordered in a logical sequence and weighted as per the following table:

Barrier number	Barrier	Barrier weight
1	'Aircraft, equipment and infrastructure design', includes maintenance and correction, operation support, the prevention of problems related to technical factors that could lead to an accident.	5
2	'Tactical planning', includes organisational and individual planning prior to the flight or other operational activity that supports the reduction of the causes and contributors to accidents.	2
3	'Regulations, procedures, processes', includes effective, understandable and available regulations, procedures and processes that are complied with (with the exclusion of the use of procedures for recovery barriers).	3
4	'Situational awareness and action', includes human vigilance for operational threats which ensures identification of operational hazards and effective action to prevent an accident.	2
5	'Warning systems operation and action' that could prevent an accident and which are fit for purpose, functioning, operational and are complied with.	3
6	'Late recovery from a potential accident situation'	1

7	‘Protections’, when an event has occurred, the level of the outcome is mitigated or prevents the escalation of the occurrence by intangible barriers or providence	1
8	‘Low energy occurrence’ scores the same as ‘Protections’, but for low-energy key risk areas only (ground damage, excursions, injuries).  ‘Not applicable’ for all other key risk areas.	1

### 2.1.2. Barrier effectiveness

The effectiveness of each barrier shall be classified as follows:

- **‘Stopped’** if the barrier prevented the accident from occurring;
- **‘Remaining Known’**: if it is known whether the barrier remained between the occurrence under assessment and the potential accident outcome;
- **‘Remaining Assumed’**: if it is assumed that the barrier remained between the occurrence under assessment and the potential accident outcome;
- **‘Failed Known’**: if it is known that the barrier has failed;
- **‘Failed Assumed’**: if it is assumed that the barrier have failed even if insufficient or no information is available to determine this;
- **‘Not Applicable’**: if the barrier is not relevant to the occurrence under assessment.

### 2.1.3. Barrier assessment

The barriers shall be assessed in two steps:

Step 1: To identify which of the barriers defined in the table in section 2.1.1. (1-8) stopped the occurrence from escalating into the potential accident outcome (referred to as the ‘stopping barrier’).

Step 2: To identify in accordance with section 2.1.2 the effectiveness of the remaining barriers. The remaining barriers are those barriers listed in the table in section 2.1.1 which are placed between the stopping barrier and the potential accident outcome. The barriers listed in the table in section 2.1.1 which are placed before the stopping barrier shall not be considered to have contributed to the prevention of the accident outcome and consequently those barriers shall not be scored as ‘Stopped’ or ‘Remaining’.

## 2.2. Calculation

The probability of the potential accident outcome is the numerical value resulting of the following steps:

Step 1: A sum of all the barrier weights (1 to 5) laid down in the table in section 2.1.1 of all the assessed barriers that were scored either ‘Stopped’, ‘Remaining known’ or ‘Remaining assumed’. The ‘Failed’ and ‘Not Applicable’ barriers shall not be counted for the final score, as those barriers could not have prevented the accident. The resulting barrier weight sum is a numerical value between 0 and 18.

Step 2: The barrier weight sum corresponds to a barrier score between 0 and 9 as per the following table, covering the full range between strong and weak remaining barriers.

Barrier weight sum	Corresponding barrier score
0 No barriers left. Worst likely accident outcome realised.	0
1-2	1
3-4	2
5-6	3
7-8	4
9-10	5
11-12	6
13-14	7
15-16	8
17-18	9

## **STEP 2: SCORING OF THE SAFETY RISK WITHIN THE ERCS MATRIX**

The safety risk score is a two-digit value where the first digit corresponds to the alphabetic value resulting from the calculation of the severity of the occurrence (severity score A to X) and the second digit represents the numerical value from the calculation of the corresponding score of the occurrence (0 to 9).

The safety risk score shall be put into the ERCS matrix.

For each given safety risk score there is also a numerical equivalent score for aggregation and analysis purposes which is explained below under '**Numerical equivalent score**'.

The ERCS matrix reflects the safety risk score and the numerical associated figures of an occurrence as follows:

SEVERITY		CLASSIFICATION (ERCS Score)										
Potential Accident Outcome	Score											
<p>Extreme catastrophic accident with the potential for significant number of fatalities (100+)</p> <p>Significant accident with potential for fatalities and injuries (20-100)</p> <p>Major accident with limited amount of fatalities (2-19), life changing injuries or destruction of the aircraft</p> <p>An accident involving single individual fatality, life changing injury or substantial aircraft damage</p> <p>An accident involving minor and serious injury (not life changing) or minor aircraft damage</p> <p>No likelihood of an accident</p>	X	Pending Risk Assessment	X9	X8	X7	X6	X5	X4	X3	X2	X1	X0
	S		S9	S8	S7	S6	S5	S4	S3	S2	S1	S0
	M		M9	M8	M7	M6	M5	M4	M3	M2	M1	M0
	I		I9	I8	I7	I6	I5	I4	I3	I2	I1	I0
	E		E9	E8	E7	E6	E5	E4	E3	E2	E1	E0
	A		<i>No Implication to Safety</i>									
	Corresponding Barrier Score		9	8	7	6	5	4	3	2	1	0
	Barrier Weight Sum		17-18	15-16	13-14	11-12	9-10	7-8	5-6	3-4	1-2	0
<b>PROBABILITY OF THE POTENTIAL ACCIDENT OUTCOME</b>												

In addition to the safety risk score and to facilitate the determination of the urgency of the recommended action to be taken about the occurrence, the following three colours could be used in the ERCS matrix:

Colour	ERCS score	Meaning
RED	X0, X1, X2, S0, S1, S2, M0, M1, I0	High risk. Occurrences with the highest risk.
YELLOW	X3, X4, S3, S4, M2, M3, I1, I2, E0, E1	Elevated risk. Occurrences with intermediate risk
GREEN	X5 to X9, S5 to S9, M4 to M9, I3 to I9, E2 to E9.	Low risk occurrences

The green area of the matrix contains lower risk values. They provide data for in-depth analysis on safety related occurrences that could, either in isolation or in conjunction with other events, increase the risk values of such occurrences.

### Numerical equivalent score

Each ERCS score is assigned a corresponding numerical value of risk magnitude to facilitate the aggregation and numerical analysis of multiple occurrences with an ERCS score:

ERCS Score	X9	X8	X7	X6	X5	X4	X3	X2	X1	X0
Corresponding numerical value	0,001	0,01	0,1	1	10	100	1000	10000	100000	1000000
ERCS Score	S9	S8	S7	S6	S5	S4	S3	S2	S1	S0
Corresponding numerical value	0,0005	0,005	0,05	0,5	5	50	500	5000	50000	500000
ERCS Score	M9	M8	M7	M6	M5	M4	M3	M2	M1	M0
Corresponding numerical value	0,0001	0,001	0,01	0,1	1	10	100	1000	10000	100000
ERCS Score	I9	I8	I7	I6	I5	I4	I3	I2	I1	I0
Corresponding numerical value	0,00001	0,0001	0,001	0,01	0,1	1	10	100	1000	10000
ERCS Score	E9	E8	E7	E6	E5	E4	E3	E2	E1	E0
Corresponding numerical value	0,000001	0,00001	0,0001	0,001	0,01	0,1	1	10	100	1000



Both column 10 and the row A in the matrix bear the value 0 as the corresponding numerical value.

# COMMISSION IMPLEMENTING REGULATION (EU) 2021/2082

COMMISSION IMPLEMENTING REGULATION (EU) 2021/2082

of 26 November 2021

laying down the arrangements for the implementation of Regulation (EU) No 376/2014  
of the European Parliament and of the Council as regards the common European risk classification scheme

## COVER REGULATION

*Regulation (EU) 2021/2082*

THE EUROPEAN COMMISSION,

Having regard to the Treaty on the Functioning of the European Union,

Having regard to [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 <sup>(1)</sup>, and in particular [Article 7\(7\)](#) thereof,

Whereas:

- (1) In accordance with [Regulation \(EU\) No 376/2014](#) Member States and the European Union Aviation Safety Agency ('the Agency') are each required to establish a mechanism to independently collect, evaluate, process, analyse and store details of aviation safety occurrences. The competent authorities of the Member States have to draw up occurrence reports on the basis of details of occurrences and store them in a national database. The same obligation exists for the Agency to draw up occurrence reports on the basis of details of occurrences and store them in a database.
- (2) In accordance with [Article 9\(1\)](#) of [Regulation \(EU\) No 376/2014](#), Member States and the Agency are to participate in an exchange of information by making all information relating to safety stored in their respective reporting databases available through the European Central Repository (ECR).
- (3) Pursuant to [Regulation \(EU\) No 376/2014](#), occurrence reports are to contain a safety risk classification that is subject to review by the competent authorities of the Member States or the Agency, and are to be transferred into the ECR. To ensure that the occurrence reports contained in the ECR are all classified in a harmonised manner, the competent authorities of the Member States and the Agency should ensure that the classification in those reports is determined in accordance with the common European risk classification scheme (ERCS) as set out in [Commission Delegated Regulation \(EU\) 2020/2034](#) <sup>(2)</sup>.
- (4) It is now necessary to lay down the arrangements for a harmonised and consistent implementation of the ERCS by the Agency and Member States.
- (5) When occurrence reports contain a risk classification determined by using methodologies other than the ERCS, the competent authorities of the Member States or the Agency should classify

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<sup>1</sup> [OJ L 122, 24.4.2014, p. 18.](#)

<sup>2</sup> Commission Delegated Regulation (EU) 2020/2034 of 6 October 2020 supplementing Regulation (EU) No 376/2014 of the European Parliament and of the Council as regards the common European risk classification scheme ([OJ L 416, 11.12.2020, p. 1](#)).

the risk of the occurrence concerned in accordance with the ERCS as defined in [Commission Delegated Regulation \(EU\) 2020/2034](#).

- (6) In cases where the competent authorities of the Member States or the Agency decide to use a conversion procedure to convert the risk classifications referred to in recital 5 into an ERCS classification, and where such methodologies are ARMS-ERC 4x4 or RAT 'ATM Overall', the competent authorities of the Member States or the Agency should use the direct conversion procedure provided in this Regulation.
- (7) Where the direct conversion procedure set out in the Annex is not applicable, the competent authorities of the Member States and the Agency should be allowed to use other conversion procedures as long as an equivalent ERCS classification is achieved.
- (8) Continuous monitoring and improvement of the ERCS is necessary to ensure its effective application. It is necessary to lay down detailed rules for such monitoring and improvement and the Agency should assist the Commission in that review and monitoring. For that purpose, Member States should report regularly and within prescribed deadlines to the Agency and the Commission on the use of the ERCS and its assessment.
- (9) The competent authorities of the Member States, and the Agency need to prepare for the application of the ERCS, in particular by adjusting their internal processes and possibly allocating additional resources. However, [Article 24\(3\)](#) of [Regulation \(EU\) No 376/2014](#) provides that [Article 7\(2\)](#) of that Regulation, which mandates the use of the ERCS by the Member States and the Agency, is to apply once the delegated and implementing acts specifying and developing the ERCS enter into force. [Commission Delegated Regulation \(EU\) 2020/2034](#) defining the ERCS already entered into force on 31 December 2020. Therefore, it is not possible to delay the applicability of the obligation to use the ERCS beyond the date of the entry into force of this Regulation. Moreover, for the purposes of the annual safety review published by the Agency in accordance with Article 72(7) of [Regulation \(EU\) 2018/1139](#) of the European Parliament and of the Council <sup>(1)</sup>, it is essential that occurrence reports uploaded to the ECR within a 1 year period are scored in a harmonised way. The obligation to classify the occurrences in accordance with the ERCS should start to apply as of the date of entry into force of this Regulation. Therefore, this Regulation should enter into force on 1 January 2023.
- (10) The measures provided for in this Regulation are in accordance with the opinion of the Committee established by Article 127 of [Regulation \(EU\) 2018/1139](#),

HAS ADOPTED THIS REGULATION:

## **Article 1 — Subject matter**

*Regulation (EU) 2021/2082*

This Regulation lays down the arrangements for the implementation of the common European risk classification scheme ('ERCS') set out in [Delegated Regulation \(EU\) 2020/2034](#).

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<sup>1</sup> 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](#)).

## **Article 2 – Definitions**

*Regulation (EU) 2021/2082*

For the purposes of this Regulation, the definitions in [Article 2](#) of [Delegated Regulation \(EU\) 2020/2034](#) apply.

The following definitions also apply:

- (1) ‘ARMS-ERC methodology’ means the methodology developed by the industry working group ‘Airline Risk Management Solutions’ (ARMS) for assessing operational risks;
- (2) ‘ATM’ means air traffic management as defined in Article 2(10) of [Regulation \(EC\) No 549/2004](#) of the European Parliament and of the Council <sup>(1)</sup>;
- (3) ‘ATM airborne severity score’ means the part of the RAT methodology that assesses the air operation performance of the occurrence;
- (4) ‘ATM ground severity score’ means the part of the RAT methodology that assesses the system performance (procedures, equipment and human) of the ATM system;
- (5) ‘ATM overall severity score’ means the ATM ground severity score and ATM airborne severity score combined into one single score;
- (6) ‘RAT methodology’ means the Risk Analysis Tool methodology developed by Eurocontrol used to classify safety related occurrences in the ATM domain;
- (7) ‘Eurocontrol’ is the European Organisation for the Safety of Air Navigation set up by the International Convention of 13 December 1960 relating to Cooperation for the Safety of Air Navigation <sup>(2)</sup>.

## **Article 3 – Review, amendment, and endorsement of the safety risk classification**

*Regulation (EU) 2021/2082*

1. The competent authority of the Member State or the Agency shall review and, if necessary, amend, and endorse the safety risk classification contained in the occurrence report of the occurrence concerned in accordance with the ERCS as set out in [Commission Delegated Regulation \(EU\) 2020/2034](#).
2. Without prejudice to paragraph 1, the competent authority of the Member State or the Agency shall use the direct conversion procedure set out in the Annex when converting the safety risk classification determined through ARMS/ERC 4x4 or RAT ‘ATM Overall’ methodologies. For safety risk classifications determined through other methodologies, the competent authority of the Member State or the Agency may use the manual conversion procedure set out in [point 2 of the Annex](#), or other conversion procedures as deemed appropriate, as long as an equivalent ERCS classification is achieved.

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<sup>1</sup> Regulation (EC) No 549/2004 of the European Parliament and of the Council of 10 March 2004 laying down the framework for the creation of the single European sky (the framework Regulation) ([OJ L 96, 31.3.2004, p. 1](#)).

<sup>2</sup> Convention modified by the protocol of 12 February 1981 and revised by the protocol of 27 June 1997.

## **Article 4 — Monitoring and improvement of the ERCS**

*Regulation (EU) 2021/2082*

1. On 31 March 2026 and every 5 years thereafter, each Member State shall provide the Commission and the Agency with a report on the use of the ERCS.
2. The Agency shall review the information received from Member States in accordance with paragraph 1 of this Article, as well as other information that the Agency may receive regarding the implementation of the ERCS. The review by the Agency may take account of the expertise of the network of aviation safety analysts (NoA) referred to in [Article 14\(2\)](#) of [Regulation \(EU\) No 376/2014](#) and relevant expert groups if established by the Agency.

## **Article 5 — Monitoring of compatibility with other risk classification schemes**

*Regulation (EU) 2021/2082*

1. The conversion procedures set out in the Annex shall be subject to regular review by the Agency to ensure its continuing relevance. The review may take account of the expertise of the NoA and relevant expert groups if established by the Agency.
2. When applicable, Member States shall notify to the Commission and the Agency the use of the manual conversion procedure set out in [point 2 of the Annex](#) and other conversion procedures referred to in [Article 3\(2\)](#) of this Regulation.

## **Article 6 — Entry into force**

*Regulation (EU) 2021/2082*

This Regulation shall enter into force on 1 January 2023.

*Regulation (EU) 2021/2082*

This Regulation shall be binding in its entirety and directly applicable in all Member States.

Done at Brussels, 26 November 2021.

*For the Commission*

*The President*

Ursula VON DER LEYEN

## ANNEX

# Conversion procedures from the Risk Analysis Tool (RAT) and Aviation Risk Management Solutions – Event Risk Classification (ARMS-ERC) scores into the European Risk Classification Scheme (ERCS) scores

Regulation (EU) 2021/2082

This Annex lays down conversion procedures from RAT and ARMS ERC scores to the ERCS score <sup>(1)</sup> defined in [Step 2 of the Annex](#) to [Commission Delegated Regulation \(EU\) 2020/2034](#).

The following conversion procedures provide either a direct or a manual conversion to obtain an ERCS classification equivalent to the RAT and/or ARMS – ERC scores in accordance with [Article 3](#) of this Regulation.

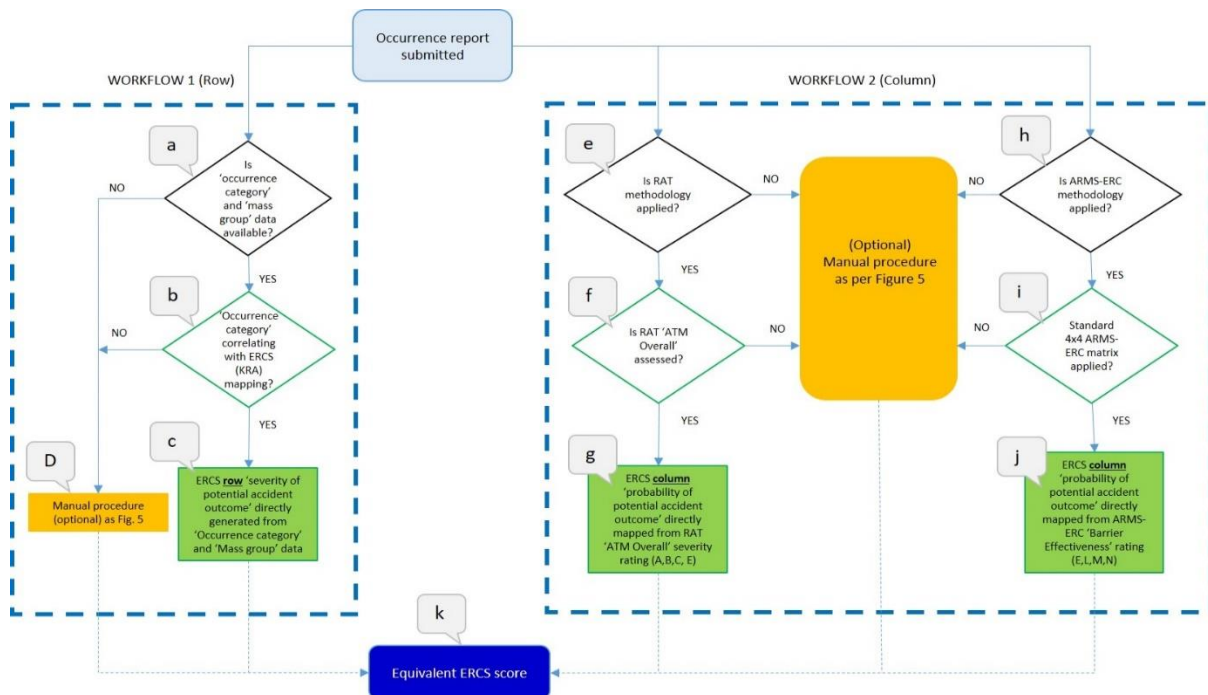
### 1. DIRECT CONVERSION

The mandatory conversion procedure consists of the following two workflows:

- Workflow 1 - provides a direct conversion to obtain the ERCS severity score,
- Workflow 2 - provides direct conversion to obtain the ERCS probability score.

Figure 1 shows an overview of the procedures. The starting point of the process is the 'occurrence report submitted' box and the output the 'Equivalent ERCS score' box. The dotted lines in Figure 1 indicate that only one source for each process result is required.

**Figure 1 Conversion procedures**



<sup>1</sup> The ERCS score is a two-digit value where the first digit corresponds to the alphabetic value resulting from the calculation of the severity of the occurrence (severity score A to X) and the second digit represents the numerical value from the calculation of the corresponding score of the occurrence (probability).

**1.1. WORKFLOW 1 – ERCS severity score****a. ‘Occurrence category’ and ‘Mass group’ information**

- If the occurrence report contains information on the ‘occurrence category’ of the occurrence and the ‘mass group’, then these can be converted into the ‘Severity of potential accident outcome’ ERCS score. The next step is (b) of Figure 1.
- If the occurrence report contains no information about the ‘occurrence category’ or the ‘mass group’, or both, direct conversion is not possible. If the manual conversion described in point 2 of this Annex is used, then next step is (D) of Figures 1 and 5.

**b. ‘Occurrence category’ and ERCS Key Risk Area (KRA) conversion**

- If the ‘occurrence category’ of the occurrence report corresponds directly to the one of the ERCS Key Risk Areas defined in [point 1.2 of Annex to Delegated Regulation \(EU\) 2020/2034](#) then the next step is (c) of Figure 1.
- For occurrence reports with ‘occurrence categories’ different from the ERCS Key Risk Areas, there is no direct conversion. If the manual conversion described in point 2 of this Annex is used, then the next step is (D) of Figures 1 and 5.

**c. ERCS ‘Severity of potential accident outcome’ score – direct conversion**

- If the occurrence report contains information about ‘occurrence category’ and ‘mass group’ then the severity score is directly converted into an appropriate ERCS ‘severity of potential accident outcome’ score. The result is (k), which gives the first digit corresponding to the alphabetic value resulting from the calculation of the severity of the occurrence (severity score A to X).

**1.2. WORKFLOW 2 – ERCS probability score****e. Occurrence report scored using RAT**

If the occurrence report has been scored using the RAT methodology <sup>(1)</sup>:

- Occurrence reports that have a RAT ‘ATM overall’ severity score classification can be mapped directly to the ERCS probability columns as explained in step (g) of Figure 2,
- Occurrence reports that only have a RAT ‘ATM ground’ severity <sup>(2)</sup> score have to be manually converted to provide the ERCS probability score. If the manual conversion described in point 2 of this Annex is used, then next step is (L) of figure 5,

<sup>1</sup> The RAT methodology classifies Air Traffic Management related occurrences. RAT methodology does not score accidents, as it measures only how close the ATM occurrence was to becoming an accident. The RAT methodology is divided into several main elements (i.e. ‘ATM ground’, ‘ATM airborne’), in which each delivers a part of the input for the final RAT ‘ATM overall’ severity score. In order to achieve ‘ATM Overall’ severity score, both ‘ATM ground’ and ‘ATM airborne’ severity scores must be available.

<sup>2</sup> The ‘severity’ under the RAT methodology indicates how bad the actual occurrence was in comparison to other occurrences. The RAT methodology determines ‘severity’ through an assessment of the defences/barriers.

- In the case of occurrence reports coded as ‘ATM-specific occurrence’, conversion between the RAT and ERCS scores is not possible.
- f. RAT ‘ATM overall’ severity score**
- If an occurrence report contains the ‘ATM overall’ severity score, then the next step is (g) of Figure 1.
- g. ERCS column ‘Probability of potential accident outcome’ converted from RAT ‘ATM Overall’ value ( relevant only for A, B, C, E values)**

For the occurrence reports with an ‘ATM Overall’ severity score (A, B, C, E) classification, the following direct conversion into ERCS probability categories applies:

Figure 2 RAT ATM overall severity score conversion onto the ERCS probability score

ERCS Probability categories										
Corresponding Barrier Score	9	8	7	6	5	4	3	2	1	0
Barrier Weight Sum	17-18	15-16	13-14	11-12	9-10	7-8	5-6	3-4	1-2	0
Probability	$10^{-9}$	$10^{-8}$	$10^{-7}$	$10^{-6}$	$10^{-5}$	$10^{-4}$	$10^{-3}$	$10^{-2}$	$10^{-1}$	1
Description	Remaining barriers predicted to fail 1 in 1,000M times	Remaining barriers predicted to fail 1 in 100M times	Remaining barriers predicted to fail 1 in 10M times	Remaining barriers predicted to fail 1 in 1M times	Remaining barriers predicted to fail 1 in 100,000 times	Remaining barriers predicted to fail 1 in 10,000 times	Remaining barriers predicted to fail 1 in 1,000 times	Remaining barriers predicted to fail 1 in 100 times	Remaining barriers predicted to fail 1 in 10 times	Realised accidents
			E		C		B		A	

- h. Occurrence reports classified using the ARMS-ERC methodology**
- For the occurrence reports that have been scored according to the ARMS-ERC, the next step is (i) of Figure 1.
  - For the occurrence reports that have not been scored according to the ARMS-ERC methodology, the next step is (M) of Figure 5.
- i. Standard 4x4 ARMS-ERC matrix**

If the 4x4 ARMS-ERC matrix depicted in Figure 3 is used to score the occurrence report, then the next step is (j) of Figure 1.



Figure 3 Standard 4x4 ARMS-ERC matrix

Question 2 What was the effectiveness of the remaining barriers between this event and the most probable accident scenario?				Question 1 If this event had escalated into an accident, what would have been the most probable outcome?		Typical accident scenarios
Effective	Limited	Minimal	Not effective	Catastrophic Accident	Major Accident	
50	102	502	2500	Loss of aircraft or multiple fatalities (3 or more)	1 or 2 fatalities, multiple serious injuries, major damage to the aircraft	Loss of control, mid air collision, uncontrollable fire on board, explosions, total structural failure of the aircraft, collision with terrain
10	21	101	500	Minor Injuries or damage	Minor injuries, minor damage to aircraft	High speed taxiway collision, major turbulence injuries
2	4	20	100	No accident outcome	No potential damage or injury could occur	Pushback accident, minor weather damage
1						Any event which could not escalate into an accident, even if it may have operational consequences (e.g. diversion, delay, individual sickness)

**j. ERCS ‘Probability of the potential accident outcome’ score – direct conversion**

If the occurrence report contains an ARMS ‘Barrier Effectiveness’ rating, then to determine the ERCS ‘Probability of potential accident outcome’ score a following direct conversion to the ERCS matrix is used.

Figure 4 Conversion of ARMS-ERC to ERCS probability categories.

	Effective		Limited		Minimal		Not effective			
ERCS Probability categories	9	8	7	6	5	4	3	2	1	0
Corresponding Barrier Score	17-18	15-16	13-14	11-12	9-10	7-8	5-6	3-4	1-2	0
Barrier Weight Sum	10 <sup>-9</sup>	10 <sup>-8</sup>	10 <sup>-7</sup>	10 <sup>-6</sup>	10 <sup>-5</sup>	10 <sup>-4</sup>	10 <sup>-3</sup>	10 <sup>-2</sup>	10 <sup>-1</sup>	1
Probability	Remaining barriers predicted to fail 1 in 1,000M times	Remaining barriers predicted to fail 1 in 100M times	Remaining barriers predicted to fail 1 in 10M times	Remaining barriers predicted to fail 1 in 1M times	Remaining barriers predicted to fail 1 in 100,000 times	Remaining barriers predicted to fail 1 in 10,000 times	Remaining barriers predicted to fail 1 in 1,000 times	Remaining barriers predicted to fail 1 in 100 times	Remaining barriers predicted to fail 1 in 10 times	Realised accidents

**k. Equivalent ERCS Score**

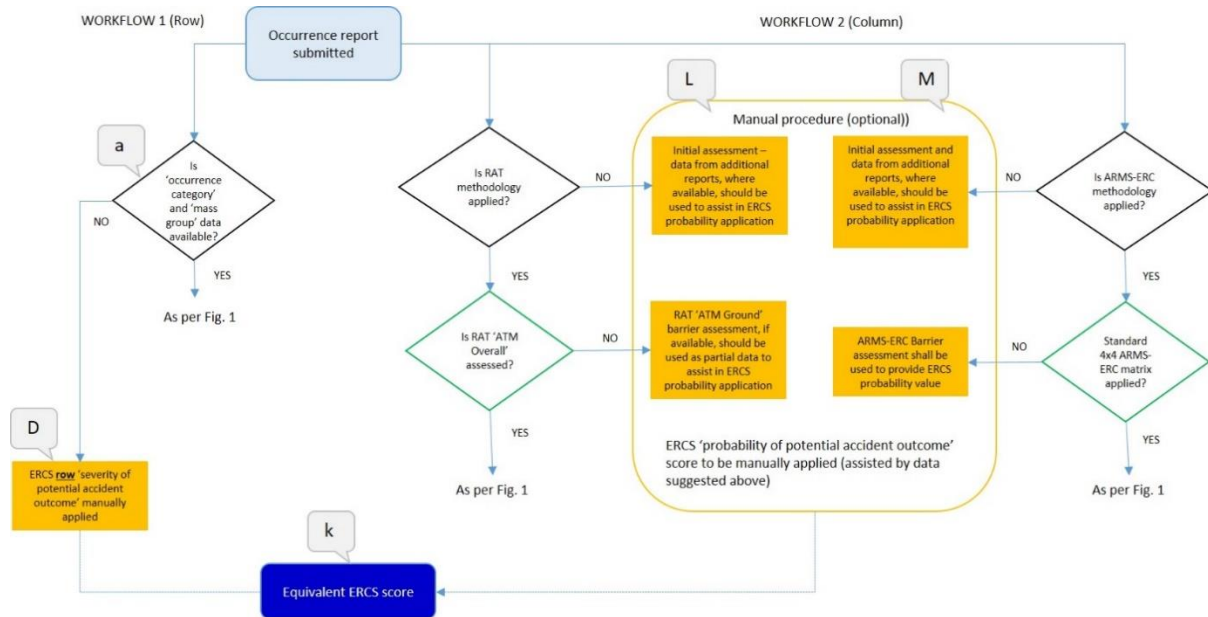
The combination of the ERCS ‘Severity of potential accident outcome’ and ‘Probability of potential accident outcome’ scores are combined in the ERCS matrix to generate an equivalent ERCS score as laid down in [Step 2 of Annex to Delegated Regulation \(EU\) 2020/2034](#).

**2. MANUAL CONVERSION**

This manual conversion consists of the following two workflows:

- Workflow 1 - provides a manual conversion to obtain the ERCS severity score,
- Workflow 2 - provides a manual conversion to obtain the ERCS probability score.

Figure 5 Manual conversion



## 2.1. WORKFLOW 1

### D. ERCS 'Severity of potential accident outcome' score – manual conversion

- If the occurrence report contains no information about the 'occurrence category' or 'mass group', or both, then the ERCS methodology defined in [Annex](#) to [Delegated Regulation \(EU\) 2020/2034](#) applies to determine the 'Potential Accident Outcome' or Key Risk Area. The final result is (k), which gives the first digit corresponding to the alphabetic value resulting from the calculation of the severity of the occurrence (severity score A to X).

## 2.2. WORKFLOW 2

### L. ERCS column 'Probability of potential accident outcome' – manual procedure

- For the occurrence reports containing no 'ATM overall' severity there is no direct conversion to the ERCS 'Probability of potential accident outcome' score.

The 'ATM ground' severity can however provide for a partial conversion by mapping the 'ATM ground' barrier assessment and the ERCS barrier assessment process defined in [point 2.1.3 of Annex](#) to [Delegated Regulation \(EU\) 2020/2034](#).

### M. ERCS 'Probability of potential accident outcome' score – manual process

If the occurrence reports do not use the 4x4 ARMS-ERC matrix to score the occurrence, to generate an ERCS 'Probability of potential accident outcome' score the ARMS-ERC barrier assessment value is converted into the ERCS barrier assessment laid down in [point 2.1.3 of Annex](#) to [Delegated Regulation \(EU\) 2020/2034](#).

### k. Equivalent ERCS Score

The combination of the ERCS 'Severity of potential accident outcome' and 'Probability of potential accident outcome' scores are combined in the ERCS matrix

to generate an equivalent ERCS score as laid down in [Step 2 of Annex](#) to [Delegated Regulation \(EU\) 2020/2034](#).

# GUIDANCE MATERIAL — REGULATION (EU) No 376/2014 AND ITS IMPLEMENTING RULES

Information

GM to Reg. (EU) No 376/2014 and its IRs

The content of this guidance material does not modify or amend Regulation (EU) No 376/2014 and its implementing rules.

## SECTION 1 — INTRODUCTION

### 1.1 How will Regulation (EU) No 376/2014 contribute to enhance aviation safety?

GM to Reg. (EU) No 376/2014 and its IRs

The European Union and its Member States are committed to ensure a high level of aviation safety and to protect European citizens by better preventing aircraft accidents (*Recital 1 of Regulation (EU) No 376/2014*).

While air transport remains one of the safest forms of travel, the expected air traffic growth foreseen for the next decades presents significant challenge to the European Union if it wants to prevent air accidents from increasing (*Recital 2*).

However, the current aviation safety system is mainly a reactive and prescriptive safety system, in which safety improvements are essentially resulting from technological progresses, compliance with prescriptive regulations and lessons learned from aircraft accidents. Therefore additional actions should be taken to avoid an increased number of fatalities and accidents (*Recital 5*). In that perspective, the European Union and its Member States have started the transition towards a more proactive, evidence-based, risk and performance oriented safety system (*Recital 5*). Such system requires a systematic and continuous collection of safety information in view for safety hazards to be identified, assessed and addressed. It should work continuously to ensure that any new hazards or risks are rapidly identified and that mitigation actions are implemented and where found ineffective are revised (*Recital 6*). In addition, in a safety system where the EU and its Member States are aiming to focus available resources on higher risks to ensure a better safety efficiency of measures taken, safety information supports a risk-based oversight of regulated entities.

As it is highlighted in the Commission Communication on “*Setting up an Aviation Safety Management System for Europe*”<sup>1</sup>, the collection, analysis and follow-up of occurrences are a central element of such proactive and evidence-based safety system. This is also reflected at international level, where ICAO rules puts data reporting and analysis systems at the heart of safety management<sup>2</sup>.

In this context, on the basis of a Commission proposal from December 2012<sup>3</sup>, the European Parliament and the Council have adopted, on 3rd April 2014, a new legislation: Regulation (EU) No 376/2014 on

<sup>1</sup> COM/2011/0670 final: Communication from the Commission to the Council and the European Parliament “*Setting up an Aviation Safety Management System for Europe*”.

<sup>2</sup> Annex 19 “*Safety Management*” to the Chicago Convention.

<sup>3</sup> COM/2012/0776 final — 2012/0361 (COD): Proposal for a Regulation of the European Parliament and of the Council on occurrence reporting in civil aviation amending Regulation (EU) No 996/2010 and repealing Directive No 2003/42/EC, Commission Regulation (EC) No 1321/2007 and Commission Regulation (EC) No 1330/2007.

the reporting, analysis and follow up of occurrences in civil aviation<sup>1</sup> (hereinafter called ‘Regulation 376/2014’). It is completed by Commission Implementing Regulation (EU) 2015/1018<sup>2</sup> classifying the occurrences to be reported in the context of mandatory reporting schemes (hereinafter called ‘Regulation 2015/1018’).

The objective of Regulation 376/2014 is to ensure that the necessary safety intelligence is available to support the safety management efforts of the whole European Aviation Community. The information provided through the collection and analysis of occurrence reports under this Regulation should allow the industry and the regulators to be informed about the risks they are facing and to take decisions supported with relevant knowledge and information.

Regulation 376/2014 establishes a framework, across aviation domains and at each level (industry, national and European), to ensure the collection of as complete as possible safety occurrence data and its analysis with a view to support the full spectrum of safety management activities, including the adoption and implementation of mitigation actions where relevant.

The reporting, analysis and follow-up of occurrences is supported by a broader safety risk management process that helps to identify the main safety issues and risks. This process involves continuous dialogue between the industry and their competent authorities and full engagement from all involved — the industry, the European Aviation Safety Agency (EASA) and the Member States — as part of routine safety management activity. This notably includes the provision of feedback and lessons learned to improve safety.

This Regulation aims to ensure that the industry is aware of the risks it is facing and takes relevant measures to mitigate those risks. It should also allow the Member States to be informed about the risks it is facing at national level and to identify national measures that may be necessary to ensure aviation safety from a broader national perspective. In addition, it intends to ensure that the Member States, EASA and the European Commission are collectively informed of the risks faced by the European Union as a whole and may decide, on the basis on joint analysis, the adoption of relevant mitigation actions to maintain or improve the level of aviation safety from a European perspective.

Regulation 376/2014 and its implementing rules are completed by other existing reporting, analysis and follow-up requirements contained in other European or national rules.

The mandatory and voluntary reporting systems as well as the analysis and follow-up tasks established by Regulation 376/2014 shall be understood as part of existing safety management processes of the organisations and authorities subject to such processes under other European rules.

## **1.2 Why developing guidance material for Regulation 376/2014?**

*GM to Reg. (EU) No 376/2014 and its IRs*

European legislation is generally the result of a political compromise between the co-legislators i.e. the European Parliament and the Council (representing the Member States). This reality may impact the overall coherence of an adopted legislation and may lead to provisions which are vague or unclear because they are resulting from a political compromise.

<sup>1</sup> 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.

<sup>2</sup> Commission Implementing Regulation (EU) 2015/1018 of 29 June 2015 laying down a list classifying occurrences in civil aviation to be mandatorily reported according to Regulation (EU) No 376/2014 of the European Parliament and of the Council (Text with EEA relevance); OJ L163, 30.06.2015, p. 1.

Furthermore, legal provisions that are contained in a regulation may be read without a clear understanding of the purpose intended by the co-legislators. This may therefore lead to diverging implementation across the Member States. It may also sometimes lead to implementation that is contracting with the objective pursued by the co-legislators.

Regulation 376/2014 repeals and replaces the existing occurrence legal framework (Directive 2003/42/EC<sup>1</sup> and its implementing regulations) and introduces a number of new legal requirements. Impacted stakeholders expressed the need to benefit from guidance material supporting the implementation of that Regulation and its implementing rules. Furthermore, [Article 7](#)(8) of Regulation 376/2014 requires the Commission and EASA to develop guidance material to support the implementation of certain provisions of it.

In addition, the interaction between Regulation 376/2014 and other occurrence reporting, analysis and follow-up related requirements contained in other existing European regulations should be explained to ensure the proper implementation of all these rules and to allow Regulation 376/2014 to fully achieve its objectives.

This paper aims to explain the intended purpose of Regulation 376/2014 provisions and its implementing regulations, in accordance with the spirit of the agreement found between co-legislators. It proposes, where relevant, possible means of compliance and examples of good practices, with a view to contribute to a consistent and appropriate implementation of Regulation 376/2014 and its implementing rules across the EU.

It has been prepared by the services of the European Commission, with the support of the European Aviation Safety Agency (EASA). If relevant, this paper may be updated by the European Commission, based on feedback and experience with the application of the Regulation and when new delegating or implementing provisions will be introduced.

### 1.3 When did Regulation 376/2014 become applicable?

*GM to Reg. (EU) No 376/2014 and its IRs*

The Regulation was adopted on 3rd April 2014. It became applicable on 15 November 2015.

Its first implementing regulation, Regulation 2015/1018, was adopted on 29 June 2015 and became applicable at the same date than Regulation 376/2014, on 15 November 2015.

A roadmap to support the industry, the Member States and all relevant stakeholders in preparing for Regulation 376/2014 application has been prepared by the Commission, with the support to EASA. This guidance material is part of the various initiatives included in the roadmap.

The roadmap includes other initiatives such as the establishment of a European Reporting Portal<sup>2</sup>, the development of a European Corporate Just Culture Declaration, of promotional material<sup>3</sup>, as well as other activities and initiatives.

<sup>1</sup> 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.

<sup>2</sup> [www.aviationreporting.eu](http://www.aviationreporting.eu)

<sup>3</sup> [www.aviationreporting.eu](http://www.aviationreporting.eu)

## 1.4 Is the application of Regulation 376/2014 compulsory?

GM to Reg. (EU) No 376/2014 and its IRs

Regulation 376/2014 is a Regulation and therefore, in accordance with Article 288 of the Treaty on the Functioning of the European Union (TFEU), it is binding in its entirety and directly applicable in all Member States.

It is binding in its entirety and so cannot be applied incompletely, selectively or partially.

In addition, Regulation 376/2014 is directly applicable as a national law in the Member States and no measure to incorporate it in national law is required.

This Regulation is applicable in the legal orders of the 28 EU Member States. It is also expected to be applicable in Norway, Iceland and Liechtenstein (via the Agreement on the European Economic Area) and in Switzerland (via the Agreement between the European Community and the Swiss Confederation on Air Transport) once the Regulation will be incorporated within these respective agreements.

Same applies to Regulation 2015/1018.

## 1.5 Can Member States adopt rules in areas covered by Regulation 376/2014?

GM to Reg. (EU) No 376/2014 and its IRs

Regulation 376/2014 is different from Directive 2003/42 it replaces as it is directly applicable in the Member States as national law, whereas the Directive was requiring national transposition measures. Same applies to its implementing rules.

### Key principle

**Regulation 376/2014 and Regulation 2015/1018 do not require the adoption of national transposition legislation.**

This does not mean that the Member States cannot take implementing measures. They must do so if required by the Regulation.

### Example:

[Article 6\(3\)](#) requests each Member State to “designate one or more competent authorities to establish a mechanism to independently collect, evaluate, process, analyse and store details of occurrences reported pursuant to [Articles 4](#) and [5](#)”. In this case, as well as in similar situations where States are required to adopt measures, each Member State shall adopt relevant implementing measures.

## 1.6 Are Member States allowed to adopt national rules which are stricter than Regulation 376/2014?

GM to Reg. (EU) No 376/2014 and its IRs

In principle States should not adopt national rules covering issues already regulated in a European Regulation, including rules that would be stricter, unless it is specifically foreseen in that European Regulation.

**Key principle**

**The Member States, and EASA when acting as a competent authority, can adopt measures going beyond the provisions of Regulation 376/2014 only where this possibility is specified in the Regulation itself.**

*Example:*

[Article 3](#)(2) of Regulation 376/2014 states that the Regulation “*applies to occurrences and other safety-related information involving civil aircraft, with the exception of aircraft referred to in Annex II to Regulation (EC) No 216/2008*”. The paragraph continues as follows “*Member States may decide to apply this Regulation also to occurrences and other safety-related information involving the aircraft referred to in Annex II to that Regulation*”. In such case, while the Regulation is only applicable to non-Annex II aircraft, the possibility is given to States to go beyond and to equally apply it to Annex II aircraft.

Similar provisions allowing to go beyond the requirements of the Regulation are included in [Articles 5](#)(6), (7) and (8); [6](#)(2), [13](#)(4); (5) and (12); [16](#)(6), (7) and (8).

**Key principle**

**In any other situation, the Member States, and EASA when acting as a competent authority, are not allowed to deviate from the provisions of the Regulation.**

*Example:*

[Article 4](#)(7) requests reporters to “*report occurrences within 72 hours of becoming aware of the occurrence, unless exceptional circumstances prevent this*”. Adopting a national legal measure requesting reporters to report occurrence within a short deadline (e.g. 36 hours) is not authorised and is understood as going against the Regulation.

## 1.7 What type of aircraft is covered under the Regulation?

*GM to Reg. (EU) No 376/2014 and its IRs*

Regulation 376/2014 applies to occurrences and other safety-related information involving civil aircraft, with the exception of aircraft referred to in Annex II to Regulation (EC) No 216/2008<sup>1</sup> (*Article 3*(2)).

The concept of civil aircraft in the area of design and production is understood as relating to the Type Certificate and not necessarily to the type of operation that an individual aircraft (registration) performed at the time of the occurrence.

<sup>1</sup> Regulation (EC) No 216/2008 of the European Parliament and of the Council of 20 February 2008 on common rules in the field of civil aviation and establishing a European Aviation Safety Agency, and repealing Council Directive 91/670/EEC, Regulation (EC) No 1592/2002 and Directive 2004/36/EC (Text with EEA relevance); OJ L 79, 19.3.2008, p. 1.



**Example:**

If an occurrence occurred during non-civil operations (e.g. military operations) and reveals an unsafe condition in the civil Type Certificate of the aircraft, this occurrence should be considered within the scope of Regulation 376/2014 and should, therefore, be reportable under the mandatory reporting scheme.

The same criteria apply in other fields for cases where there is potential impact on safety of civil aviation, though no civil aircraft was directly involved in the occurrence.

**Example:**

If there is an airspace infringement of military or Annex II aircraft, the occurrence should be considered within the scope of this Regulation.

Member States have the possibility to extend the application of this Regulation to occurrences and other safety-related information involving the aircraft referred to in Annex II to Regulation (EC) No 216/2008 (*Article 3(2)*).

## 1.8 What type of information is covered under the Regulation?

*GM to Reg. (EU) No 376/2014 and its IRs*

Regulation 376/2014 applies to (*Article 3(1)*):

- occurrences i.e. 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 (*Article 2(7)*),
- and to other relevant safety-related information in that context.

### Key principle

**Events or information which are reported through reporting systems but which are not aviation safety-related (in the sense of pertinent to prevent an aircraft, its occupants or any other person to be endangered) are not subject to the provisions of Regulation 376/2014.**

**Example:**

An event reported by a crew member to his/her operator about a commercial or quality issue and which has no safety implication, is therefore not subject to Regulation 376/2014 and to the requirements of transfer, analysis and follow-up contained in that Regulation.

It is understood that Regulation 376/2014 does not apply to automatic sources of safety information such as the Flight Data Monitoring programmes in air operators or radar track analysis calculations in Air Navigation Service Providers. Other rules, outside the context of Regulation 376/2014 and its implementing rules, may be applicable to those sources of safety information, including possible reporting and analysis obligations.

## SECTION 2 — AVIATION PROFESSIONALS

### 2.1 Why should I report safety occurrences?

*GM to Reg. (EU) No 376/2014 and its IRs*

The reporting of aviation safety occurrences is vital to the prevention of aircraft accidents. It contributes to understand 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 (see also section [1.1](#)). 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 contributes to the prevention of accidents. Their role 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.

### 2.2 Am I under the legal obligation to report occurrences?

*GM to Reg. (EU) No 376/2014 and its IRs*

Whereas the reporting of any safety relevant occurrence should be encouraged, Regulation 376/2014 differentiates between occurrences that should always be reported, because they have been considered by the legislator as posing a significant risk for aviation safety, and those that may be reported if judged relevant by potential reporters (more information of the reportable occurrences is provided in section [2.3](#)).

Furthermore, whereas any person involved in aviation activities should be encouraged to report any safety occurrence it considers relevant, Regulation 376/2014 differentiates between the persons who are always required to report defined occurrences, because they have been considered as front line operators by the legislator, and those that may report occurrences when they judge it relevant.

#### Key principle

**The obligation for designated persons to report certain occurrences does not prevent other persons from reporting occurrences under the normal operation of their organisation safety management system.**

This section provides information on the persons who are required to report certain occurrences in accordance with Regulation 376/2014.

This Regulation provides for a list of designated persons that must report occurrences in the context of mandatory reporting schemes ([Article 4\(6\)](#)). This list covers a broad range of persons involved in aviation activities, employees as well as other persons.

#### Key principle

**The list of persons who are required to report certain occurrences covers employees of an organisation, as well as persons whose services are contracted or used by the organisation ([Article 4\(6\)](#)).**

Example:

Pilots employed by a European operator as well as self-employed pilots who are pilot-in-command of aircraft used by a European operator are covered under this obligation.

These designated persons are under a legal obligation to report certain defined occurrences. Without these occurrence reports, the European Union and the organisations and competent authorities that are part of it cannot make the best decisions on safety priorities. In addition, the failure to comply with the reporting legal obligation might have consequences for those required to report ([Article 21](#); [Recital 38](#)).

It is therefore important to clearly identify the persons that are under the obligation to report occurrences under Regulation 376/2014.

Furthermore, clarification is necessary to ensure that, where relevant, natural persons already subject to an obligation to report safety occurrences under other European rules (see also section [3.6](#)) are the same than the ones covered under Regulation 376/2014.

— Pilots

#### Key principle

**[Article 4\(6\)\(a\)](#) covers both pilots in command operating in the context of commercial air transport as well as private pilots operating on an aircraft covered by the Regulation.**

In addition, [Article 4\(6\)](#) (a) refers to “*the pilot in command, or, in cases where the pilot in command is unable to report the occurrence, any other crew member next in the chain of command of an aircraft*”. Situations where the pilot would be unable to report is understood as referring to cases where the pilot would be unable to report because he would not be physically able to do so.

The reference to “*any other crew member next in the chain of command*” intends to cover any configuration of the crew.

Example:

Any other crew member next in the chain of command in the context of a CAT operation on-board of a large aeroplane would be the co-pilot whereas in the case where there is only one pilot on board it would be the cabin manager.

These situations should be covered and described by organisations within their safety management system.

— Design / manufacturing / airworthiness personnel

#### Key principle

**[Article 4\(6\)\(b\)](#) is understood as covering persons engaged in manufacturing of an aircraft, or any equipment or part thereof under the oversight of a Member State or of EASA, who are directly involved in the production of aeronautical items, have the role to verify compliance with applicable design data and the responsibility to perform investigations with the holder of the type-certificate or design approval in order to identify if those deviations could lead to an unsafe condition.**

This is aligned with occurrence reporting requirements in Commission Regulation (EU) No 748/2012<sup>1</sup>, where the production organisation is required to liaise with the design organisation to confirm that the deviation in design data is actually an unsafe condition.

*Example:*

A person working in a production organisation being responsible of the investigation, together with the Design Approval Holder (DAH)<sup>2</sup>, to confirm if identified deviations of the manufactured product from design data could lead to an unsafe condition of the final certified product.

**Key principle**

**Article 4(6)(b) is also understood as covering persons engaged in designing an aircraft, or any equipment or part thereof under the oversight of a Member State or of EASA, who are in charge of the process to identify unsafe or potential unsafe conditions for 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 Commission Regulation (EU) No 748/2012.**

This is aligned with occurrence reporting requirements in Commission Regulation (EU) No 748/2012.

*Example:*

A person working in a DAH having the responsibility to carry out the process to identify unsafe or potential unsafe conditions as per Part-21 requirements under Commission Regulation (EU) No 748/2012.

**Key principle**

**Article 4(6)(b) is also understood as covering persons engaged in designing an aircraft, or any equipment or part thereof under the oversight of a Member State or of EASA, who are in charge of the process to identify unsafe or potential unsafe conditions in the context of the continuing airworthiness of their products under the Commission Regulation (EU) No 748/2012 but not subject to any certification or approval under such Regulation.**

*Example:*

A person working in a design organisation dedicated to the design of light aircraft not certified as per Part-21 requirements or subject to an organisation approval under Commission Regulation (EU) No 748/2012 but still falling under this legal framework and in charge of the process to identify unsafe or potential unsafe conditions of the product.

<sup>1</sup> Commission Regulation (EU) No 748/2012 of 3 August 2012 laying down implementing rules for the airworthiness and environmental certification of aircraft and related products, parts and appliances, as well as for the certification of design and production organisations; OJ L224, 21.08.2012, p.1.

<sup>2</sup> Design Approval Holder (DAH) is a written convention to refer to the holder of a type-certificate, restricted type-certificate, supplemental type-certificate, ETSO authorisation, major repair design approval or any other relevant approval holder deemed to have been issued under Commission Regulation (EU) No 748/2012.

#### Key principle

Finally, [Article 4\(6\)\(b\)](#) is also understood as covering persons engaged in continuing airworthiness monitoring, maintaining or modifying an aircraft, or any equipment or part thereof under the oversight of a Member State or of EASA, and

- who holds a valid aircraft maintenance licence; or
- who is authorised by its organisation and is directly involved with tasks of maintaining aircraft, including any component for installation thereto or of continuing airworthiness management; or
- who is a pilot-owner directly involved with tasks of maintaining aircraft.

This is aligned with occurrence reporting requirements in Commission Regulation (EU) No 1321/2014<sup>1</sup>.

#### Example:

A person who holds a valid Part-66 mechanic license and performs actual maintenance work or a person who is a postholder for the continuing airworthiness of an aircraft.

- Airworthiness personnel

#### Key principle

[Article 4\(6\)\(c\)](#) is understood as applying to the person responsible for the airworthiness review performed in accordance with Annex I (Part M), M.A.710 of Regulation (EU) No 1321/2014, or the person responsible for the release to service in accordance with Annex I (Part M), M.A.801, M.A.802 or M.A.803 or Annex II (Part-145) 145.A.50 of Commission Regulation (EU) No 1321/2014.

#### Example:

A person that holds a valid mechanic license as per Part-66 requirements and performs the release to service of aviation products.

- ATM/ANS personnel

#### Key principle

[Article 4\(6\)\(d\)](#) is understood as applying to a person who performs a function which requires him to be authorised by a Member State as a staff member of an air traffic service provider entrusted with responsibilities related to air navigation services or as a flight information service officer.

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

**Example:**

An Air Traffic Controller or Flight Information Officer who holds a valid license as per Commission Regulation (EU) 2015/340<sup>1</sup> and acting as controller or officer on duty. In situations where an occurrence involves more than one person within the same organisation, it is understood that the most appropriate person should raise the report. A report is not needed from each person involved in the occurrence.

- Aerodrome personnel

**Key principle**

**Article 4(6)(e) is understood as applying to a person who performs a function connected with the safety management of an airport to which Regulation (EC) No 1008/2008<sup>2</sup> applies. This covers the Safety Manager of aerodromes certified under Commission Regulation (EU) No 139/2014<sup>3</sup>, the equivalent responsible person of those aerodromes not certified under Commission Regulation (EU) No 139/2014 but covered by Regulation (EC) No 1008/2008, as well as any person who can actively contribute to the safety management of an aerodrome covered by Regulation (EC) No 1008/2008.**

It also includes personnel and persons whose services (e.g. ground handling organisations, bird control and aerodrome services) are contracted or used by the aerodrome and who are expected to report information in the context of the safety management system of the aerodrome because of their aviation related tasks.

- ANS facilities personnel

**Key principle**

**Article 4(6)(f) is understood as applying to a person who performs a function connected with the installation, modification, maintenance, repair, overhaul, flight-checking or inspection of air navigation facilities for which a Member State is responsible.**

- Ground handling personnel

**Key principle**

**Article 4(6)(g) is understood as applying to a person who performs a function connected with the ground handling of aircraft in accordance with Directive 96/67/EC<sup>4</sup>, including fuelling, servicing,**

<sup>1</sup> Commission Regulation (EU) 2015/340 of 20 February 2015 laying down technical requirements and administrative procedures relating to air traffic controllers' licences and certificates pursuant to Regulation (EC) No 216/2008 of the European Parliament and of the Council, amending Commission Implementing Regulation (EU) No 923/2012 and repealing Commission Regulation (EU) No 805/2011 (Text with EEA relevance); OJ L 63, 6.3.2015, p. 1.

<sup>2</sup> Regulation (EC) No 1008/2008 of the European Parliament and of the Council of 24 September 2008 on common rules for the operation of air services in the Community (Recast) (Text with EEA relevance); OJ L 293, 31.10.2008, p. 3.

<sup>3</sup> Commission Regulation (EU) No 139/2014 of 12 February 2014 laying down requirements and administrative procedures related to aerodromes pursuant to Regulation (EC) No 216/2008 of the European Parliament and of the Council (Text with EEA relevance); OJ L 44, 14.2.2014, p. 1.

<sup>4</sup> Council Directive 96/67/EC of 15 October 1996 on access to the groundhandling market at Community airports; OJ L 272, 25.10.1996, p. 36.

loadsheet preparation, loading, de-icing and towing, at an airport covered by Regulation (EC) No 1008/2008.

## 2.3 What types of occurrences shall be reported?

*GM to Reg. (EU) No 376/2014 and its IRs*

### Key principle

**It is understood that the reporting of any safety relevant occurrence should be encouraged with the view to support the principles of safety management as included in other European rules and as promoted by Regulation 376/2014.**

As mentioned in section [2.2](#), the reporting of any safety relevant occurrence should be encouraged. However, for the sake of clarifying legal obligations, Regulation 376/2014 differentiates between occurrences that should always be reported (mandatorily reportable occurrences) and those that may be reported if judged relevant by potential reporters (voluntarily reportable occurrences).

#### i. Mandatory reporting

The occurrences to be reported in the context of mandatory reporting systems are those which may represent a significant risk to aviation safety and which fall into defined categories ([Article 4\(1\)](#)). To facilitate the identification of those occurrences, the Commission was required to adopt a list classifying occurrences to be referred to ([Article 4\(5\)](#)).

These occurrences to be reported are therefore listed in the Commission Implementing Regulation 2015/1018 which classifies the occurrences to be reported in the context of mandatory reporting schemes. The occurrences contained in Regulation 2015/1018 are those which have been considered by the legislator as potentially representing a significant risk to aviation safety.

Regulation 2015/1018 includes occurrences falling in the four categories mentioned in Regulation 376/2014 as well as those applicable to aircraft other than complex motor-powered aircraft ([Article \(5\)](#)) which are, where appropriate, adapted to the specificities of that aviation sector.

### Key principle

**The occurrences to be reported in the context of mandatory reporting systems are those listed in Regulation 2015/1018.**

The division in categories of occurrences to be reported provided for in [Article 4\(1\)](#) is established to allow the identification of the occurrences to be reported by the persons designated under [Article 4\(6\)](#). Therefore the division in the various Annexes of the Regulation 2015/1018 intends to support the identification by reporters of the occurrences they are required to report.

### Key principle

**It is therefore understood that reporters subject to mandatory reporting obligations are not required to report all occurrences contained in Regulation 2015/1018 but only those relevant for their respective area of activities.**

Reporting obligations in the context of mandatory schemes are therefore a combination of persons subject to mandatory reporting obligations and occurrences to be mandatorily reported in a specific area of activity.

Consequently these reporting obligations are understood to apply as detailed in the diagram below.

*Diagram 1. Obligations of reporting in the context of mandatory occurrence reporting systems (MORS)*

Type of reporter	Occurrences to be reported
Pilot in command — <a href="#">Art.4(6)(a)</a> (for detailed definition see question 2) — when flying on complex motor-powered aircraft	Occurrences related to the operation of the aircraft — <a href="#">Annex I</a> of Regulation 2015/1018
Manufacturing staff members — <a href="#">Art.4(6)(b)</a> (for detailed definition see question 2)	Occurrences related to manufacturing — <a href="#">Annex II.1</a> of Regulation 2015/1018
Design staff members — <a href="#">Art.4(6)(b)</a> (for detailed definition see question 2)	Occurrences related to design — <a href="#">Annex II.2</a> of Regulation 2015/1018
Maintenance staff members — <a href="#">Art.4(6)(b)</a> (for detailed definition see question 2)	Occurrences related to maintenance and continuing airworthiness management — <a href="#">Annex II.3</a> of Regulation 2015/1018
Airworthiness certificate reviewers — <a href="#">Art.4(6)(c)</a> (for detailed definition see question 2)	Occurrences related to maintenance and continuing airworthiness management — <a href="#">Annex II.3</a> of Regulation 2015/1018
Air traffic controllers and flight information service officer — <a href="#">Art.4(6)(d)</a> (for detailed definition see question 2)	Occurrences related to related to air navigation services and facilities — <a href="#">Annex III</a> of Regulation 2015/1018
Safety manager of an aerodrome — <a href="#">Art.4(6)(e)</a> (for detailed definition see question 2)	Occurrences related to aerodromes and ground services — <a href="#">Annex IV.1</a> of Regulation 2015/1018
Air navigation facilities personnel — <a href="#">Art.4(6)(f)</a> (for detailed definition see question 2)	Occurrences related to related to air navigation services and facilities — <a href="#">Annex III</a> of Regulation 2015/1018
Ground handling personnel — <a href="#">Art.4(6)(f)</a> (for detailed definition see question 2)	Occurrences related to related to aerodromes and ground services — <a href="#">Annex IV.2</a> of Regulation 2015/1018
Pilot in command — <a href="#">Art.4(6)(a)</a> (for detailed definition see question 2) — when flying on aircraft other than complex motor-powered aircraft	Occurrences related to related to operation of the aircraft — <a href="#">Annex V</a> of Regulation 2015/1018

Regulation 2015/1018 in its [Annexes I, III, IV.1, IV.2, V.1, V.2 and V.3](#) states that the structure of the Annex or Section is made to ensure that the “*pertinent occurrences are linked with categories of activities during which they are normally observed, according to experience, in order to facilitate the reporting of those occurrences*”. It highlights that this presentation should not be understood “*as meaning that occurrences must not be reported in case they take place outside the category of activities to which they are linked in the list*”.

**Key principle**

**It is therefore understood that all occurrences listed in a specific Annex or Section of Regulation 2015/1018 are reportable by those identified as mandatory reporters for that Annex or Section, independently of the circumstances in which the occurrence may occur.**



*Example:*

A pilot in command flying on complex motor-powered aircraft is required to report all occurrences listed in Annex I of Regulation 2015/1018, even if those occurrences happen in circumstances different from the ones described in the various headlines (e.g. flight preparation, aircraft preparation, take-off and landing etc.).

## ii. Voluntary reporting

There is no legal obligation under Regulation 376/2014 for reporting occurrences outside the situations detailed in diagram 1 above. It is nevertheless understood that reporting of any safety relevant occurrence by anyone aware of it should be encouraged. To allow such reporting Regulation 376/2014 imposes a legal obligation on organisations and competent authorities ([Article 5](#)) to establish voluntary occurrence reporting systems (VORS).

In this context, the voluntary reporting systems notably enable the reporting of ([Article 5\(4\)](#)):

- any occurrence or safety related information by individuals which are not subject to mandatory reporting (see section [2.2](#) for the detailed list of persons subject to MOR), this might include the reporting by those individuals of occurrences included in Regulation 2015/1018;
- any occurrence or safety related information not included in the Regulation 2015/1018 by individuals which are subject to MOR.

*Examples:*

A crew member may report a runway excursion through voluntary occurrence reporting systems.

A pilot in command may report occurrences outside those listed in Annex I of Regulation 2015/1018 through voluntary occurrence reporting systems.

It should be understood that while Regulation 376/2014 does not impose the reporting of all occurrences, its objective is to use all available safety data for the improvement of safety. Therefore the reporting of all relevant information should be strongly promoted and front-line professionals should be encouraged to share their experiences.

**Key principle**

**It is understood that the reporting of any safety relevant occurrence should be encouraged and therefore that the use of reporting systems, be they mandatory or voluntary, should be promoted.**

The legal obligation for organisations and competent authorities to establish voluntary reporting systems aims at supporting the collection of relevant information.

Industry organisations, the Member States and EASA are therefore encouraged to promote the reporting of any occurrence, whether or not there is a legal obligation to report it.

The Commission has prepared and published promotional material with the view to promoting and encouraging the reporting of safety occurrences. This material is available [here](#)<sup>1</sup>.

<sup>1</sup> [www.aviationreporting.eu](http://www.aviationreporting.eu)

### iii. Interaction with other reporting requirements

Reporting requirements that exist under other EU rules are aligned with reporting requirements under Regulation 376/2014. This means in practice, that reporting obligations under the Regulation 216/2008 and its implementing rules on one hand and reporting obligations under Regulation 376/2014 on the other hand are compatible. These reporting obligations can be discharged through the use of one reporting channel and should avoid the establishment of two parallel systems ([Recital 4](#)).

In addition, a person who holds more than one role subject to the obligation to report can discharge all those obligations with a single report. Organisations are encouraged to properly describe this in the organisation manual, to address cases where the responsibilities are taken up on behalf of the organisation.

## 2.4 How can I know if an occurrence is reportable?

*GM to Reg. (EU) No 376/2014 and its IRs*

Safety management systems rely on the collection and analysis of safety related information. Therefore, anything that is perceived by the individuals as having the potential to impact or potentially impact safety should be reported.

The mandatory obligation of reporting is linked with the awareness of the situation by the person subject to the reporting obligation. It is understood that “being aware” of an occurrence refers to situations where the individual has been directly involved in the occurrence. Therefore, for example, while being aware of an occurrence through radio on-board the aircraft or ear say may motivate the reporting to the organisation or to the competent authority under VORS, this should not be understood as a legal obligation to be discharged by the individual under MORS.

Regulation 2015/1018 contains certain occurrences which are factual events easily identifiable such as “*a collision on the ground or in the air, with another aircraft, terrain or obstacle*”. In such cases, as soon as the occurrence happens and the potential reporter is aware of it, the obligation to report it applies.

Regulation 2015/1018 also includes situations in which a judgement has to be made by the reporter to assess whether the aircraft or its occupants have or might have been endangered. This is for example the following occurrence: “*Significant failure, malfunction or defect of aerodrome equipment or system considered to have endangered or which might have endangered the aircraft or its occupants*”. In such cases, the occurrence is reportable if the potential reporter has assessed that the aircraft or its occupants have or might have been endangered.

In such situations it is more difficult to identify whether the reporter has fulfilled his/her obligations under the legislation or not. This may be particularly challenging if the reporter has decided not to report an occurrence which has been reported by another person in the context of voluntary reporting schemes ([Recital 38](#)).

### Key principle

**Regulation 376/2014 prescribes potential reporters to report defined occurrences they are aware of. It is understood that if the reporter is not aware of the occurrence or if, in relevant cases, the reporter judges that the aircraft, its occupants or any other person have not been endangered or potentially endangered, and has therefore not reported the occurrence, the reporter may not be considered as infringing his/her reporting obligations under Regulations 376/2014 and 2015/1018.**

The Regulation 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.

#### Key principle

**In situations where the reporter is aware about an occurrence and suspects it is reportable but cannot determine it with certainty, he/she is expected to report it.**

## 2.5 Am I required report occurrences that happened outside of the EU?

*GM to Reg. (EU) No 376/2014 and its IRs*

Regulation 376/2014 covers all occurrences involving an aircraft registered in a Member State or operated by an organisation established in a Member State, even if the occurrence happened outside the territory of that Member State ([Recital 18](#)).

#### Key principle

**Occurrences should be reported even if they happen outside of the European Union.**

#### Example:

A pilot in command flying on a European airline and being aware of an occurrence listed in Annex I of Regulation 2015/1018 which happened in a third country is required to report it.

In addition, in the case of potential reporters working in production and design organisations, the reporting of occurrences is understood as covering products under their manufacturing or design responsibilities, regardless of the State of occurrence, operator or registration.

## 2.6 If I report an accident or serious incident under Regulation 376/2014, am I also required to report it to the State of Occurrence?

*GM to Reg. (EU) No 376/2014 and its IRs*

Accidents and serious incidents, as defined within Regulation (EU) No 996/2010<sup>1</sup>, are also subject to Regulation 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 [Article 4\(6\)](#) has to report an accident or a serious incident listed in Regulation 2015/1018.

<sup>1</sup> 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.

In such cases, this person shall report the accident or serious incident in accordance with [Article 4\(6\)](#) of Regulation 376/2014 and shall also “*notify without delay the competent safety investigation authority of the State of Occurrence thereof*” in accordance with Article 9 of Regulation (EU) No 996/2010.

Example:

A pilot in command being aware of an accident or a serious incident listed in Annex I of Regulation 2015/1018 and which occurred in the United Kingdom is required to report it to his/her organisation as well as to the UK SIA (the UK Air Accidents Investigation Branch).

## 2.7 If several reporters are aware of the same reportable occurrence, are they all required to report it?

*GM to Reg. (EU) No 376/2014 and its IRs*

Situations may occur where several reporters subject to mandatory reporting obligations are aware of the same occurrence.

### 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.**

Example:

Two pilots from two different airlines, an air traffic controller, the safety manager of an airport and a ground handler are involved in or witness a collision on the ground between an aircraft and another aircraft. All of them shall report the occurrence even in the case they are working for organisations that are under the responsibility of the same Member State.

### Key principle

**In the case where reporters employed, or whose services are contracted or used by the same organisation, 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.**

Example:

Two ground handlers working for the same organisation discover a foreign object on the aerodrome movement area which has been considered to have endangered or which might have endangered an aircraft or its occupants. In this case the occurrence may be reported by only one of the ground handlers.

## 2.8 To what entity shall I report occurrences?

GM to Reg. (EU) No 376/2014 and its IRs

The Regulation gives persons subject to the MOR obligation the following reporting channels ([Article 4\(6\)](#)):

- The mandatory reporting system of the organisation which employs them or contracts or uses their services, or
- The mandatory system of the Member State of establishment or of the competent authority of their organisation, or by the State which issued, validated or converted the pilot's licence or
- The mandatory system of EASA.

### Key principle

**Reporting an occurrence through the reporting system of their organisation should be promoted and recognised as the normal channel of reporting for aviation professionals.**

This is notably consistent with the integration of occurrence data into the safety management system of an organisation.

The reporting through the system of a Member States is understood as the one to be used in the absence of any organisation or in situation where the reporter is not confident in the reporting system of an organisation certified or approved by that Member State.

The reporting through the mandatory system of EASA is understood as the one to be used by organisations for which EASA is the competent authority or in situation where the reporter is not confident in the reporting system of an organisation certified or approved by EASA.

Whereas the most direct reporting channel should be preferred (the organisation's reporting system) and even promoted, it is understood that direct reporting to a competent authority by a person employed by an organisation or whose services are contracted or used by this organisation is not prevented. Indeed, situations may occur where reporters are not confident in the reporting system of their organisations and may wish to use another reporting channel. This is consistent with the objective of fostering a 'Just Culture' which is pursued by Regulation 376/2014. It aims, in particular, at ensuring confidence of aviation professionals in occurrence reporting systems and encourages them to reports any relevant safety information with a view to contribute to the enhancement of aviation safety and accidents prevention.

It should be highlighted that the choice of a reporting system should be exclusive. Indeed the use of "or" in [Article 4\(6\)](#) indicates that only one report is required to be made by the reporter and that an occurrence should not lead to multiple reports from the reporter.

It is therefore understood, in accordance with the Regulation, that a reporter should not report an occurrence to his/her organisation and report it as well to a Member State and/or to EASA. This is without prejudice to other reporting obligations contained in other legal acts (see also section [2.6](#)).

## 2.9 What is the deadline to report an occurrence?

GM to Reg. (EU) No 376/2014 and its IRs

Regulation 376/2014 requires the persons subject to mandatory reporting requirements to report occurrences listed in the Regulation 2015/1018 within 72 hours of becoming aware of the occurrence, unless exceptional circumstances prevent this ([Article 4\(7\)](#)).

It is understood that the 72 hours period starts from the moment they learn about the occurrence, usually meaning when they witness the occurrence or are involved in it.

In the case of individuals engaged in design or production organisations (Design Organisation Approval — DOA — or Production Organisation Approval — POA) and who are under the obligation to report a potential unsafe or unsafe condition, the 72 hours period starts from the identification of the possible unsafe condition, which is normally reported through a dedicated process in those organisations.

The circumstances allowing a reporting of the occurrences after the 72 hours deadline shall be exceptional. This may for example include situations in which the reporter is unable to access a mean to report the occurrence.

In some cases an individual may be made aware of an occurrence through the automatic reporting systems of his/her organisation (e.g. Flight Data Monitoring programme, post processing of radar tracks etc) and not during the actual operation. In those cases, the 72 hours period starts when the potential reporter is made aware of this occurrence.

## 2.10 What is the format to report an occurrence?

*GM to Reg. (EU) No 376/2014 and its IRs*

Regulation 376/2014 does not impose any reporting format for individual reporters.

The format to be used by an aviation professional to report an occurrence to his/her organisation may be defined by the organisation as part of its safety management system.

In general, it is encouraged to develop reporting forms and means to report that are user-friendly and that do not discourage potential reporters to report occurrences. The aim should be to facilitate the collection of information from the front-line individuals into the management system of the organisation or into the system of the competent authority.

## 2.11 What information should be included in an occurrence report?

*GM to Reg. (EU) No 376/2014 and its IRs*

Regulation 376/2014 does not impose any specific information to be provided by aviation professionals when reporting an occurrence. Obviously, the description of the occurrence is expected to be included in the report.

Reporters are encouraged to include as complete as possible information in their report. To this purpose, reporters can use [Annex I](#) of Regulation 376/2014 as a reference for information encouraged to be reported in each specific circumstance.

Furthermore, aviation professionals are encouraged to include, in their report, any factor relevant to the occurrence, including contributing human factor. Including these details should help to a better understanding of safety hazards and to a more accurate identification of safety risks.

### *Example:*

When reporting a fatigue related occurrence, reporters are encouraged to include in their report information such as total duty time, flight time (including the number of sectors flown) and the hours of rest achieved by the crew on the day of the incident and at least the two preceding days, along with other relevant information.

## 2.12 Is my report confidential?

GM to Reg. (EU) No 376/2014 and its IRs

### i. Within my organisation

Reporting to the organisation is not necessarily anonymous. This may depend of the type of reporting system used, as some organisations run, next to their mandatory and voluntary reporting systems, confidential reporting systems.

Regulation 376/2014 does not require organisations to fully anonymise reports collected but it requires organisations to take the necessary measures to ensure the appropriate confidentiality of the details of occurrences contained in its database ([Article 15\(1\)](#)).

#### Key principle

**Organisations are required to take the necessary measures to ensure the appropriate confidentiality of occurrences they collect and to comply with rules on the processing of personal data.**

It is notably recognised by Regulation 376/2014 that a clear separation between the department handling occurrence reports and the rest of the organisation may be an efficient way to achieve this objective ([Recital 34](#)). This should therefore be encouraged where practicable.

In addition Regulation 376/2014 requires organisations to process personal data only to the extent necessary for the purposes of this Regulation and in accordance with applicable personal data rules ([Article 15\(1\)](#)).

The Regulation also includes a number of provisions limiting the possible disclosure and use of the information reported and protecting reporters and any person mentioned in a report (see section [2.13](#) below).

### ii. Outside of my organisation

#### Key principle

**Member States and EASA are not allowed to record personal details in their databases. Furthermore, they are required to take the necessary measures to ensure the appropriate confidentiality of occurrences they collect and to comply with rules on the processing of personal data.**

Regulation 376/2014 ensures the confidentiality of individual reporter identity and of any other person involved in reports stored in Member States national occurrence databases and in the EASA database. Indeed it prohibits the recording of personal details (e.g. name of the reporter or anyone else mentioned in the report, addresses of natural persons) in the competent authority database ([Article 16\(1\), \(2\) and \(3\) and Recital 35](#)). To support this requirement, organisations are encouraged to refrain from including names and personal details when transferring occurrences reports to their competent authority.

In addition, requirements on the confidentiality of information and processing of personnel data similar to those imposed to organisations are applicable to the Member States and to EASA. Finally, [Recital 33](#) highlights the need for national rules on freedom of information to take into account the necessary confidentiality of information.

See section [2.13](#) below for more information on limitation to disclosure and use of information coming from occurrence reports.

## 2.13 Can my report be used against me or anyone mentioned in it?

GM to Reg. (EU) No 376/2014 and its IRs

### Key principle

**Regulation 376/2014 includes strong rules protecting occurrence reporters and persons mentioned in occurrence reports. These rules limit possible disclosure or use of occurrence reports.**

Regulation 376/2014 includes a number of provisions aimed at encouraging the reporting of occurrences by preventing their use against reporters and other persons mentioned in occurrence reports. These provisions protect the reporter and other persons mentioned in the report in their working environment as well as in the broader national and European context.

Regulation 376/2014 states that the aviation safety system is based on feedback and lessons learned from accidents and incidents and that the reporting of information by front line professionals is crucial to bringing safety improvements. It also highlights the need to establish an environment in which potential reporters feel confident in the existing systems and to report the relevant safety information. The necessity to create such an environment supports the protection principles in the Regulation (limitation to information use or availability, Just Culture principles within an organisation, non-self-incrimination principle etc). The objective of such rules is to create an environment in which people will feel confident to report and therefore ensure a continued availability of safety information.

The objective is not to exonerate aviation professionals from their responsibilities but to find a balance between full impunity and blame culture. This balance is notably supported by the definition of 'Just Culture' ([Article 2](#)), by [Article 16](#) and by several recitals.

### Key principle

**A 'Just Culture' should encourage individuals to report safety-related information but should not absolve individuals of their normal responsibilities ([Recital 37](#)). It is defined as a culture in which front-line operators or other persons are not punished for actions, omissions or decisions taken by them that are commensurate with their experience and training, but in which gross negligence, wilful violations and destructive acts are not tolerated ([Article 2](#)).**

i. In the context of the organisation

This principle is implemented by several provisions which prevent certain actions to be taken against reporters and persons mentioned in an occurrence report while identifying unacceptable behaviours that are not covered under this protective framework.

### Key principle

**Employees and contracted personnel who report or are mentioned in occurrence reports 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 except in cases of unacceptable behaviour ([Article 16\(9\)](#)).**

This is the implementation of the Just Culture principle in a corporate context. It means that if a person reports an occurrence to his/her organisation, the organisation is not allowed to blame that person or to impose prejudice on him/her on the basis of the occurrence reported. This rule also applies if the person is not the reporter but is mentioned in the occurrence report.



#### Key principle

Regulation 376/2014 recognises two exceptions to this principle ([Article 16\(10\)](#)):

- wilful misconduct; and
- situations 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.

The objective is to clearly set, in the legislation, the line between acceptable behaviours (which shall not be punished) and unacceptable behaviours (which can be punished).

Furthermore, Regulation 376/2014 states additional principles limiting the possibility for an organisation to disclose or use occurrence reports.

#### Key principle

Organisations can only use an occurrence report for the purpose for which it has been collected ([Article 15\(1\)](#)).

Organisations are not allowed to make available or use occurrence reports:

- in order to attribute blame or liability; or
- for any purpose other than the maintenance or improvement of aviation safety ([Article 15\(2\)](#)).

Those limitations to the disclosure or use of occurrence reports apply within the organisation as well as outside of it.

It is therefore understood that sharing information on occurrences with press and media is not allowed by the Regulation. Disclosure of information on occurrence reports to judicial authorities is similarly not allowed.

#### Key principle

There are however few exceptions to those principles.

Firstly, it is understood that in a situation where safety might be endangered, information on occurrences may be shared or used with a view to maintain or improve aviation safety. It is therefore understood that sharing or using information on occurrences in the cases detailed in [Article 16\(10\)](#) with the view to address the risks to safety is allowed by the Regulation.

Secondly, exception may apply in a situation where an investigation under Regulation (EU) No 996/2010 has been instituted, as the provisions of Regulation 996/2010 have precedent in such case ([Article 15\(2\)](#)).

Regulation 996/2010 foresees in its Article 14(2) and (3) that, in cases where it applies (opening of a formal technical accident or incident investigation), occurrences reports shall not be made available or used for purposes other than aviation safety unless the administration of justice or the authority competent to decide on the disclosure of records according to national law decides that the benefits of the disclosure of the occurrence report outweigh the adverse domestic and international impact that such action may have on that or any future safety investigation (balancing test). If this balancing

test concludes that the information on occurrences should be disclosed, then the organisation should make it available to the requesting authority.

An organisation shall only disseminate personal details within the organisation in those cases where it is essential to progress the investigation or to ensure the safety actions are properly taken ([Article 16\(2\)](#)). In this regards, the organisation may use the same protocols and agreements than the ones established and consulted with staff representatives to deal with other safety information (e.g. Flight Data Monitoring).

In order to support all these legal provisions, each organisation is required to adopt internal rules describing how Just Culture principles are guaranteed and implemented within that organisation ([Article 16\(11\)](#)). It is specified that staff representatives shall be consulted before the adoption of these internal rules.

With the support of the Commission and of EASA, staff and employers representatives across aviation domains have developed a European Corporate Just Culture Declaration which contains principles to be implemented in each organisation and reflected in its internal Just Culture rules, with a view to ensure an effective Just Culture within the organisation. This initiative is expected to support a proper and harmonised implementation of this legal provision and should guarantee a similar level of protection across European organisations.

In addition a best practice issued from experience in a number of operators is the setting up an 'occurrence review committee' within the organisation whose role is to support the practical implementation of the protection principles.

ii. In the context of the Member States and of the EU

In addition to limitations to the use and disclosure within and by organisations, Regulation 376/2014 also includes provisions limiting the use of an occurrence report by a State or EASA and guaranteeing its confidentiality.

#### Key principle

**States cannot institute disciplinary, administrative or legal proceedings in respect of unpremeditated or inadvertent infringements of the law which come to their attention only because they have been reported pursuant to Regulation 376/2014 unless where otherwise provided by applicable national criminal law ([Article 16\(6\)](#) and [Recital 43](#)).**

**In the cases where disciplinary or administrative proceedings have been instituted under national law, information contained in occurrence reports cannot be used against the reporters or the persons mentioned in occurrence reports ([Article 16\(7\)](#) and [Recital 44](#)).**

The exceptions contained in [Article 16\(10\)](#) (see in section i. above) apply to those principles.

The Member States are allowed to provide, at national level, a more protective framework ([Article 16\(8\)](#)) which may in particular provide full impunity to reporters.

This means that outside those unacceptable behaviours situations, a State is not allowed to open a proceeding if it is only made aware of a situation because an occurrence was reported under Regulation 376/2014. It is however understood that in those cases where the opening of a criminal proceeding on the basis of an occurrence report is allowed under national law, national law has precedent and applies. But limitation to the possibility of disclosing information on occurrences (see below) remains applicable in all cases.

**Key principle**

Competent authorities can only use an occurrence report for the purpose for which it has been collected ([Article 151](#)).

They are not allowed to make available or use occurrence reports:

- in order to attribute blame or liability; or
- for any purpose other than the maintenance or improvement of aviation safety ([Article 15\(2\)](#)).

Those limitations to the disclosure or use of occurrence reports apply within the competent authorities as well as outside of them.

It is therefore understood that sharing information on occurrences with press and media is not allowed by Regulation 376/2014. Disclosure of information on occurrence reports to judicial authorities is similarly not allowed.

**Key principle**

There are however few exceptions to those principles.

Firstly, it is understood that in a situation where safety might be endangered, information on occurrences may be shared or used with a view to maintain or improve aviation safety. It is therefore understood that sharing or using information on occurrences in the cases detailed in [Article 16\(10\)](#) with the view to address the risks to safety is allowed by the Regulation.

Secondly, exception may apply in a situation where an investigation under Regulation (EU) No 996/2010 has been instituted, as the provisions of Regulation 996/2010 have precedent in such case ([Article 15\(2\)](#)).

Regulation 996/2010 foresees in its Article 14(2) and (3) that, in cases where it applies (opening of a formal technical accident or incident investigation), occurrences reports shall not be made available or used for purposes other than aviation safety unless the administration of justice or the authority competent to decide on the disclosure of records according to national law decides that the benefits of the disclosure of the occurrence report outweigh the adverse domestic and international impact that such action may have on that or any future safety investigation (balancing test). If this balancing test concludes that the information on occurrences should be disclosed, then the organisation should make it available to the requesting authority.

Finally Regulation 376/2014 provides for rules ensuring the confidentiality of the identity of the reporter and of any person mentioned in the report within Member States and EASA databases.

**Key principle**

No personal details are allowed to be recorded in the Member States and in EASA occurrence databases ([Article 16\(3\) and \(4\)](#)).

## 2.14 What can I do if I consider that the above protection rules have been infringed?

*GM to Reg. (EU) No 376/2014 and its IRs*

There may be situation where an aviation professional will consider that the protection principles have not been complied with, for example if he/she has been subject to prejudice from his/her employer on the basis of an occurrence report or if a proceeding has been opened by a Member State.

Regulation 376/2014 addresses such situation and requires each Member State to put in place an entity to which employees and contracted personnel may report alleged infringements of the protection rules contained in the Regulation ([Article 16\(12\)](#)). The Regulation also ensures that employees and contracted personnel are not penalised for reporting alleged infringements ([Article 16\(12\)](#)).

## SECTION 3 — ORGANISATIONS

### 3.1 What may be the safety benefit of sharing occurrence reports with the competent authority?

*GM to Reg. (EU) No 376/2014 and its IRs*

See also Sections [1.1](#) and [2.1](#). The collection, analysis and follow-up of occurrences are part of organisations safety management systems. It contributes to the identification of risks and to the adoption of relevant mitigation actions by organisations.

Regulation 376/2014 requires the collection, analysis and follow-up by organisations, as well as the transfer of certain occurrences to their competent authority. One could question the safety benefit of transferring this information to the competent authority. Indeed the organisation has already addressed its safety risks in the context of its SMS.

Sharing occurrences with the competent authority (Member States or EASA) allow this authority to be informed about the risks faced at national or European level and to therefore identify measures that may be necessary to ensure aviation safety from a broader (national or European) perspective. Indeed, the reporting of aviation safety occurrences is vital to the understanding safety risks in the aviation system and, importantly, helps decision makers in competent authorities to take the appropriate decisions on safety priorities and on possible changes to rules or procedures. This may in particular trigger the adoption of actions in the context of national safety plans or of the European Plan for Aviation Safety (EPAS)<sup>1</sup>. The entire safety system and its stakeholders should benefit from a more data driven decision making from competent authorities and decision makers.

Furthermore, this information is necessary in the context of the oversight performed by the competent authorities on their organisations.

### 3.2 How can information be shared with the industry?

*GM to Reg. (EU) No 376/2014 and its IRs*

#### i. Information from competent authorities databases

Granting organisations access to occurrences stored in a competent authority database is not prevented by Regulation 376/2014 as long as the purpose of sharing this information is aviation safety. Under this condition, each competent authority can decide to provide or not access to its database (partly or entirely) to its organisations<sup>2</sup>. In particular, Member States and EASA are not prevented from establishing feedback loops with organisations reporting to them, especially in those cases where identified safety issues fall under third party's responsibility. In these cases, the feedback provided by the competent authority would help reinforcing trust in the system.

But organisations are required to respect the provisions of Regulation 376/2014 relating to disclosure or use of information on occurrences contained in their competent authority database (see Sections [3.16](#) and [4.7](#)).

<sup>1</sup> The European Plan for Aviation Safety (EPAS) was previously named the European Aviation Safety Plan (EASp).

<sup>2</sup> Information related to access to EASA (acting as a competent authority) database is available at <http://easa.europa.eu/easa-and-you/safety-management/occurrence-reporting/occurrence-reporting-protection-information-sources>

ii. Information from the European Central Repository (ECR)

As regards to the ECR (which regroups all occurrences collected by competent authorities), Regulation 376/2014 prohibits direct access by organisations to this database but recognises them as interested parties, allowing them to request certain information issued from the ECR ([Article 10\(2\)](#)). Rules related to the possibility to request information from the ECR is contained in [Article 10](#) to [12](#) of Regulation 376/2014. More information is provided in [Section 4.8](#).

Furthermore reporting organisations receive feedback on occurrences they have transferred in various format, such as annual safety reviews and safety bulletins. Such information may be provided at national level as well as at European level. In addition, the results of analysis carried out at European level through Regulation 376/2014 are shared through the various safety processes supporting the EPAS.

### 3.3 What are the organisations subject to Regulation 376/2014?

*GM to Reg. (EU) No 376/2014 and its IRs*

#### Key principle

Regulation 376/2014 applies to “*any organisation providing aviation products and/or which employs, contracts or uses the services of persons required to report occurrences in accordance with [Article 4\(6\)](#)*” (i.e. subject to mandatory reporting obligations) ([Article 2\(8\)](#)). It is therefore understood that organisations which do not, on a professional basis, employ, contract or use the services of a person subject to mandatory reporting obligations (see [section 2.2](#)) are not requested to comply with the Regulation.

#### Example:

Organisations created with the aim of promoting aerial sport and leisure aviation, and which does not, on a professional basis, employ, contract or use the services of someone covered by [Article 4\(6\)](#), are understood as not being subject to Regulation 376/2014 and therefore not requested to comply with it.

Furthermore, Regulation 376/2014 contains a number of provisions applicable to “*each organisation established in a Member State*”. It means that among the organisations which are subject to the Regulation only those which are “*established in a Member State*” are subject to those provisions.

#### Key principle

“**Organisation established in a Member State**” is understood as meaning:

- each organisation which has been approved or certified by a Member State, and
- each organisation which has been approved or certified by EASA and whose principal place of business is located in a Member State.

The Regulation is understood as applying to all the facilities of the organisation under its approval, regardless of their location.

### 3.4 What is the reporting flow implied by the Regulation?

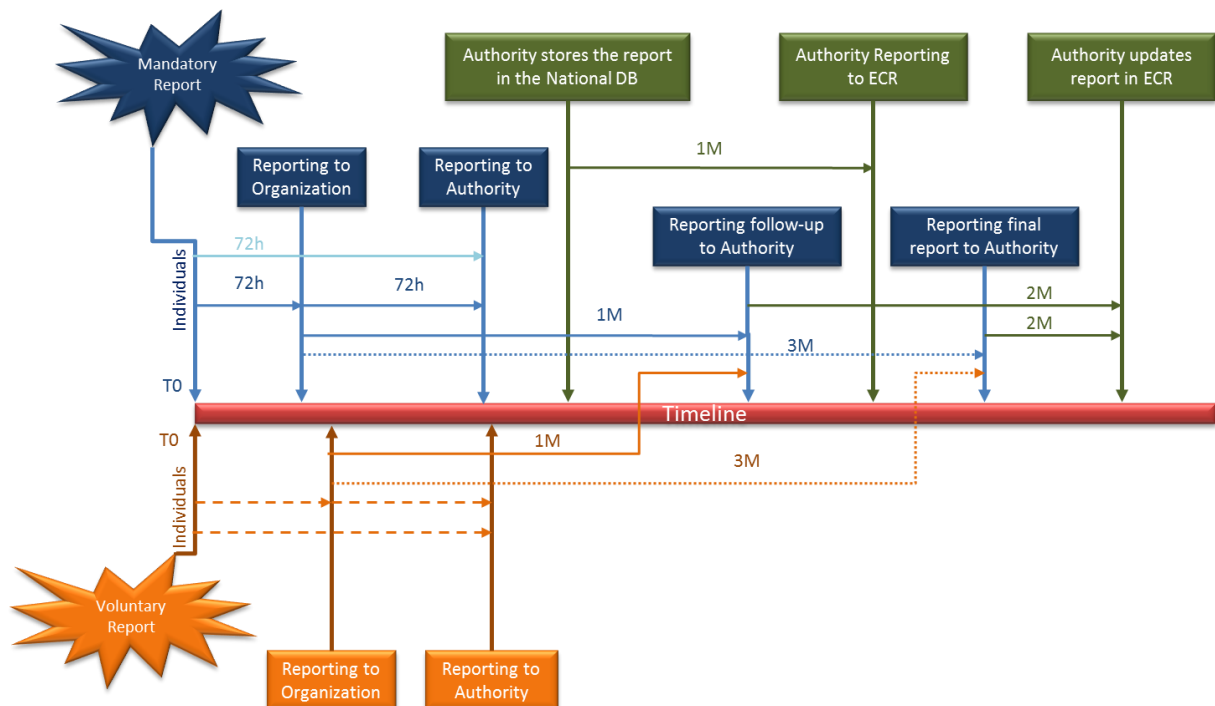
*GM to Reg. (EU) No 376/2014 and its IRs*

Regulation 376/2014 prescribes reporting obligations on certain natural persons (see Section 2.2), organisations and competent authorities.

The information follows a reporting flow from its initial reporting until its registration in the European Central repository (ECR).

The diagram below illustrates the general flow of information, main deadlines and stages of the reporting.

*Diagram 2. Flow of information under Regulation 376/2014*



This reporting flow starts from the moment the occurrence is detected (T0). From this moment, the individual shall report it to the organisation or to the authority as soon as possible, but before 72 hours if it falls within the mandatory scheme. In this case, the organisation has 72 hours to report to the authority from the moment they become aware of the occurrence.

It should be understood that in certain specific situations the identification of the occurrence might require an additional stage before this reporting flow starts. In particular, 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 when this process concludes that an occurrence represents an unsafe or potential unsafe condition as per Annex Part 21 of Regulation 748/2012.

In cases where an organisation learns about an occurrence through its automatic data capturing systems (e.g. FDM) and if it has requested a retrospective report to be made, the 72 hours starts when it receives the retrospective report from the reporter.

Information about the various stages part of the reporting is detailed in sections below.

## 3.5 Which occurrences shall be collected by organisations?

*GM to Reg. (EU) No 376/2014 and its IRs*

### Key principle

**Each organisation covered by Regulation 376/2014 is required to put in place systems to facilitate the collection of both mandatorily and voluntarily reportable occurrences. For organisations subject to safety management systems requirements, it is understood that such systems should be part of the organisation SMS.**

Detailed information on the persons subject to reporting obligations and the type of occurrences to be collected is contained in Sections [2.2](#) and [2.3](#).

## 3.6 How do these reporting requirements interact with those contained in other rules?

*GM to Reg. (EU) No 376/2014 and its IRs*

Whereas the reporting of occurrences in the EU is overall regulated under Regulation 376/2014, there are also a number of more sectorial occurrence reporting requirements contained in other European Regulations. This situation is recognised by Regulation 376/2014 ([Recital 4](#)) which clarifies that this should not be seen as setting up two parallel systems but only one reporting system.

### Key principle

**Where reporting requirements also exists in other European rules and are consistent with those contained in Regulation 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 act or based on different legal basis, they are all considered as part of a single overall European safety system.**

### Example:

Design Approval Holders are required to report unsafe or potential unsafe conditions as per Part-21 requirements under Commission Regulation (EU) No 748/2012.

The same requirement is contained in Regulation 376/2014 through the obligation for organisations certified or approved by EASA to report occurrences listed in Regulation 2015/1018 to EASA.

It is the same requirement which happens to be contained in two set of rules but should be reported once to EASA. It should be noted that when reporting such occurrence, the organisation is required to ensure that all specifications contained in both acts should be complied with (such as for example timeline or format).

It should also be understood that Regulation 376/2014 does not cover all existing reporting requirements in the European system. Other types of reporting requirements may in particular be contained in Regulation 216/2008 and its implementing rules (e.g. reporting between organisations). Organisations are encouraged to properly reflected this in the organisation manual and cover all the specificities of all different obligations.



For reporting requirements under Regulation 216/2008, while efforts have been made to align the list of occurrences to be reported, the list of reporters and the timeline under which occurrences shall be reported, requirements related to other aspects such as reporting formats requires further alignment. A rulemaking task has been initiated to ensure a better alignment of all requirements and support the implementation of a single reporting system.

In the meantime, it is important that individuals and organisations are aware of the various reporting requirements to ensure proper discharge of their obligations.

Furthermore, while the European legislation on the performance scheme for air navigation services and network functions<sup>1</sup> does not impose the reporting of occurrences, it requires the reporting of certain information such as the level of occurrence reporting and the number of certain defined occurrences. Regulation 376/2014 supports a proper implementation of these rules by ensuring that the availability of the data that is necessary to provide required information.

### 3.7 What information shall be transferred to the competent authority?

GM to Reg. (EU) No 376/2014 and its IRs

#### i. Occurrence initial notification

Diagram 3. Information flow related to the occurrence initial notification



Note: for the purpose of simplification, the scheme indicates that the reporting by individuals is made to the organisation while it is recognised by Regulation 376/2014 that individuals may report directly to the competent authority. See Section 2.8 for more information on the various reporting channels.

#### Key principle

Organisations are required to report to their competent authority (Article 4(8) and (9)) all mandatory reportable occurrences they have collected i.e. those contained in Regulation 2015/1018 when reported by a person listed in Article 4(6) (see Sections 2.2 and 2.3).

Occurrences collected under VORS are not all reportable to the competent authority. Indeed, only those that may involve an actual or potential aviation safety risk (Article 5(5) and (6)) shall be reported to the competent authority.

<sup>1</sup> Commission Implementing Regulation (EU) No 390/2013 of 3 May 2013 laying down a performance scheme for air navigation services and network functions; OJ L 128, 9.5.2013, p. 1.

‘Reportable occurrences’ are those subject to an initial notification report requirement as described in the principles above.

It is understood that organisations shall discuss with their competent authorities to determine what types of occurrences are considered involving an actual or potential aviation safety risk. This should ensure an alignment between the occurrences that the organisation intends to transfer from the VORS and the ones that the competent authority expects to receive. It should also ensure harmonisation among all organisations reporting to the same competent authority.

Regulation 376/2014 gives Member States the possibility to request their organisations to transfer them all occurrences they have collected under their VORS ([Article 5\(6\)](#)).

It is also understood that when an occurrence is reported to an organisation, this organisation might need to assess whether or not it falls under MOR or VOR and therefore what the applicable notification obligations are. In a situation where a reporter has transferred the report under VORS, the organisation may reclassify it into MOR and vice-versa.

Organisations are encouraged to include in the occurrence notification sent to the competent authority all available relevant information. If appropriate, this should include the indication that no further analysis and follow-up will be made on that occurrence (“closed-on-issue” or the assessment and actions on the safety risk identified from the occurrence).

Organisations are encouraged to report to their competent authority all necessary information to enable a proper understanding and assessment of the occurrence. It is acknowledged that all essential information is not always known at the time of the initial report. However, an effort should be made to gather as much information as possible, especially in the follow-up and final reports.

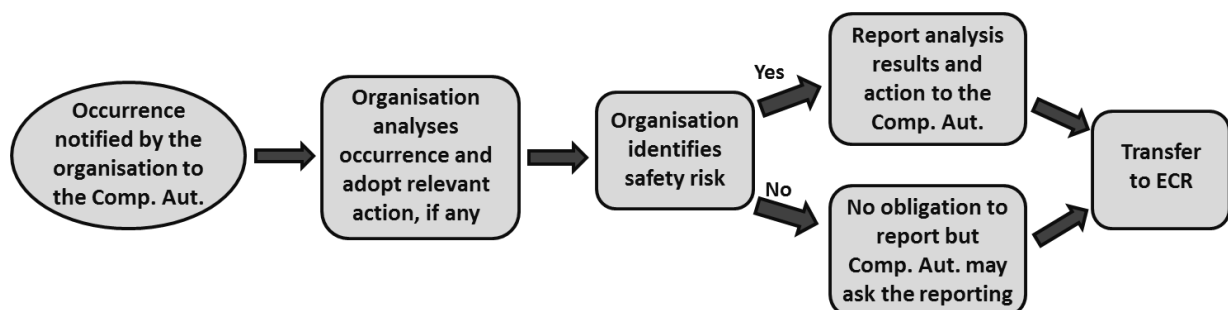
All occurrences reported to the competent authority (either directly or through organisations) are required to be transferred to the ECR ([Article 9\(1\)](#)).

**Key principle**

**It is understood that an organisation shall not be accountable for not reporting to the competent authority an occurrence which has not been reported to it (e.g. pilot not reporting an occurrence or in service occurrence not reported to the organisation)**

ii. Analysis and follow-up related information

Diagram 4. Information flow related to analysis and follow-up related information



All occurrences collected by the organisation (MOR and VOR) are subject to analysis and follow-up requirements ([Article 13\(1\) and \(2\)](#)). However not all of them (i.e. only reportable ones — see i. above) are subject to further reporting obligations.

**Key principle**

**Analysis and follow-up related information of reportable occurrences is required to be transferred only if it has revealed an actual or potential aviation safety risk ([Article 13\(4\)](#) and [\(5\)](#)).**

Whereas Regulation 376/2014 only requires organisations to transfer to their competent authority analysis results and follow-up information for certain occurrences (those which may involve an actual or potential aviation safety risk), it allows a competent authority to require the transfer of analysis and follow-up information related to all reportable occurrences (i.e. all MOR occurrences and the VOR reportable ones — see i. above) ([Article 13\(4\)](#) and [\(5\)](#)).

It is understood that the competent authority may require so on a case by case basis or by adopting a general measure requiring organisations to transfer to it analysis and follow-up related information of all reportable occurrences.

In the same way as for initial notification, it is understood that organisations shall discuss with their competent authority to determine when an actual or potential aviation safety risk is considered identified out of the analysis. This should ensure an alignment between the analysis and follow-up information that the organisation intends to transfer and the one that the competent authority expects to receive. It should also ensure harmonisation among all organisations reporting to the same competent authority. Through the Network of Aviation Safety Analysts, a common approach will be promoted to ensure a standardised approach exists across the Member States.

It is understood that the reporting of the follow-ups or final results of the analysis pertaining to single occurrences should be done in the same format than the initial report.

The mean to report the analysis and follow-up pertaining to a group of occurrences should be agreed with the competent authority of the organisation.

These requirements are aligned with organisations safety management processes where not only occurrences are followed in a closed-loop process but also safety issues (group of occurrences).

iii. Transfer of information on the reporter or other persons mentioned in the report

The Regulation prohibits competent authorities to record personal details (e.g. name of the reporter or anyone else mentioned in the report, addresses of natural persons) in their database ([Article 16\(1\)](#), [\(2\)](#) and [\(3\)](#) and [Recital 35](#)). To support this requirement, organisations are encouraged to refrain from including names and personal details when transferring occurrences reports to the competent authority.

iv. Transfer of information subject to export control

When reporting information under Regulation 376/2014 an organisation may provide to its competent authority information subject to export control regulations. In this case, the organisation should declare this fact in the report (dedicated field in the Reduced Interface Taxonomy — RIT) to inform its competent authority. Whereas the authority is required to transfer all safety related information to the ECR, it is understood that this does not cover information subject to export control.

## 3.8 To whom should organisations report occurrences?

GM to Reg. (EU) No 376/2014 and its IRs

### Key principle

**Organisations are required to report occurrences to their competent authority.**

In most cases, the competent authority is the one which has certified or approved the organisation.

#### Examples:

Design organisations approved by EASA: EASA is the competent authority.

Air operators certified by a Member State: that Member State is the competent authority.

In a situation where an organisation has two AOC under two different States (State A and B), it shall report occurrences involving aircraft operating under the State A AOC to State A competent authority and occurrences involving aircraft operating under the State B AOC to State B competent authority.

For organisations which are not certified or approved, the competent authority is the State in which the organisation is established.

#### Example:

A ground handling organisation reports its occurrences under Regulation 376/2014 to the State in which it is established.

## 3.9 What is the required format to record and transfer occurrences?

GM to Reg. (EU) No 376/2014 and its IRs

Regulation 376/2014 imposes requirements on organisations related to reporting format and content ([Article 7](#)). This set of requirements applies to all reportable occurrences (MOR and VOR reportable occurrences).

### Key principle

**Occurrence reports contained in an organisation database and sent to the competent authority shall comply with format specifications that include:**

- **The compatibility with the ECCAIRS software and the ADREP taxonomy**
- **The use of standardised formats**
- **The provision of mandatory data fields**

In addition, organisations are required to use data quality checking processes and to classify occurrences according to their safety risk.

Detailed information about these requirements is provided in Sections [3.10](#) to [3.14](#).

These obligations apply to occurrence reports registered in organisations databases.

It is recognised that some of the requested information might necessitate detailed assessment or analysis (e.g. risk classification) and might only be available after the occurrence has been analysed. It is also recognised that the period required for the notification of the occurrence might not allow the organisation to provide complete information within its initial notification. However, organisations should aim to provide the initial report as complete as possible, notably in regards to the safety assessment, as not all reports may be subject to follow-up report.

The European Commission, with the support of EASA, has developed a European Reporting Portal which is available [here](#)<sup>1</sup>. This website offers a single address that can be used by reporting organisations to transfer occurrences to their competent authority in a format that is compliant with Regulation 376/2014.

#### Key principle

**Using tools and methods provided by the European Commission ensures compliance with format related legal requirements.**

It is understood that organisations and competent authorities may agree on any other method that brings equivalent level of compliance.

### 3.10 How to comply with the ADREP/ ECCAIRS compatibility requirement?

*GM to Reg. (EU) No 376/2014 and its IRs*

Regulation 376/2014 requires organisations to use formats which are compatible with the ECCAIRS software<sup>2</sup> and the ADREP taxonomy ([Article 7\(4\)](#)).

ADREP taxonomy compatibility is understood as a reporting system which uses the ADREP taxonomy (as integrated in ECCAIRS). The Reduced Interface Taxonomy (RIT), based on ADREP, is integrated into the ECCAIRS software and is published by the European Commission. It is maintained by the Commission, EASA and the Member States in the context of the ECCAIRS Steering Board and Committee.

ECCAIRS software compatibility is understood as a means of reporting which uses technical means and data formats that enable a direct upload of information in an ECCAIRS database. Organisations are expected to agree this technical solution with their competent authority to ensure information is transferred in a compatible format.

To facilitate organisations complying with these requirements the European Commission, supported by EASA, has developed standard methods that could be used to comply with the ECCAIRS/ADREP compatibility requirement.

These acceptable means of compliance are the following:

- E5X file format — mostly meant for large organisations which are producing a large number of occurrence reports a month.
- European Reporting Portal (off-line and on-line reports) — mostly targeting small or medium sized organisations which are not producing many occurrence reports a month.

<sup>1</sup> <http://www.aviationreporting.eu/>

<sup>2</sup> <http://eccairsportal.jrc.ec.europa.eu/>

- Use of the ECCAIRS system — would enable the exchange of ECCAIRS files or data transfer through the DINER software.

The European Reporting Portal<sup>1</sup> facilitates the reporting to the competent authority in a format that is compliant with Regulation 376/2014. It provides on-line and off-line reporting forms which are compatible with the ADREP taxonomy and the ECCAIRS software.

It is understood that organisations also have the possibility to agree with their competent authority any other mean that provides similar level of compatibility with ECCAIRS and ADREP.

### 3.11 How to comply with the standardised format requirement?

*GM to Reg. (EU) No 376/2014 and its IRs*

Regulation 376/2014 requires industry organisations to use formats which are standardised with a view to facilitate information exchange ([Article 7\(4\)](#)).

One of the methods for reporting provided by the European Commission is the E5X data transfer file.

Another method is to use the off-line or on-line reporting forms provided on the European Reporting Portal. It notably provides for standard reporting forms by type of reporting organisation.

### 3.12 How to comply with the mandatory data fields requirement?

*GM to Reg. (EU) No 376/2014 and its IRs*

Occurrence databases of organisations subject to Regulation 376/2014 shall contain the mandatory data fields listed in [Annex I \(Article 7\(1\)\)](#).

#### Key principle

**The set of common mandatory data fields included in [Annex I.1](#). is required to be provided includes for each reportable occurrence<sup>2</sup>.**

**The set of specific mandatory data fields included in [Annex I.2](#) is required to be provided only for certain specific occurrences i.e. occurrences for which that data is relevant.**

**The objective is to ensure that data necessary to the proper understanding of the occurrence is provided.**

#### Examples:

Aerodrome-related data fields (Location Indicator and Location on the aerodrome) are required to be provided only if an aerodrome is involved in the occurrence, such as for example a runway excursion.

Aircraft-related data fields are required to be provided only if one or more aircraft is involved in the occurrence. This may not be relevant for certain occurrences such as for example a failure of navigation service, an unauthorised person left unsupervised on apron or an engine production issue.

<sup>1</sup> <http://www.aviationreporting.eu/>

<sup>2</sup> See definition of reportable occurrence in Section [3.7.i](#).

**Key principle**

**Mandatory data fields cannot be left blank when they are relevant to the occurrence. They should always be filled with a value ([Annex I](#)).**

If the information of any mandatory attribute is not known, the attribute may be transmitted with the value “Unknown” ([Annex I](#)). Other attributes may be relevant in specific circumstances (e.g. “Not applicable”).

The transfer of mandatory data fields should be done in an ECCAIRS/ADREP compatible format ([Article 7\(4\)](#)) such that it can be uploaded automatically to the ECCAIRS database of the competent authority (see Section [3.10](#) on the issue of ECCAIRS/ADREP compatibility).

The European Reporting Portal facilitates the completion of mandatory data fields by indicating the attributes to be provided.

Regulation 376/2014 foresees the possibility to amend the list of mandatory data fields based on experience. The Commission, with the support of EASA, will regularly review the completeness and relevance of the mandatory data fields list and may propose changes to it.

### 3.13 What is the requirement related to risk classification?

*GM to Reg. (EU) No 376/2014 and its IRs*

**Key principle**

**Organisations are required to provide a risk classification for each reportable occurrence ([Article 7\(1\)](#) and [Annex I.1](#)).**

Risk classification is one of the common mandatory data fields and should therefore be completed for each reportable occurrence. It is expected that, where analysis and follow up is needed, such risk assessment may be preliminary, based on information available at the time of the initial report.

**Key principle**

**Organisations have the possibility to use the risk methodology of their choice.**

As from the adoption of the European Risk Classification Scheme (no later than May 2017), competent authorities will be required to use it to review and classify the risk of occurrences they collect ([Article 7\(2\)](#)). It shall be noticed that several industry organisations, across aviation domains, participate in the development of the European Risk Classification scheme. The use of this scheme by industry organisations would support a better harmonisation of risk classification across the EU. It should therefore be encouraged.

### 3.14 How to apply the requirement related to data quality checking processes?

GM to Reg. (EU) No 376/2014 and its IRs

#### Key principle

**Organisations are required to establish data quality checking processes to ensure the quality of the information stored in and transmitted from their databases ([Article 7\(3\)](#)).**

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 ([Article 7\(3\)](#)).

The European Commission is developing reference material that will help organisations to develop their own quality rules. This reference material will contain coding guidelines for all mandatorily occurrences listed in Regulation 2015/1018 and it will be accompanied by the corresponding libraries detailing the necessary quality checks in the ECCAIRS environment. This reference material will be made available on the European Reporting Portal as soon as finalised.

### 3.15 How to apply the requirement related to transfer of analysis and follow-up?

GM to Reg. (EU) No 376/2014 and its IRs

While all occurrences collected by an organisation (MOR and VOR) are subject to analysis and follow-up requirements ([Article 13\(1\) and \(2\)](#)), only those which are reportable (see Section [3.7](#)) are subject to further reporting obligations to the competent authority.

#### Key principle

**Among reportable occurrences only those for which the analysis (of single occurrence or together with a group of other occurrences) has led to the identification of an actual or potential aviation safety risk are covered by the obligation to transfer analysis and follow-up related information.**

**For those occurrences, Regulation 376/2014 requires organisations to transmit to their competent authority the results of the analysis performed, if any; and any action to be taken pursuant to that analysis.**

**Organisations are required to report preliminary results within 30 days from the date of notification of the occurrence by the reporter and are encouraged to report final results as soon available and no later than three months after the notification ([Article 13\(4\) and \(5\)](#)).**

Regulation 376/2014 however gives the competent authority the possibility to require organisations to transfer information on analysis and follow-up of any other reportable occurrences. It is understood that the competent authority may require so on a case by case basis or by adopting a general measure requiring organisations to transfer analysis and follow-up related information of all their reportable occurrences.



It is understood that organisations shall discuss with their competent authorities to determine in which cases an actual or potential aviation safety risk is identified out of the analysis. This should ensure an alignment between the analysis and follow-up information that the organisation intends to transfer and the one that the competent authority expects to receive. Through the Network of Aviation Safety Analysts, a common approach will be promoted to ensure consistency among Member States.

It is understood that the analysis and follow-up of occurrences required under Regulation 376/2014 is taking place in the context of existing processes such as management systems mandated under implementing rules to Regulation 216/2008, SMS, safety processes required under EU law or similar safety processes. Where it already exists, it is therefore not intended to create another system alongside the safety management system of an organisation.

#### Key principle

**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.**

Organisations should agree with their competent authority the format and nature of follow up and details of final analysis to be provided. Through the Network of Aviation Safety Analysts, a common approach will be promoted to ensure consistency across Member States.

### 3.16 How shall information collected be handled?

*GM to Reg. (EU) No 376/2014 and its IRs*

Detailed information on those aspects is contained in Sections [2.12](#) and [2.13](#).

#### Key principle

**Organisations are required to take the necessary measures to ensure appropriate confidentiality of occurrences they collect and to comply with rules on the processing of personal data.**

It is notably recognised by Regulation 376/2014 that a clear separation between the departments handling occurrence reports and the rest of the organisation may be an efficient way to achieve this objective ([Recital 34](#)). This should therefore be encouraged where practicable.

In addition Regulation 376/2014 requires organisations to process personal data only to the extent necessary for the purposes of this Regulation and in accordance with applicable personal data rules ([Article 15\(1\)](#)).

Regulation 376/2014 prevents certain actions to be taken against reporters and persons mentioned in an occurrence report while identifying unacceptable behaviours that are not covered by this protective framework.

**Key principle**

**Employees and contracted personnel who report or are mentioned in occurrence reports 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 except in cases of unacceptable behaviour ([Article 16\(9\)](#)).**

This principle is implemented by several provisions which prevent certain actions to be taken against reporters and persons mentioned in an occurrence report while identifying unacceptable behaviours that are not covered under this protective framework.

It means that if a person reports an occurrence to his/her organisation, the organisation is not allowed to blame that person or to impose prejudice on him/her on the basis of the occurrence reported. This rule also applies if the person is not the reporter but is mentioned in the occurrence report.

**Key principle**

**Regulation 376/2014 recognises two exceptions to this principle ([Article 16\(10\)](#)):**

- **wilful misconduct; and**
- **situations 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.**

The objective is to clearly set, in the legislation, the line between acceptable behaviours (which shall not be punished) and unacceptable behaviours (which can be punished).

Furthermore, Regulation 376/2014 states additional principles limiting the possibility for an organisation to disclose or use occurrence reports.

**Key principle**

**Organisations can only use an occurrence report for the purpose for which it has been collected ([Article 15\(1\)](#)).**

**Organisations are not allowed to make available or use occurrence reports:**

- **in order to attribute blame or liability; or**
- **for any purpose other than the maintenance or improvement of aviation safety ([Article 15\(2\)](#)).**

Those limitations to the disclosure or use of occurrence reports apply within the organisation as well as outside of it.

It is therefore understood that sharing information on occurrences with press and media is not allowed by the Regulation. Disclosure of information on occurrence reports to judicial authorities is similarly not allowed.

It is understood from this principle that organisations can use the information with the view to maintain or improve aviation safety. This covers in particular the measures and actions foreseen under [Article 13](#). It also includes existing procedures and actions (e.g. safety recommendations, airworthiness directives, safety information bulletin etc), including sharing of lessons learnt with the organisation personnel.

It is also understood that ‘for the purpose of maintaining or improving aviation safety’ includes any measure necessary for safety and therefore can include the suspension of a licence or requesting a person to do additional training.

#### **Key principle**

**In addition, there are however few exceptions to those principles.**

**Firstly, it is understood that in a situation where safety might be endangered, information on occurrences may be shared or used with a view to maintain or improve aviation safety. It is therefore understood that sharing or using information on occurrences in the cases detailed in [Article 16\(10\)](#) with the view to address the risks to safety is allowed by the Regulation.**

**Secondly, exception may apply in a situation where an investigation under Regulation (EU) No 996/2010 has been instituted, as the provisions of Regulation 996/2010 have precedent in such case ([Article 15\(2\)](#)).**

Regulation 996/2010 foresees in its Article 14(2) and (3) that, in cases where it applies (opening of a formal technical accident or incident investigation), occurrences reports shall not be made available or used for purposes other than aviation safety unless the administration of justice or the authority competent to decide on the disclosure of records according to national law decides that the benefits of the disclosure of the occurrence report outweigh the adverse domestic and international impact that such action may have on that or any future safety investigation (balancing test). If this balancing test concludes that the information on occurrences should be disclosed, then the organisation should make it available to the requesting authority.

An organisation shall only disseminate personal details within the organisation in those cases where it is essential to progress the investigation or to ensure the safety actions are properly taken ([Article 16\(2\)](#)). In this regards, the organisation may use the same protocols and agreements than the ones established and consulted with staff representatives to deal with other safety information (e.g. Flight Data Monitoring).

In order to support all these legal provisions, each organisation is required to adopt internal rules describing how Just Culture principles are guaranteed and implemented within that organisation ([Article 16\(11\)](#)). It is specified that staff representatives shall be consulted before the adoption of these internal rules. The body designated pursuant to [Article 16\(12\)](#) may ask to review the internal rules of organisations before those internal rules are implemented.

With the support of the Commission and of EASA, staff and employers representatives across aviation domains have developed a European Corporate Just Culture Declaration which contains principles to be implemented in each organisation and reflected in its internal Just Culture rules, with a view to ensure an effective Just Culture within the organisation. This initiative is expected to support a proper and harmonised implementation of this legal provision and should guarantee a similar level of protection across European organisations.

In addition a best practice issued from experience in a number of operators is the setting up an ‘occurrence review committee’ within the organisation whose role is to support the practical implementation of the protection principles.

## 3.17 How is information transferred to the competent authority protected?

*GM to Reg. (EU) No 376/2014 and its IRs*

Information provided by organisations to their competent authority under Regulation 376/2014 is stored in the competent authority database. Strong protection rules apply to this database (see Sections [2.12](#), [2.13](#), [4.3](#), [4.7](#) and [4.8](#)).

All information contained in a competent authority database is later transferred to the European Central Repository (ECR). The database is subject to even stricter protection rules. Indeed, in addition to the legal provisions to limiting the possible use of the information, the access to the ECR is restricted to regulatory and investigation authorities, to the EASA and to the European Commission. This access is granted by a controlled and restricted personal access code based on unique IP address.

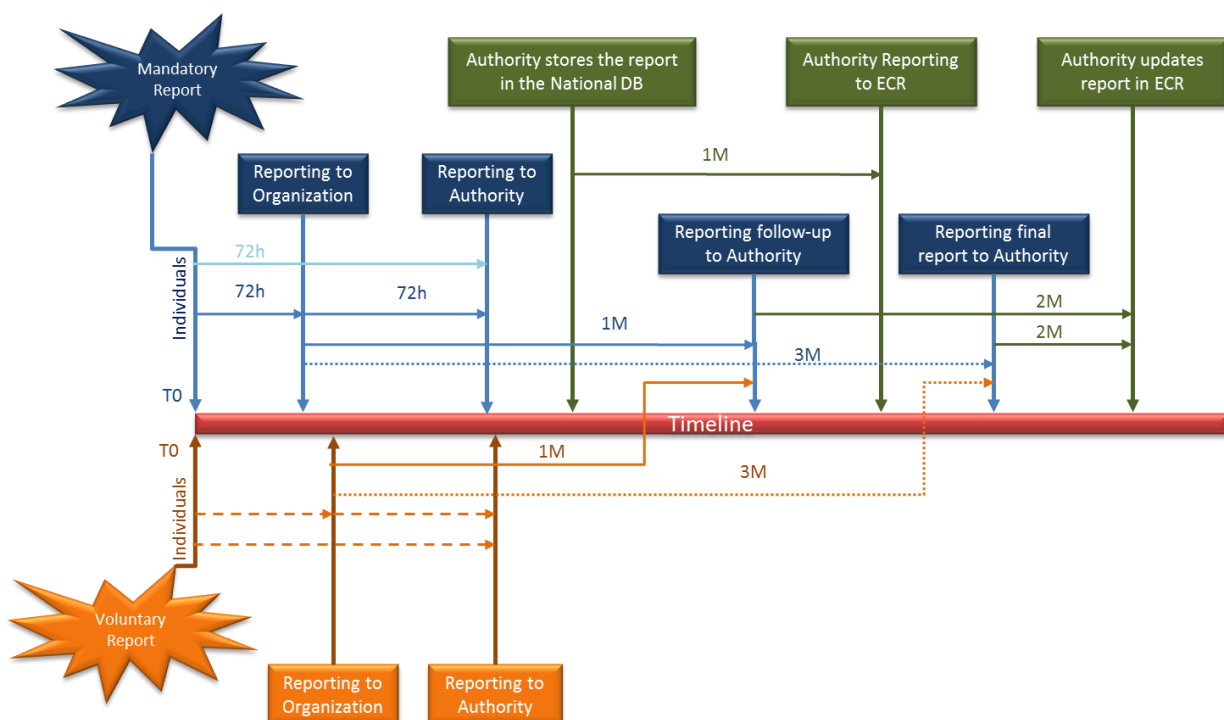
## SECTION 4 — COMPETENT AUTHORITIES

### 4.1 What is the reporting flow implied by the Regulation?

*GM to Reg. (EU) No 376/2014 and its IRs*

The green boxes and lines in the diagram below illustrate the obligation of the competent authority in terms of reporting flow. From the day of the reception of the initial report, it has 30 days to integrate this report in the ECR. In the case of follow-up it has two months to send updated information to the ECR. These workflow and timeline are applicable to occurrences receive both in the context of organisations' mandatory and voluntary reporting schemes.

*Diagram 5. Flow of information under Regulation 376/2014*



### 4.2 What information shall be collected by the competent authority and how should it be handled?

*GM to Reg. (EU) No 376/2014 and its IRs*

Detailed information on the type of information to be collected by the competent authority is provided in Section [3.7](#).

Regulation 376/2014 establishes two different systems, the mandatory one and the voluntary one, in order to clarify reporting obligations for reporters and for organisations. It is understood that this differentiation has no impact at the level of the competent authority.

#### Key principle

**All occurrences reported by an organisation to its competent authority in application of Regulation 376/2014 and its implementing rules shall be handled and addressed in the same manner by this competent authority.**

**All occurrences directly by an individual reporter to a competent authority, whether or not it is reported on the basis of Regulation 2015/1018, shall be handled and addressed in the same manner by that competent authority**

**In general, Regulation 376/2014 does not differentiate the way mandatorily reportable and voluntarily reportable occurrences shall be addressed by the competent authority.**

**It does, however, impose differentiated requirements to the competent authority for handling, from one side, occurrences transferred by an organisation and, from the other side, occurrences directly reported by an individual.**

All information collected from organisations, whether it was reported in application of [Article 4](#) or of [Article 5](#), is subject to similar handling by the competent authority. And all information directly reported by individuals to the competent authority, whether it was reported in application of [Article 4](#) or of [Article 5](#), is subject to the same analysis and follow-up obligations.

More detailed information on the way information collected should be handled is included in the questions below.

### 4.3 How is the information shared among the competent authorities?

*GM to Reg. (EU) No 376/2014 and its IRs*

#### Key principle

**The competent authorities (EASA Member States and EASA) share, among them, all information collected and registered in the respective databases through the means of the European Central Repository (ECR) ([Article 9](#)).**

This includes information on occurrences ([Article 9\(1\)](#)) which shall be transferred within 30 days of receipt as well as information related to their analysis and follow-up which shall be transferred within 2 months of receipt ([Article 13\(9\)](#)). This also includes detailed information about accidents and serious incidents such as the investigation report ([Article 9\(2\)](#)).

Regulation 376/2014 ([Article 10\(1\)](#)) provides secure full online access to the ECR to any entity entrusted with regulating civil aviation safety, or any safety investigation authority, within the Union. It is understood that this includes the Member States Civil Aviation Authorities and Safety Investigation Authorities, as well as the European Commission, EASA and Eurocontrol. This access covers the entire content of the ECR i.e. occurrences entered after 15 November 2015 as well as those which were already contained in the ECR before that date.

#### Key principle

**In addition, if, while handling occurrences, a competent authority identifies safety matters which may be of interest to another competent authority or which possibly requires safety action to be taken by another competent authority, it is required to forward all pertinent safety-related information to that relevant competent authority as soon as possible ([Article 9\(3\)](#)).**

It is understood that Regulation 376/2014 does not intend to unnecessarily duplicate the flow of information between the Member States and EASA.

Therefore, it is understood that certain criteria should be applied in order to identify those occurrences which may be of interest to another competent authority or possibly requiring safety action to be taken, and therefore to be communicated to another competent authority.

Situations where information on occurrences should be shared as soon as possible with the relevant competent authority should be understood as situations where:

- A conclusive safety analysis that summarises individual occurrence data and provides an in-depth analysis of a safety issue is or may be relevant for another Member State or for EASA. In the case of EASA this information could be connected to the European Plan for Aviation Safety or to the role of EASA in safety promotion.

or

- The following criteria are met
  - i. the occurrence falls in the scope of Regulation 376/2014 (i.e. a Member State or EASA is the competent authority, the occurrence is reportable under Regulation 376/2014 and the organisation responsible of addressing the occurrence is subject to Regulation 376/2014), and
  - ii. the competent authority that received the occurrence has come to the conclusion that
    - the organisation to which the occurrence relates and its competent authority have not been informed of the occurrence; or
    - the occurrence has not been properly addressed or has been left unattended by the organisation.

This mechanism may be supported through exchange of information in the context of the Network of Aviation Safety Analysts.

## 4.4 When shall information be transferred to the ECR?

*GM to Reg. (EU) No 376/2014 and its IRs*

### Key principle

**Competent authorities are required to send to the ECR initial notifications received from organisations and individuals within 30 days after registering them in their database ([Article 9\(1\)](#)).**

As imposing ECCAIRS and ADREP compatible reporting will provide an immediate data entry in the ECCAIRS environment of the competent authority, the time between the reception and registration of the information should be considered negligible and in practice doable in 30 days since the reception of the initial notification.

### Key principle

**Competent authorities are required to send to the ECR information related to analysis and follow-up no later than 2 months from the registration of the follow-up or final report ([Article 13\(9\)](#)).**

Any additional safety-related information obtained by a Member State or by EASA on any reported occurrence should be also transmitted to the ECR within the next 2 months after registering such information.

To facilitate the processing of follow-ups and final reports, the use of standard means should be promoted. The Network of Aviation Safety Analysts (NoA) and the ECCAIRS Steering Committee will contribute to develop and promote such standard means.

## 4.5 What is the required format to record and transfer occurrences?

*GM to Reg. (EU) No 376/2014 and its IRs*

Regulation 376/2014 imposes requirements on competent authorities ([Article 7](#)). These requirements apply to all occurrences collected (MOR and VOR) and are similar to those imposed on their organisations except for risk classification.

### Key principle

**Occurrence reports sent to the ECR shall comply with format specifications that include ([Article 7](#)):**

- **the compatibility with the ECCAIRS software and the ADREP taxonomy**
- **the use of standardised formats**
- **the provision of mandatory data fields**
- **the use of data quality checking processes**
- **the classification of collected occurrences according to the European common risk classification scheme**

Detailed information about these requirements is provided in Section [3.10](#) to [3.14](#).

EASA and the Commission are developing tools to support harmonised data quality and completeness across the EU by:

- publishing standard quality rules that could be implemented in any IT or database environment
- developing the necessary methods in ECCAIRS environment to facilitate Member States to comply with mandatory data fields requirements, and
- providing training to Members States to facilitate the proper use of the ADREP taxonomy.

In addition, the European Commission is developing reference material intended to help Member States to develop their own quality rules. This reference material will contain coding guidelines for all mandatorily occurrences listed in Regulation 2015/1018 and will be accompanied by the corresponding libraries detailing the necessary quality checks in the ECCAIRS environment. This reference material will be made available in the European Reporting Portal as soon as finalised.

Regulation 376/2014 requires Member States and EASA to store and transmit the risk value of each occurrence received. This value should reflect the risk assessment done ([Article 7\(2\)](#)).



**Key principle**

**When receiving from an organisation the risk classification of an occurrence, the competent authority is required to review it and if necessary to amend it. It shall then endorse it in accordance with the common European Risk Classification Scheme ([Article 7\(2\)](#)).**

The European Risk Classification Scheme is under development and relevant legal acts should be adopted by May 2017 to ensure its proper implementation.

Regulation 376/2014 foresees that [Article 7\(2\)](#) will become applicable only after the adoption relevant legislation defining and proving the implementation rules applicable to the European Risk Classification Scheme. However, [Article 7\(1\)](#) and [Annex I.1](#) of Regulation 376/2014 require the risk classification from the application date of the Regulation.

**Key principle**

**Member States and EASA are required to provide the risk classification for each occurrence registered in their database from 15 November 2015. However, they are not required to review and amend risk classification transmitted by the organisation, and endorse it in accordance with the common European Risk Classification Scheme before the adoption of that scheme.**

## 4.6 What are the competent authority obligations in terms of oversight?

*GM to Reg. (EU) No 376/2014 and its IRs*

[Article 13\(8\)](#) of Regulation 376/2014 establishes that the competent authority shall have access to the analysis made and actions taken by organisations it is responsible for. This is notably ensured by the obligation for organisations to transfer certain information to their competent authority ([Article 13\(4\) and \(5\)](#)) and to the possibility for their competent authority to request other information to be transmitted to it.

**Key principle**

**Regulation 376/2014 requires each competent authority to appropriately monitor actions of the organisations it is responsible for ([Article 13\(8\)](#)). It is understood that this monitoring obligation does not require the competent authority to perform a detailed investigation of each single occurrence it is notified of. This monitoring is notably expected to participate to the overall oversight functions of a competent authority on organisations it is responsible for.**

It is understood that, to perform this responsibility, the competent authority needs to establish a process to assess the information reported. This process should notably allow the competent authority to require additional appropriate action to be taken and implemented by the organisation in situation where it has assessed that the action was inappropriate to address actual or potential safety deficiencies ([Article 13\(8\)](#)). It should also enable reviewing and validating the risk classification of the occurrence.

In situations where the monitoring is done over organisations which are outside oversight responsibilities of the competent authority (ground handling organisations, small aerodromes) it is understood that the monitoring obligations do not require creating comprehensive oversight mechanisms such as inspections. It is however expected to allow analysing information transmitted with the view to monitor the appropriateness of actions adopted.

#### Key principle

**It is understood that not all occurrences reported will require action and that preliminary assessment made by the competent authority following initial notification may conclude that certain occurrences should be closed on receipt (no action or further analysis needed).**

In such situation, those occurrences should be reviewed if the organisation provides a follow-up or if additional information gathered by the competent authority questions the initial assessment made (i.e. by the reception of another report on the same occurrence from a different source).

## 4.7 How shall information collected be handled?

*GM to Reg. (EU) No 376/2014 and its IRs*

#### Key principle

**Member States and EASA shall not be prevented from taking any action necessary for maintaining or improving aviation safety ([Article 16\(5\)](#)).**

Detailed information on those aspects is contained in Section [2.12](#) and [2.13](#).

#### Key principle

**Member States and EASA are not allowed to record personal details in their database. Furthermore, they are required to take the necessary measures to ensure the appropriate confidentiality of occurrences they collect and to comply with rules on the processing of personal data.**

Regulation 376/2014 ensures the confidentiality of individual reporter identity and of any other person involved in reports stored in Member States national occurrence databases and in the EASA database. Indeed it prohibits the recording of personal details (e.g. name of the reporter or anyone else mentioned in the report, addresses of natural persons) in the competent authority database ([Article 16\(1\), \(2\) and \(3\)](#) and [Recital 35](#)).

In addition, requirements on the confidentiality of information and processing of personnel data similar to those imposed to organisations are applicable to the Member States and EASA. Finally, [Recital 33](#) highlights the need for national rules on freedom of information to take into account the necessary confidentiality of information.

In addition to limitations to the use and disclosure within and by organisations, Regulation 376/2014 also includes provisions limiting the use of an occurrence report by a State or EASA and guaranteeing its confidentiality.

#### Key principle

**States cannot institute disciplinary, administrative or legal proceedings in respect of unpremeditated or inadvertent infringements of the law which come to their attention only because they have been reported pursuant to Regulation 376/2014 unless where otherwise provided by applicable national criminal law ([Article 16\(6\)](#) and [Recital 43](#)).**

**In the cases where disciplinary or administrative proceedings have been instituted under national law, information contained in occurrence reports cannot be used against the reporters or the persons mentioned in occurrence reports ([Article 16\(7\)](#) and [Recital 44](#)).**

**Key principle**

Regulation 376/2014 recognises two exceptions to these principles ([Article 16\(10\)](#)):

- wilful misconduct; and
- situations 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.

The objective is to clearly set, in the legislation, the line between acceptable behaviours (which shall not be punished) and unacceptable behaviours (which can be punished).

This means that outside those unacceptable behaviours situations, a State is not allowed to open a proceeding if it is only made aware of a situation because an occurrence was reported under Regulation 376/2014. It is however understood that in those cases where the opening of a criminal proceeding on the basis of an occurrence report is allowed under national law, national law has precedent and applies. But limitation to the possibility of disclosing information on occurrences (see below) remains applicable in all cases.

**Key principle**

Competent authorities can only use an occurrence report for the purpose for which it has been collected ([Article 15\(1\)](#)).

They are not allowed to make available or use occurrence reports:

- in order to attribute blame or liability; or
- for any purpose other than the maintenance or improvement of aviation safety ([Article 15\(2\)](#)).

Those limitations to the disclosure or use of occurrence reports apply within the competent authority as well as outside of it.

It is therefore understood that sharing information on occurrences with press and media is not allowed by Regulation 376/2014. Disclosure of information on occurrence reports to judicial authorities is similarly not allowed.

**Key principle**

There are however few exceptions to those principles.

Firstly, it is understood that in a situation where safety might be endangered, information on occurrences may be shared or used with a view to maintain or improve aviation safety. It is therefore understood that sharing or using information on occurrences in the cases detailed in [Article 16\(10\)](#) with the view to address the risks to safety is allowed by the Regulation. In addition, any measure necessary for safety can be adopted, including where necessary the suspension of a licence or requesting a person to do additional training. This is reinforced with the principle that Member States and EASA shall not be prevented from taking any action necessary for maintaining or improving aviation safety as stated in [Article 16\(5\)](#).

Secondly, exception may apply in a situation where an investigation under Regulation (EU) No 996/2010 has been instituted, as the provisions of Regulation 996/2010 have precedent in such case ([Article 15\(2\)](#)).

Regulation 996/2010 foresees in its Article 14(2) and (3) that, in cases where it applies (opening of a formal technical accident or incident investigation), occurrences reports shall not be made available or used for purposes other than aviation safety unless the administration of justice or the authority competent to decide on the disclosure of records according to national law decides that the benefits of the disclosure of the occurrence report outweigh the adverse domestic and international impact that such action may have on that or any future safety investigation (balancing test). If this balancing test concludes that the information on occurrences should be disclosed, then the organisation should make it available to the requesting authority.

The Member States are allowed to provide, at national level, a more protective framework ([Article 16\(8\)](#)) which may in particular provide full impunity to reporters.

#### Key principle

**All limitations applicable to disclosure and use of occurrences information contained in Regulation 376/2014 cover to the entire competent authority database i.e. it applies to all occurrences contained in the database including those registered in the database prior to 15 November 2015.**

The Regulation also requests the Member States competent authorities to cooperate with their competent authorities for the administration of justice through advance administrative arrangements ([Article 15\(4\)](#)). It is specified that these advance administrative arrangements shall seek to ensure the correct balance between the need for proper administration of justice, on the one hand, and the necessary continued availability of safety information, on the other. It is understood that these advance arrangements should notably cover the access to occurrence reports by judicial authorities in cases where Regulation 996/2010 is applicable.

## 4.8 Can the competent authority share information contained in the ECR and under what conditions?

*GM to Reg. (EU) No 376/2014 and its IRs*

The ECR being a European database, its access and use are subject to specific rules under EU law.

#### Key principle

**Member States and EASA shall ensure compliance with rules on ECR access and use including for local access they have to the ECR. Granting direct access to the ECR is limited to defined personnel in Member States Civil Aviation Authority and Safety Investigation Authority and in EASA. It is prohibited outside of these cases.**

The possibility to provide certain information from the ECR and the processes to be applied are described in Articles 10 to 12 of Regulation 376/2014.

In this context, third parties may request information contained in the ECR. The request shall be submitted to the Member State where the third party is established or to the European Commission when the place of establishment is not a Member State territory. The Member State or the European Commission will assess the suitability of the request and, if applicable, will provide the requested information.

Information from the ECR can only be supplied in aggregated (e.g. number of runway incursions for a given period) or anonymised form (removed of any details, including the name of the organisation involved in the occurrence, which may reveal the identity of the reporter or of a third party). Non anonymised information can only be provided if it relates to the requestor own equipment, operations

or field of activity ([Articles 2 and 11](#)). It is understood that information unrelated to the requestor own equipment or operations but related to his field of activity will be provided anonymised.

Requests shall fulfil the criteria established in the [Articles 10 and 11](#) of Regulation 376/2014 and will be subject to individual decision made by the relevant point of contact.

The third party receiving information from the ECR is responsible and liable of ensuring that information is only used for the purpose specified in the request form, that the information is not disclosed without the written consent of the information provider and that it has taken the necessary measures to ensure appropriate confidentiality of the information received.

## 4.9 How shall States implement [Article 16\(12\)](#) of Regulation 376/2014?

*GM to Reg. (EU) No 376/2014 and its IRs*

### Key principle

**[Article 16\(2\)](#) requires the Member States to designate a body responsible for the implementation of [Article 16](#) (6), (9) and (11).**

[Article 16\(6\)](#) states the principle of proceedings limitations; [Article 16\(9\)](#) establishes the principle of non-prejudice in a corporate context, both principles being subject to the two exceptions mentioned in [Article 16\(10\)](#). [Article 16\(11\)](#) sets the obligation for organisations to adopt, after consulting its staff representatives, internal rules describing how ‘Just Culture’ principles are guaranteed and implemented within that organisation.

### Key principle

**Full flexibility is given to the Member States to decide which entity shall be entrusted with this role.**

It is understood that it could be an existing entity or an entity established specifically for fulfilling this responsibility. It is also understood that this entity might be elsewhere entrusted with aviation responsibilities, judicial responsibilities, ombudsman related responsibilities or with any other responsibility. Member States are however encouraged to designate an entity which acts independently from those responsible for the implementation of [Article 16](#) (6), (9) and (11).

The designated entity is responsible for:

- Receiving and handling employees and contracted personnel alleged infringements of the rules
- Advise the relevant authorities of the Member States on the adoption of actions against those who infringe the principles of protection of the reporter and of other persons mentioned in occurrence reports, such as remedies or penalties
- Upon its decision, reviewing ‘Just Culture’ internal rules of organisations established in its Member State.

It is understood that this entity shall coordinate with the authorities of its Member State responsible for imposing penalties in infringement to the Regulation and shall advise them about remedies or penalties it intends to adopt ([Article 16\(12\)](#)).

A report detailing the activities of this entity shall be sent to the European Commission every five years.

## SECTION 5 — PRIVATE PILOTS

### 5.1 Why shall I report occurrences?

*GM to Reg. (EU) No 376/2014 and its IRs*

The reporting of aviation safety occurrences is vital to the prevention of aircraft accidents. It contributes to understand 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 (see also Section [1.1](#)).

The information and safety intelligence needed to support safety improvement 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 private pilots directly contribute to make aviation safer and to the prevention of accidents.

### 5.2 Am I required by law to report occurrences?

*GM to Reg. (EU) No 376/2014 and its IRs*

Regulation 376/2014 ([Article 4\(6\)a](#)) requires pilots of an aircraft registered in a Member State or an aircraft registered outside the Union but used by an operator for which a Member State ensures oversight of operations or an operator established in the Union, to report certain defined occurrences.

#### Key principle

**Private pilots flying on an aircraft registered in a Member State are subject to the requirement to report occurrences under EU law.**

### 5.3 What occurrences shall I report?

*GM to Reg. (EU) No 376/2014 and its IRs*

#### Key principle

**It is understood that the reporting of any safety relevant occurrence should be encouraged.**

For the sake of clarifying legal obligations, Regulation 376/2014 differentiates between occurrences that should always be reported (mandatorily reportable occurrences) and those that may be reported if judged relevant by potential reporters (voluntarily reportable occurrences).

The occurrences to be reported in the context of mandatory reporting systems are those which may represent a significant risk to aviation safety and which fall into defined categories ([Article 4\(1\)](#)). To facilitate the identification of those occurrences, the Commission was required to adopt a list classifying occurrences to be referred to ([Article 4\(5\)](#)).

These occurrences to be reported are therefore be listed in the Commission Implementing Regulation 2015/1018 classifying the occurrences to be reported in the context of mandatory reporting schemes. The occurrences contained in Regulation 2015/1018 are those which have been considered by the legislator as potentially representing a significant risk to aviation safety. The division in the various Annexes of the Regulation 2015/1018 intends to support the identification by reporters of the occurrences they are required to report.

**Key principle**

The occurrences that shall always be reported are those listed in [Annex V](#) of Regulation 2015/1018.

Regulation 2015/1018 in its [Annex V.1](#), V.2 and V.3 states that the structure of the Section is made to ensure that the “*pertinent occurrences are linked with categories of activities during which they are normally observed, according to experience, in order to facilitate the reporting of those occurrences*”.

**Key principle**

It is therefore understood that all occurrences listed in a specific Section of [Annex V](#) to Regulation 2015/1018 are reportable, independently of the circumstances in which these occurrences may occur.

There is no legal obligation for the reporting of occurrences outside those contained in [Annex V](#) to Regulation 2015/1018. It is nevertheless understood that reporting of any safety relevant occurrence by anyone aware of it should be encouraged.

The Commission has prepared and published promotional material with the view to promoting and encouraging the reporting of safety occurrences. This material is available [here](#)<sup>1</sup>.

## 5.4 How can I know if an occurrence is reportable?

*GM to Reg. (EU) No 376/2014 and its IRs*

The obligation of reporting is linked with the awareness of the situation by the person subject to the reporting obligation. It is understood that “being aware” of an occurrence refers to situations where the individual has been directly involved in the occurrence.

[Annex V](#) to Regulation 2015/1018 contains certain occurrences which are factual events easily identifiable such as “*unintentional loss of control*”. In such cases, as soon as the occurrence happens the obligation to report applies. [Annex V](#) to Regulation 2015/1018 also includes situations in which a judgement has to be made by the reporter to assess whether the aircraft or its occupants have or might have been endangered. This is for example the following occurrence: “*Any flight which has been performed with an aircraft which was not airworthy, or for which flight preparation was not completed, which has or could have endangered the aircraft, its occupants or any other person*”. In such cases, the occurrence is reportable if the potential reporter has assessed that the aircraft, its occupants or any other person have or might have been endangered. In such situations it is more difficult to identify if the occurrence should be reported.

**Key principle**

In situations where the reporter is aware about an occurrence and suspects it is reportable but cannot determine it with certainty, he/she is expected to report it.

<sup>1</sup> [www.aviationreporting.eu](http://www.aviationreporting.eu)

## 5.5 Am I required report occurrences that happened outside of the EU?

GM to Reg. (EU) No 376/2014 and its IRs

### Key principle

**Occurrences should be reported even if they happen outside of the European Union.**

## 5.6 To what authority shall I report occurrences?

GM to Reg. (EU) No 376/2014 and its IRs

### Key principle

**Private pilots are required to report occurrences to the Member State that issued, validated or converted their pilot's licence.**

These pilots may also be required to comply with other applicable reporting obligations under other rules. In addition, they may be encouraged to share their occurrence reports with the Member State best placed to act on the safety issue behind the occurrence (for example the State of occurrence or of registry).

## 5.7 Under what format shall I report an occurrence?

GM to Reg. (EU) No 376/2014 and its IRs

There is no obligation for private pilots to report in any specific format. They can choose the most suitable reporting form among the ones available in the State they report to.

To facilitate the reporting of occurrences by private pilots, the European Commission, with the support of EASA, has developed a European Reporting Portal which is available [here](#)<sup>1</sup>. It allows, depending on the method chosen by the State, on-line reporting of occurrences directly on the Portal or transfer to the national Portal of the State.

## 5.8 Is my report confidential?

GM to Reg. (EU) No 376/2014 and its IRs

### Key principle

**Member States are not allowed to record personal details in their database. Furthermore, they are required to take the necessary measures to ensure the appropriate confidentiality of occurrences they collect and to comply with rules on the processing of personal data.**

Regulation 376/2014 prohibits the recording of personal details (e.g. name of the reporter or anyone else mentioned in the report, addresses of natural persons) in the Member State database ([Article 16\(1\), \(2\) and \(3\)](#) and [Recital 35](#)).

In addition, there are requirements applicable to the Member States on the confidentiality of information and processing of personnel data. Finally, Recital 33 highlights the need for national rules on freedom of information to take into account the necessary confidentiality of information.

<sup>1</sup> <http://www.aviationreporting.eu/>



## 5.9 Can my report be used against me or anyone mentioned in it?

GM to Reg. (EU) No 376/2014 and its IRs

### Key principle

**Regulation 376/2014 includes strong protection rules for occurrence reporters and persons mentioned in occurrence reports. These rules include limitations to the possibility of disclosing or using occurrence reports.**

Regulation 376/2014 includes a number of provisions aimed at encouraging the reporting of occurrences by preventing their use against reporters and other persons mentioned in occurrence reports.

Regulation 376/2014 states that the aviation safety system is based on feedback and lessons learned from accidents and incidents and that the reporting of information by front line professionals is crucial to bringing safety improvements. It also highlights the need to establish an environment in which potential reporters feel confident in the existing systems and to report the relevant safety information. The necessity to create such an environment supports the protection principles in the Regulation (limitation to information use or availability, Just Culture principles within an organisation, non-self-incrimination principle etc). The objective of such rules is to create an environment in which people will feel confident to report and therefore ensure a continued availability of safety information.

The objective is not to exonerate individuals from their responsibilities but to find a balance between full impunity and blame culture. This balance is notably supported by the definition of 'Just Culture' ([Article 2](#)), by [Article 16](#) and by several recitals.

### Key principle

**A 'Just Culture' should encourage individuals to report safety-related information but should not absolve individuals of their normal responsibilities ([Recital 37](#)). It is defined as a culture in which front-line operators or other persons are not punished for actions, omissions or decisions taken by them that are commensurate with their experience and training, but in which gross negligence, wilful violations and destructive acts are not tolerated ([Article 2](#)).**

### Key principle

**States cannot institute disciplinary, administrative or legal proceedings in respect of unpremeditated or inadvertent infringements of the law which come to their attention only because they have been reported pursuant to Regulation 376/2014 unless where otherwise provided by applicable national criminal law ([Article 16\(6\)](#) and [Recital 43](#)).**

**In the cases where disciplinary or administrative proceedings have been instituted under national law, information contained in occurrence reports cannot be used against the reporters or the persons mentioned in occurrence reports ([Article 16\(7\)](#) and [Recital 44](#)).**

**Key principle**

Regulation 376/2014 recognises two exceptions to these principles ([Article 16\(10\)](#)):

- wilful misconduct; and
- situations 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.

The Member States are allowed to provide, at national level, a more protective framework ([Article 16\(8\)](#)) which may in particular provide full impunity to reporters.

This means that outside those unacceptable behaviours situations, a State is not allowed to open a proceeding if it is only made aware of a situation because an occurrence was reported under Regulation 376/2014. It is however understood that in those cases where the opening of a criminal proceeding on the basis of an occurrence report is allowed under national law, national law has precedent and applies. But limitation to the possibility of disclosing information on occurrences (see below) remains applicable in all cases.

The objective is to clearly set, in the legislation, the line between acceptable behaviours (which shall not be punished) and unacceptable behaviours (which can be punished).

**Key principle**

States can only use an occurrence report for the purpose for which it has been collected ([Article 15\(1\)](#)). They are not allowed to make available or use occurrence reports:

- in order to attribute blame or liability; or
- for any purpose other than the maintenance or improvement of aviation safety ([Article 15\(2\)](#)).

It is therefore understood that sharing information on occurrences with press and media is not allowed by Regulation 376/2014. Disclosure of information on occurrence reports to judicial authorities is similarly not allowed.

**Key principle**

There are however few exceptions to those principles. Firstly, it is understood that in a situation where safety might be endangered, information on occurrences may be shared or used with a view to maintain or improve aviation safety. It is therefore understood that sharing or using information on occurrences in the cases detailed in [Article 16\(10\)](#) with the view to address the risks to safety is allowed by the Regulation. Secondly, exception may apply in a situation where an investigation under Regulation (EU) No 996/2010 has been instituted, as the provisions of Regulation 996/2010 have precedent in such case ([Article 15\(2\)](#)).

Regulation 996/2010 foresees in its Article 14(2) and (3) that, in cases where it applies (opening of a formal technical accident or incident investigation), occurrences reports shall not be made available or used for purposes other than aviation safety unless the administration of justice or the authority competent to decide on the disclosure of records according to national law decides that the benefits of the disclosure of the occurrence report outweigh the adverse domestic and international impact that such action may have on that or any future safety investigation (balancing test). If this balancing

test concludes that the information on occurrences should be disclosed, then the organisation should make it available to the requesting authority.

## 5.10 What can I do if I consider that the above protection rules have been infringed?

*GM to Reg. (EU) No 376/2014 and its IRs*

There may be situation where a private pilot will consider that the protection principles have not been complied with, for example if a proceeding has been open by a Member State. Regulation 376/2014 addresses such situation and requires each Member State to put in place an entity to which employees and contracted personnel may report alleged infringements of the protection rules contained in the Regulation ([Article 16\(12\)](#)).

**LIST OF ACRONYMS***GM to Reg. (EU) No 376/2014 and its IRs*

ATM/ANS	Air Traffic Management / Air Navigation Services
EASA	European Aviation Safety Agency
ECR	European Central Repository
FDM	Flight Data Monitoring
ICAO	International Civil Aviation Organization
IORS	Internal Occurrence Reporting System
LOSA	Line Operation Safety Audit
MORS	Mandatory Occurrence Reporting System
MS	Member State
NAA	National Aviation Authority
NoA	Network of aviation safety Analysts
RIT	Reduced Interface Taxonomy
SIA	Safety Investigation Authority
SMS	Safety Management System
SSP	State Safety Programme
VORS	Voluntary Occurrence Reporting System