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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**

(Text with EEA relevance)

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EXPLANATORY MEMORANDUM

1. CONTEXT OF THE PROPOSAL

1.1. General background of the proposal

In the European Union the average annual rate of fatal accidents in scheduled passenger operations has remained more or less stable for the past years. The air traffic growth forecast for the next decades expects the number of aviation flights to almost double by 2030. Therefore, with a stable fatal accident rate, this will likely lead to an increase in the number of accidents as a by-product of steadily increasing traffic volumes.

The current aviation safety system is primarily a reactive system relying on technological advances, sound legislation underpinned by effective regulatory oversight, and detailed accident investigations leading to recommendations for safety improvements. However, whilst the ability to learn lessons from an accident is crucial, purely reactive systems have now shown their limit in continuing to bring forward improvements. In this context, the International Civil Aviation Organisation (ICAO) has encouraged the transition towards a more proactive and evidence-based safety approach. The effectiveness of such a proactive system greatly depends on the ability to systematically analyse all available safety information, including information on civil aviation occurrences. Indeed, data is vital to identify safety hazards, for without sound information any attempt to identify the hazards would be guess work.

At European Union level, the transition towards a more proactive and evidence-based aviation safety management system has already started with the adoption of Directive 2003/42/EC¹ which requires each Member State to set up a mandatory occurrence reporting system. Under this legislation Member States are requested to collect, store, protect and disseminate between themselves information on certain civil aviation incidents and aviation professionals are obliged to report occurrences in their daily operational work. This legislation was completed in 2007 by two implementing regulations². The first one established a European Central Repository (ECR) regrouping all civil aviation occurrences collected by Member States, and the second one laid down rules regarding the dissemination of the information contained in the ECR. Around 600,000 occurrences are currently stored in the ECR and this figure is growing daily.

1.2. The reasons behind the proposal

Directive 2003/42/EC has established the basis for a proactive and evidence-based aviation safety management system in the European Union by imposing the reporting

¹ 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.

² 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, OJ L 294 of 13.11.2007, p. 3; and 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, OJ L 295 of 14.11.2007, p. 7.

of occurrences. However the European Union and its Member States are currently not sufficiently able to use experience feedback for preventing accidents and the current legislation is insufficient to prevent that the number of accidents and related fatalities would increase as a consequence of the expected traffic growth.

A number of reasons in relation to the current European legislation can explain this situation.

Firstly it appears that, whilst data is vital to identify safety hazards, there is not sufficient awareness of all safety occurrences. This situation is partly due to the discrepancy in the scope of reportable occurrences between the Member States. It also comes from the fact that individuals are afraid to report (the "Just Culture" issue). Indeed to reach the goal of full reporting, individuals must have full confidence in the system because they are notably asked to report mistakes they may have made or contributed to. However, individuals are not equally protected among the Member States and they fear being punished by their hierarchy or being prosecuted. In addition, the lack of EU obligation to establish voluntary reporting scheme to complete the mandatory schemes and the insufficient clarity in occurrence reporting obligations and in the flow of information are also contributing to the insufficient collection of occurrences.

Secondly, occurrence data integration is not harmonised and is unstructured causing a low quality of information and an incompleteness of data. This situation affects the consistency and the usefulness of information and limits its use for safety purposes.

Thirdly there are legal and organisational obstacles for ensuring adequate access to information contained in the European Central Repository. Indeed European legislation obliges the de-identification of certain information. Although the purpose of such provisions is to protect sensitive safety information, its practical consequence is that important safety related facts, such as the actual description of the occurrence, are not available to the authorities.

Finally, the current legislation does not include provisions indicating how Member States should use the data collected. However, since the adoption of the Directive, principles related to the analysis and follow up of the information collected through occurrence reporting systems have been agreed at international level but not yet transposed into European legislation. Therefore this has led to quite diverse and divergent approaches among Member States.

1.3. Objectives of the proposal

The main objective of the initiative is to contribute to the reduction of the number of aircraft accidents and related fatalities, through the improvement of existing systems, both at national and European level, using civil aviation occurrences for correcting safety deficiencies and prevent them from reoccurring.

The specific objectives are the following:

- (1) Ensure that all occurrences which endanger or would endanger aviation safety are collected and are providing a complete and clear picture of safety risks in the European Union and its Member States;

- (2) Ensure that data issued from reported occurrences and stored in the national databases and in the ECR are complete and of high quality;
- (3) Ensure that all safety information stored in the ECR is accessed adequately by appropriate authorities and that they are used strictly for safety enhancement purposes;
- (4) Ensure that reported occurrences are effectively analysed, that safety hazards are identified and addressed where relevant and that the safety effectiveness of actions taken is monitored.

1.4. Existing provisions in the area of the proposal

The proposal concerns the adoption of a regulation on occurrence reporting in civil aviation. The new regulation is intended to replace and repeal the existing Directive 2003/42/EC, its implementing rules, Commission Regulation (EC) No 1321/2007 and Commission Regulation (EC) No 1330/2007, and to amend Regulation (EU) No 996/2010³. Establish a general framework for occurrence reporting in the European Union is not dealt with directly by any other provisions.

1.5. Consistency with policies and objectives of the European Union

This initiative is one of the actions necessary for the Single European Transport Area as described in the Commission's White Paper 2011 "*Roadmap to a Single European Transport Area - Towards a competitive and resource efficient transport system*"⁴. It has also been highlighted as point for action in the Commission Communication on "*Setting up a Safety Management System for Europe*"⁵.

2. RESULTS OF CONSULTATIONS WITH THE INTERESTED PARTIES AND IMPACT ASSESSMENT

2.1. Consultation of interested parties and use of expertise

During the preparation phase extensive consultations took place in respect of the general principles and minimum standards for consultation of the interested parties by the Commission.

The Commission consulted all 27 Member States through a questionnaire sent out on 7 April 2011. The Commission received answers from all Member States but one. The Commission also conducted some on site visits to Member States.

The Commission consulted interested stakeholders and the general public through a public consultation which was opened from 24 June 2011 to 15 September 2011 on

³ 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 Text with EEA relevance; OJ L 295, 12.11.2010, p. 35.

⁴ COM/2011/0144 final.

⁵ COM/2011/0670 final.

the "*Your Voice in Europe*" internet website. In total, 61 replies were submitted in response⁶.

In application of Commission Decision 98/500/EC⁷ the Civil Aviation Social Dialogue Committee was invited to formalise a position on the review where necessary. In addition, the opinion of the European Network of Civil Aviation Safety Investigation Authorities (ENCASIA) was also sought in accordance with Article 7(3) of Regulation (EU) No 996/2010.

All interested stakeholders and authorities were invited to a workshop organised by the Commission which focused on the "*Just culture*" issue and which took place on 19 April 2012⁸.

The Commission also asked the opinion of the European Data Protection Supervisor. Finally, a study on the establishment of a common risk classification of civil occurrences has been carried out.

All these contributions have been used by the Commission for the drafting of the Impact Assessment and of the proposal.

2.2. Impact Assessment

The Impact Assessment provides an overview of the different options considered. Three policy packages, in addition to the option of not introducing any change to the current situation, were considered to assess how Directive 2003/42/EC could be revised.

Policy package 1 aims at improving the current system in establishing the basic elements of a complete occurrence reporting system and its contribution to aviation safety improvement through amendment to the legislation only to the necessary minimum and adoption of recommendations and guidance wherever possible. It contains the less intense policy measures identified.

Policy package 2 consists of a more ambitious package of policy measures entailing a substantial revision of EU legislation on occurrence reporting. It seeks to improve the current system by establishing the necessary legislative requirements for ensuring an efficient occurrence reporting system at all levels and to contribute to the reduction of aircraft accidents through the establishment of processes for the analysis of data collected, the adoption of appropriate measures and the monitoring of the system efficiency in terms of safety improvements.

Policy package 3 aims at improving the current system by transferring Member States occurrence reporting competencies to the EU level and establish, as in policy package 2, requirements for occurrence analysis together with the adoption of necessary safety actions and improvement monitoring. Under this package, the

⁶ A summary of the consultation is available on the following webpage: http://ec.europa.eu/transport/air/consultations/2011_11_09_occurrence_en.htm.

⁷ Commission Decision of 20 May 1998 on the establishment of Sectoral Dialogue Committees promoting the Dialogue between the social partners at European level; OJ L 225, 12.8.1998, p. 27.

⁸ The meeting summary and adopted conclusions are available on the following webpage: http://ec.europa.eu/transport/modes/air/events/2012-04-19-seminar-aviation-safety_en.htm

responsibility to establish and manage occurrence reporting schemes is transferred to the European Aviation Safety Agency (EASA).

In view of the assessment of the different policy packages on the basis of the efficiency, effectiveness and consistency criteria, it is recommended that the policy package 2 should be implemented as its benefits would be considerably higher than the costs incurred. It is the only option which fully satisfies the identified objectives as demonstrated in the Impact Assessment. Therefore this policy package constitutes the basis for this proposal.

3. LEGAL ELEMENTS OF THE PROPOSAL

3.1. Summary of the proposal

3.1.1. Better collection of occurrences

The proposal establishes the appropriate environment for ensuring that all occurrences which endanger or would endanger aviation safety are reported.

Firstly, the proposal maintain the obligation to establish mandatory occurrence reporting systems (MORS) and lists the persons obliged to report as well as the occurrences to be reported under the MORS. Next to the mandatory system, the proposal imposes the establishment of voluntary systems whose aim is to collect occurrences which have not been captured by the MORS.

The proposal also contains provisions ensuring the appropriate environment for encouraging aviation professionals to report safety related information by protecting them from punishment except in cases of gross negligence.

3.1.2. Clarification of the flow of information

The current Directive imposes on individuals to report occurrences directly to Member States Authorities while, in reality, Member States Authorities receive most occurrence reports from organisations which collect them from individuals as part of their safety management process. The proposal takes this evolution into account and introduces requirements for organisations. Organisations and Member States are obliged to establish occurrence reporting systems which will enable the identification of safety hazards. The occurrences collected by organisations shall be transmitted to Member States competent authorities or to the European Aviation Safety Agency (EASA) when relevant. All occurrences collected by Member States, organisations and EASA are aggregated into the European Central Repository.

3.1.3. Improved quality and completeness of data

The proposal includes a number of provisions aiming at improving the quality and the completeness of occurrence reports and therefore enabling a better identification of key risk areas and of the need for action to be identified.

Occurrence reports will have to contain minimum information with the definition of mandatory data fields such as the date of the occurrence, the occurrence category or the narrative of the occurrence. The proposal also includes the obligation to classify

occurrences in terms of risk according to a European common risk classification scheme. In addition quality data checking processes should be implemented notably to ensure the consistency between an occurrence report and the initial information collected from the reporter. Finally the Commission will support Member States in reaching higher data quality and completeness standards by supporting the development of guidance material and the use of workshops. This should aim at ensuring a consistent and uniform integration of data into databases.

3.1.4. Better exchange of information

The proposal addresses the need for better exchange of information by strengthening the existing rules.

In that perspective, the access by Member States and EASA to the European Central Repository, which contains all occurrences collected by Member States as well as by EASA, is extended to all data and information contained in the database. These new provisions notably allow Member States to have access to safety data about occurrences which took place in their airspace but were reported and assessed by another Member State Authority.

In addition, when, in the assessment of data collected through occurrence reporting systems, an authority identifies safety matters considered to be of interest for another authority, it shall forward the information in a timely manner.

Finally, in order to facilitate the exchange of data and information, the text requests that all occurrence reports should be compatible with the ECCAIRS software (this software is used by all Member States and for the European Central Repository) and with the ADREP taxonomy (the ICAO taxonomy also used in the ECCAIRS software).

3.1.5. Better protection against inappropriate use of safety information

The necessary corollary to a wider access to safety data and information contained in the European Central Repository is to ensure that they are used for appropriate purposes.

In that sense, the proposal strengthens the rules on ensuring that, beside the obligation to guarantee the confidentiality of the data collected, it can only be made available and used for the purpose of maintaining or improving aviation safety.

The text also attempts to diminish the negative effect that the use of this data by judicial authorities may have on aviation safety by the obligation to adopt advance arrangements establishing provisions which should find the right balanced between the two public interests at stake (justice and aviation safety).

3.1.6. Better protection of reporter to ensure the continued availability of information

The proposal strengthens the rules related to the protection of occurrence reporter to ensure that people are confident in the system and that appropriate safety information is reported.

In that perspective, the text reaffirms the obligation to disidentify occurrence reports and limits the access to fully identified data only to certain persons. In addition, Member States are asked to refrain from instituting proceedings except in cases of gross negligence.

The rule under which employees shall not be subject of prejudice from their employer, except in cases of gross negligence, on the basis of the information reported according to the rules provided by this regulation is reinforced. Organisations are also asked to adopt a policy describing how the employees' protection is guaranteed.

Finally, national bodies are established, allowing employees to report infringements to the rules which guarantee their protection and penalties should be adopted where appropriate.

3.1.7. Introduction of requirements on information analysis and adoption of follow up actions at national level

The proposal advances the transition towards a more proactive and evidence based safety system in Europe as it imposes new requirements which are transposing the rules related to the analysis and follow up of occurrences collected, which have been agreed at international level, into EU law.

Organisations and Member States are required to analyse the information collected through occurrence reporting systems in order to identify safety risks and to take actions in order to remedy to any safety deficiency identified. The effectiveness of these actions in terms of safety improvement shall be monitored and additional actions taken if necessary.

3.1.8. Stronger analysis at EU level

Article 19 of Regulation (EU) No 996/2010 has already established the principle that the information contained in the European Central Repository shall be analysed by EASA and the Member States. This principle is reinforced and the on-going collaboration formalised within a Network of Aviation Safety Analysts chaired by EASA.

Analysis at EU level will complement what is done at national level notably by the identification of possible safety problems and key risk areas at European level. The common EU risk classification scheme will support this task by the classification of all occurrences collected by Member States in a harmonised manner.

The European Aviation Safety Programme and the European Aviation Safety Plan will both benefit from the analysis and activities performed by the Network of Aviation Safety Analysts.

3.1.9. Improved transparency towards the general public

The proposal, while respecting the necessary confidentiality of certain information, brings more transparency on aviation safety matter for the general public by the publication of annual safety reviews containing information about actions taken in application of this regulation, trends and aggregated data.

3.2. Legal basis

The proposal is based on Article 100(2) TFUE.

3.3. Subsidiarity principle

The subsidiarity principle applies insofar as the proposal does not fall under the exclusive competence of the European Union. The objectives of the proposal cannot be sufficiently achieved by the Member States individually. EU action is better able to achieve the objectives of the proposal.

European action will better achieve the objectives of the proposal for the following reasons. First, there is a need to harmonise the reporting of occurrences and the rules related to use and protection of information and reporter's protection; and secondly, it is necessary for safety means to strengthen the system of information exchange between Member States and to ensure that this information is analysed and that they are follow up actions taken in all Member States. In addition issues such as access to the ECR data and establishing processes and tools to analyse ECR data cannot be achieved at national level as it involves a European database for which action should be taken at EU level. Action at national level is absolutely necessary but is not sufficient to ensure the good functioning of the system as a whole and subsequently contribute to improve air safety. Indeed, the objective of air 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 enabling an identification of possible safety problems and key risk areas at European level.

Therefore, the proposal complies with the subsidiarity principle.

3.4. Proportionality principle

The proposal complies with the proportionality principle. The additional burdens for industry and national authorities are limited to those necessary to enhance the efficiency and overall quality of the system. While the proposal involves costs with regards to the implementation of provisions related to analysis and follow up of occurrences these are expected to be offset by the economic benefits obtained by a decreased number of accidents and of related fatalities.

3.5. Choice of legal instrument

The legal instrument would have to be of general application. The proposed instrument is a regulation.

Other means would not be adequate notably for the following reasons:

- the proposal establishes rights and obligations for the European Aviation Safety Agency which prevents the use of a directive;
- many shortcomings and problem areas identified with the current legal framework are linked to divergent implementation among Member States. The variation in practices resulting from the present directive clearly shows that a

directive is not the appropriate instrument to achieve unanimous and consistent application of the law in an area where it is needed for safety reasons.

Therefore the most appropriate legal instrument is a regulation, since alternative options would not be sufficient to achieve the proposed objectives.

4. BUDGETARY IMPLICATION

The budgetary implications related by the development of a common EU risk classification scheme and the extension of the budget allocated to the development of ECCAIRS and the management of the European Central Repository are already covered in the Multi-Annual financial framework.

The budgetary implication of this proposal is related to additional human resources for the European Aviation Safety Agency (involved by the Network of Analysts) and additional budget for mission and outreach activities.

Both additional human resources (2 posts estimated at €300.000 per year) and additional budget (mission and outreach activities estimated at €65.000 per year) will fully be covered by redeployment within the existing resources of the Agency, therefore having an impact on the EU budget which is neutral.

5. OPTIONAL ELEMENTS

5.1. Simplification

The proposal provides for simplification of legislation, since it replaces a Directive and two Commission Regulations by a single act, a Regulation from the European Parliament and the Council, and will not require national implementing measures.

5.2. Repeal of existing legislation

Adoption of the proposal will lead to the repeal of the existing Directive 2003/42/EC, Commission Regulation (EC) No 1321/2007 and Commission Regulation (EC) No 1330/2007 and to the amendment of Regulation (EU) No 996/2010.

5.3. European Economic Area

The proposed act concerns an EEA matter and should therefore extend to the European Economic Area.

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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

(Text with EEA relevance)

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 Committee⁹,

Having regard to the opinion of the Committee of the Regions¹⁰,

After consulting the European Data Protection Supervisor¹¹,

Acting in accordance with the ordinary legislative procedure,

Whereas:

- (1) A high and uniform general level of safety should be ensured in civil aviation in the Union and all efforts should be made to reduce the number of accidents and incidents to ensure public confidence in aviation transport.
- (2) The rate of fatal accidents in civil aviation has overall remained fairly constant in the last decade; nevertheless there is concern that the forecasted traffic increase for the next decades could lead to an increase in the number of accidents.
- (3) 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 aviation¹² aims at preventing accidents by facilitating the conduct of expeditious, efficient and qualitative safety investigations. This Regulation should not interfere

⁹ OJ C , , p. .

¹⁰ OJ C , , p. .

¹¹ OJ C [...], [...], p. [...].

¹² OJ L 295, 12.11.2010, p. 35.

with the process of accidents and incidents investigations managed by national Safety Investigation Authorities as defined in Regulation (EU) No 996/2010.

- (4) Experience has shown that often before an accident occurs, a number of incidents and numerous other deficiencies have shown the existence of safety hazards. In addition, whilst the ability to learn lessons from an accident is crucial, purely reactive systems have shown their limit in continuing to bring forward improvements. The Union and its Member States should move towards more proactive and evidence based safety processes which focus on preventing an accident occurring by analysing all available safety information, including information on civil aviation occurrences.
- (5) The improvement of civil aviation safety requires that relevant civil aviation safety information should be reported, collected, stored, protected, exchanged, disseminated, analysed and that appropriate safety actions should be taken on the basis of the information collected. This proactive and evidence based approach should be implemented by Member States relevant aviation safety authorities, by organisations as part of their safety management system and by the European Aviation Safety Agency (EASA).
- (6) Mandatory and voluntary reporting systems allowing individuals to report details on occurrences should be set up and the information collected should be transferred to the authority competent for taking action on the basis of occurrences collected in order to enhance civil aviation safety.
- (7) Various categories of personnel working in civil aviation observe events of interest for the prevention of accidents and should therefore report them.
- (8) The development of other means to collect safety information next to the systems required by this legislation should be encouraged in order to capture all information which could contribute to the enhancement of aviation safety.
- (9) Safety investigation authorities should get full access to details on occurrences collected or occurrence reports stored by their Member States in order to decide which incidents may require a safety investigation and produce safety lessons serving for the interest of aviation safety.
- (10) It is crucial to get good quality and complete data as analysis and trends based on inaccurate data may involve misleading results and focus efforts where no action is appropriate. In addition such inaccurate data may lead to a loss of confidence in the information issued from occurrences reporting schemes. In order to ensure the quality and the completeness of occurrences reports, they should contain minimum information which may vary depending on the occurrence category. In addition, processes to check the quality of information and to ensure the consistency between an occurrence report and the initial details on occurrence collected should be implemented. In addition, with the support of the Commission, adequate guidance material should be developed notably to ensure the quality and completeness of data as well as a consistent and uniform integration of data into databases. Workshops should also be organised, notably by the Commission, to provide the necessary support.
- (11) A common European risk classification scheme should be developed in order to allow support for the identification of necessary quick action when looking at high risk single safety occurrences. It should also allow the identification of key risk areas when

looking at aggregated information. Such a scheme should support Member States in their assessment of occurrences and in determining where to best focus their efforts. It should also, when looking at aggregated information from a European perspective, allow the identification of key risk areas within the Union and support the work done in the area of the European Aviation Safety Programme and of the European Aviation Safety Plan. Appropriate support should be given to ensure a consistent and a uniform risk classification across Member States.

- (12) Occurrence reports should be stored in databases which should be a system compatible with ECCAIRS (the software used by all Member States and the European Central Repository to store occurrence reports) and with the ADREP taxonomy (the ICAO taxonomy, also used for the ECCAIRS software) in order to facilitate information exchange.
- (13) Occurrences involving an aircraft registered in a Member State or operated by an organisation established in a Member State should be reported even when it happened outside the territory of the Member States.
- (14) Information on occurrences should be exchanged within the Union. This should notably greatly enhance the detection of actual or potential hazards. In addition, this should allow Member States to receive all necessary information on occurrences occurring in their territory but which are reported to another Member State.
- (15) The exchange of information on occurrences should respect the objective of preventing aviation accidents and incidents, excluding as a consequence the attribution of blame and liability as well as benchmarking of safety performance.
- (16) The most efficient way to ensure the exchange of a large amount of information between all the Member States, the Commission and EASA is the European Central Repository.
- (17) All safety related information issued 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 incidents but also information derived from accidents and serious incidents investigated in accordance with Regulation (EU) No 966/2010.
- (18) Information concerning national occurrences, stored in the national databases, should be subject to the present Regulation.
- (19) Safety information contained in the European Central Repository should be fully available to entities entrusted with regulating civil aviation safety, including EASA, and to the authorities in charge of investigating accidents and incidents within the Union.
- (20) Interested parties may request access to certain information contained in the European Central Repository.
- (21) As national points of contacts have the best knowledge of interested parties established in their own Member State, each national point of contact should deal with requests from interested parties established in the territory of that Member State while requests from interested parties from third countries or from international organisations should be dealt with by the Commission.

- (22) Information contained in occurrence reports should be analysed and safety risks identified. As a result, appropriate actions for improving aviation safety should be determined and implemented in a timely manner. Information on the analysis and follow up of occurrences should be disseminated within organisations and Member States authorities as providing feedback on occurrences reported is a good incentive for individuals to report occurrences.
- (23) The effectiveness of safety measures adopted should be monitored and, where necessary, additional actions should be taken to ensure that the safety deficiencies have been correctly addressed. Information contained in occurrence reports should also be used in the form of aggregated data to detect trends.
- (24) When determining the actions to be included within their State Safety Programme and in order to ensure that the actions are evidence based, Member States should use the information coming from the occurrence reports collected and their analysis.
- (25) Since the objective of air 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 enabling an identification of possible safety problems and key risk areas at Union level, the analysis at national level should be complemented by an analysis and follow-up at Union level in order to ensure better prevention of aviation accidents and incidents. This task at Union level should be carried out by a Network of Aviation Safety Analysts.
- (26) The European Aviation Safety Programme and the European Aviation Safety Plan should notably benefit from the work of the Network of Aviation Safety Analysts to determine the actions to be implemented at Union level in an evidence based perspective.
- (27) The general public should be provided with general aggregated information on the level of aviation safety in Member States and in the Union. This information should in particular cover trends and analysis resulting from the implementation of this Regulation by the Member States, as well as information on the content of the European Central Repository in an aggregated manner.
- (28) The civil aviation safety system is based on feedback and lessons learned from accidents and incidents. Occurrence reporting and the use of occurrences for the benefit of safety are built on a relation of confidence between the reporter of the occurrence and the entity in charge of its collection and assessment. This requires the strict application of rules on confidentiality. The purpose of protecting safety information from inappropriate use and the limited access to the European Central Repository only to interested parties participating in the improvement of civil aviation safety are there to ensure continued availability of safety information so that proper and timely preventive actions can be taken and aviation safety improved. In this context, sensitive safety information should be protected in an appropriate way and its collection ensured by guaranteeing its confidentiality, the protection of its source and the confidence of the personnel working in civil aviation. Appropriate measures should be put in place to enable the confidentiality of information collected through occurrence reporting schemes and the access to the European Central Repository should be restricted. National freedom of information acts should take into account the

necessary confidentiality of such information. The information collected should be adequately protected from unauthorised use or disclosure. It should strictly be used for the purpose of maintaining or improving aviation safety and should not be used to attribute blame or liability.

- (29) A person who has reported an occurrence in application of this Regulation should be adequately protected. In this context occurrence reports should be disidentified and details related to the reporter should not be registered into databases.
- (30) In addition the civil aviation system should promote a non-punitive environment facilitating the spontaneous reporting of occurrences and thereby advancing the principle of 'Just Culture'. A non-punitive environment should not prevent the adoption of actions necessary to maintain or enhance the level of aviation safety.
- (31) A 'Just Culture' environment should encourage individuals to report safety related information. It should however not absolve individuals from their normal responsibilities. In this context, employees should not be punished on the basis of information they have provided in application of this Regulation, except in case of gross negligence.
- (32) It is important to clearly set the line which protects the reporter from prejudice or prosecution by providing a common understanding of the term gross negligence.
- (33) Occurrences reported should be handled by designated persons working independently from other departments in order to contribute to the implementation of 'Just Culture' and enhance the confidence of individuals in the system.
- (34) Employees should have the possibility to report breaches to the principles delimiting their protection as established by this legislation. Member States should define the consequences for those having infringed the principles of protection of reporter and should adopt penalties when relevant.
- (35) Individuals may be refrained to report occurrences by the fear of self-incrimination and their potential consequences in terms of prosecution before judicial authorities. In this context Member States should not institute proceeding against a reporter on the basis of its report, except in case of gross negligence. In addition, the cooperation between safety and judicial authorities should be enhanced and formalised by the means of advance arrangements which should respect the balance between the various public interests at stake and notably cover the access and use of occurrence reports contained in the national databases.
- (36) In order to ensure the appropriate flexibility and update of the information contained in the Annexes to this Regulation as well as to define the common European risk classification scheme, to update the measures concerning the integration into the European Central Repository and to extend or restrict the dissemination of information contained in the European Central Repository, 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 Council.

- (37) In order to ensure uniform conditions for the implementation of this Regulation, implementing powers should be conferred on the Commission relating to the implementation of the common European risk classification scheme and to the management of the European Central Repository. Those powers should be exercised in accordance with 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 the Member States of the Commission's exercise of implementing powers¹³.
- (38) The rules on data processing and the protection of individuals as defined in Directive 95/46 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 data¹⁴ and in Regulation (EU) 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 EU institutions and bodies and on the free movement of such data¹⁵ should be fully respected in the application of this Regulation. The rules on access to data as defined in 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 documents¹⁶ should be fully respected in the application of this Regulation except when it relates to the dissemination of data and information contained in the European Central Repository which are protected under stricter access rules laid down in this Regulation.
- (39) Penalties should, in particular, allow for the sanctioning of any person or entity who, contrary to this Regulation, misuses information protected by this Regulation; adopt prejudice against the reporter of an occurrence except in case of gross negligence; does not establish an environment appropriate for allowing the collection of details on occurrences; does not analyse the information collected and does not act to address the safety or potential safety deficiencies detected; does not share the information collected in application of this Regulation.
- (40) Since the objective of this Regulation, namely the establishment of common rules in the field of occurrence reporting in civil aviation be sufficiently achieved by the Member States and can therefore, by reason of its Europe-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 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.
- (41) Regulation (EU) No 996/2010 should be amended.
- (42) Directive 2003/42/EC of the European Parliament and of the Council of 13 June 2003 on occurrence reporting in civil aviation¹⁷, 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 occurrences¹⁸, Commission

¹³ *OJ L 55, 28.2.2011, p. 13.*

¹⁴ *OJ L 281, 23.11.1995, p. 31.*

¹⁵ *OJ L 8, 12.1.2001, p. 1.*

¹⁶ *OJ L 145, 31.5.2001, p. 43.*

¹⁷ *OJ L 167, 4.7.2003, p. 23.*

¹⁸ *OJ L 294 of 13.11.2007, p. 3.*

Regulation (EC) No 1330/2007 of 24 September 2007 laying down implementing rules for the dissemination to interested parties of information on civil aviation occurrences¹⁹ should be repealed.

HAVE ADOPTED THIS REGULATION:

Article 1

Subject matter

1. This Regulation aims to improve aviation safety by ensuring that relevant civil aviation safety information is reported, collected, stored, protected, exchanged, disseminated, analysed and that safety actions are taken on the basis of the information collected where appropriate. It also provides for rules concerning the integration of information collected into a European Central Repository and concerning their dissemination to interested parties with the objective of providing such parties with the information they need to improve civil aviation safety.
2. The sole objective of occurrence reporting is the prevention of accidents and incidents and not to attribute blame or liability.

Article 2

Definitions

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

- (1) 'disidentification' means removing from occurrence reports submitted all personal details pertaining to the reporter and technical details which are leading to the identity of the reporter, or of third parties, being inferred from the information;
- (2) 'European Aviation Safety Programme' means the integrated set of regulations at Union level, together with the activities and processes used to jointly manage safety at European level;
- (3) 'European Aviation Safety Plan' means safety issues assessment and related action plan at European level;
- (4) 'gross negligence' means a manifest and wilful violation of the duty of care directly causing foreseeable damage to a person or to a property, or which seriously lowers the level of aviation safety;
- (5) 'incident' means an occurrence, other than an accident, associated with the operation of an aircraft which affects or could affect the safety of operation;
- (6) 'interested party' means any natural person, any legal person or any official body, whether having its own legal personality or not, that is in a position to participate in the improvement of civil aviation safety by having access to information on

¹⁹ OJ L 295 of 14.11.2007, p. 7.

occurrences exchanged by the Member States and which is included in one of the categories of interested parties established by this Regulation;

- (7) 'Just Culture' means a culture in which front line operators or others are not punished for actions, omissions or decisions taken by them that are commensurate with their experience and training, but where gross negligence, wilful violations and destructive acts are not tolerated;
- (8) 'occurrence' means any event which is or could be significant in the context of aviation safety and includes notably accident and serious incident, as defined in Articles 2(1) and (16) of Regulation (EU) No 996/2010, and incident;
- (9) 'organisation' means any organisation providing aviation products and/or services and encompasses notably aircraft operators, approved maintenance organisations, organisations responsible for type design and/or manufacture of aircraft, air navigation service providers and certified aerodromes;
- (10) 'point of contact' means the competent authority designated by each Member State in accordance with Article 6(2) when a request for information is made by an interested party established in a Member State and the Commission when a request is made by an interested party not established in the Union;
- (11) 'safety investigation authority' means the permanent national civil aviation safety investigation authority conducting or supervising safety investigations as defined by Article 4 of Regulation (EU) No 996/2010;
- (12) 'safety management system (SMS)' means a systematic approach to managing safety including the necessary organisational structures, accountabilities, policies and procedures;
- (13) 'State Safety Programme (SSP)' means an integrated set of legislations and activities developed by a Member State aimed at managing civil aviation safety.

Article 3

Scope

This Regulation shall apply to occurrences which endanger or which, if not corrected, would endanger an aircraft, its occupants or any other person. A list of incidents to be reported is detailed in Annex I.

Article 4

Mandatory reporting

1. A mandatory reporting system to facilitate the collection of details on occurrences shall set up by each organisation established in a Member State.
2. A mandatory reporting system to facilitate collection of details on occurrences including collection of details on occurrences gathered by organisations in application of paragraph 1 shall be set up by each Member State.

3. The following persons shall report occurrences through the system established by the organisation which employs that person in accordance with paragraph 1 or through the system established by Member States in accordance with paragraph 2:
 - (a) the pilot-in-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 who carries on the business of designing, manufacturing, maintaining or modifying a turbine-powered or a public transport aircraft, or any equipment or part thereof, under the oversight of a Member State or under the oversight of the European Aviation Safety Agency (EASA);
 - (c) a person who signs a certificate of maintenance review, or of release to service in respect of a turbine-powered or an aircraft used for public transport, or any equipment or part thereof, under the oversight of a Member State or under the oversight of EASA;
 - (d) a person who performs a function which requires him to be authorised by a Member State as an air traffic controller or as a flight information officer;
 - (e) a manager of an airport to which Regulation (EC) No 1008/2008 of the European Parliament and of the Council²⁰ 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 responsibility;
 - (g) a person who performs a function connected with the ground handling of aircraft, including fuelling, servicing, loadsheet preparation, loading, de-icing and towing at an airport covered by Regulation (EC) No 1008/2008.
4. Every person listed in paragraph 3 shall report occurrences within the time-limit and in accordance with the requirements specified in Annex II point 1.
5. Each organisation certified or approved by a Member State shall report to the competent authority of that Member State, as referred to in Article 6(2) the details on occurrences collected in accordance with paragraph 1.
6. Each organisation certified or approved by EASA shall report to the EASA the details on occurrences collected in accordance with paragraph 1.

Article 5

Voluntary reporting

1. A voluntary reporting system shall set up by each organisation established in a Member State to facilitate collection of details on occurrences that may not be

²⁰ 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); *OJL 293, 31.10.2008, p. 3.*

captured by the mandatory reporting system but which are perceived by the reporter as an actual or potential hazard.

2. A voluntary reporting system shall be set up by each Member State to facilitate collection of details on occurrences that may not be captured by the mandatory reporting system but which are perceived by the reporter as an actual or potential hazard including collection of details on occurrences gathered by organisations in application of paragraph 1.
3. The voluntary reporting systems shall allow the collection of details on occurrences do not have to be mandatory reported in accordance with Annex I and the reporting of occurrences by persons which are not listed in Article 4(3).
4. Each organisation certified or approved by a Member State shall report to the competent authority of that Member State, as referred to in Article 6(2), the details on occurrences collected in accordance with paragraph 1.
5. Each organisation certified or approved by EASA shall report to EASA the details on occurrences collected in accordance with paragraph 1.
6. Member States and organisations may establish other safety information collection and processing systems to collect details on occurrences that may not be captured by the reporting systems mentioned in Article 4 and in paragraphs 1 and 2 of this Article. These systems may include the reporting to other entities than the ones described in Article 6(2) and may involve an active participation of the industry.

Article 6

Collection and storage of information

1. Each organisation established in a Member State shall designate one or more persons to handle the collection, evaluation, processing, analysis and storage of details on occurrences reported in accordance with Articles 4 and 5. These designated persons shall work separately and independently from other departments of the organisation.
2. Each Member State shall designate one or more competent authorities to put in place a mechanism to collect, evaluate, process, analyse and store details on occurrences reported in accordance with Articles 4 and 5. The designated competent authorities shall work separately and independently from other departments when handling the information reported.

The authorities which may be entrusted with that responsibility, either together 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 entrusted with this function.

If a Member State designates more than one body or entity, it shall designate one of these as point of contact for the transfer of information mentioned in Article 8(2).

3. Organisations shall store occurrence reports coming from details on occurrences collected in accordance with Articles 4 and 5 in a database.
4. The competent authorities referred to in paragraph 2 shall store occurrence reports coming from details on occurrences collected in accordance with Articles 4 and 5 in a national database.
5. Accidents and serious incidents shall also be stored in that national database.
6. Member State authorities responsible for the implementation of the State Safety Programme shall have full access to the national database referred to in paragraph 4 to support their safety responsibilities.
7. Safety investigation authorities shall have full access to the national database referred to in paragraph 4 in order to discharge the obligations laid down in Article 5(4) of Regulation (EU) No 996/2010.

Article 7

Quality and completeness of occurrence reports

1. Occurrence reports referred to in Article 6 shall contain at least the information listed in Annex II point 2.
2. Each occurrence report referred to in paragraph 4 of Article 6 shall contain the safety risk classification of the occurrence collected. The classification shall be determined in accordance with the common European risk classification scheme laid down in paragraph 5.
3. Organisations and Member States shall establish data quality checking processes notably to ensure consistency between the different data contained in an occurrence report and the initial details on occurrence reported by the reporter.
4. The databases mentioned in paragraphs 3 and 4 of Article 6 shall use standardised formats to facilitate information exchange and shall be an ECCAIRS and an ADREP-compatible system.
5. The Commission shall develop a common European risk classification scheme in order to classify occurrences in terms of safety risk. In doing so the Commission shall take into account the need for compatibility with existing risk classification schemes.
6. The Commission shall be empowered to adopt, where necessary, delegated acts in accordance with Article 18 for defining 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 shall support competent authorities of the Member States in their task of data integration, notably, but not limited to, the integration of minimum information referred to in paragraph 1, the risk classification of occurrences referred to in paragraph 2 and the establishment of data quality checking processes referred to in paragraph 3. This support from the Commission, provided notably in the form of guidance material and workshops, shall contribute to harmonise the data entry process across Member States.

Article 8

European Central Repository

1. The Commission shall manage a European Central Repository to store all occurrence reports collected in the Union.
2. Each Member State shall agree with the Commission the technical protocols for the update of the European Central Repository by transfer of all safety related information contained in the national databases referred to in Article 6(4).
3. EASA shall agree with the Commission the technical protocols for transferring into the European Central Repository all occurrence reports collected under Regulation (EC) No 216/2008 of the European Parliament and of the Council²¹ and its implementing rules as well as the information collected in application of Articles 4(6) 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. Those implementing acts shall be adopted in accordance with the examination procedure referred to in Article 19(2).
5. The Commission shall be empowered to adopt, where necessary, delegated acts in accordance with Article 18 for updating the measures concerning the integration into the European Central Repository referred to in paragraphs 2 and 3.

Article 9

Exchange of information

1. Member States and EASA shall participate in an exchange of information by making all safety related information stored in their respective reporting databases available to the competent authorities of the other Member States, EASA and the Commission, through the means of the European Central Repository. Occurrence reports shall be transferred to the European Central Repository within 30 days after the initial

²¹ 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.*

collection of details on the occurrence. Occurrence reports shall be updated whenever necessary with additional safety related information.

2. Information related to accidents and serious incidents shall also be transferred in the European Central Repository. Basic factual information on accidents and serious incidents shall be transferred while an investigation thereon is on-going. When the investigation is completed, all information including, when available, a summary in English of the final investigation report shall be added.
3. If a Member State or EASA, in the collection of details on occurrences or storage of occurrence reports, identifies safety matters considered to be of interest to other Member States or EASA and possibly requiring safety action to be taken, that Member State or EASA shall forward all pertinent safety related information to relevant Member States authorities or EASA as soon as possible.

Article 10

Dissemination of information

1. Any entity entrusted with regulating civil aviation safety or with investigating civil aviation accidents and incidents within the Union shall have online access to information on occurrences contained in the European Central Repository.
2. Interested parties listed in Annex III 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 not established in the Union shall address their request to the Commission.
3. For security reasons, direct access to the European Central Repository shall not be granted to interested parties.

Article 11

Processing of requests and decisions

1. Requests shall be submitted using forms approved by the point of contact. These forms shall contain at least the items set out in Annex IV.
2. A point of contact which receives a request shall check that it is made by an interested party and that the point of contact is competent to deal with such request.
3. A point of contact which receives a request shall evaluate on a case-by-case basis whether the request is justified and practicable. The points of contact may supply information to interested parties on paper or by using secure electronic means of communication.
4. If the request is accepted, the point of contact shall determine the amount and the level of information to be supplied. The information shall be limited to what is strictly required for the purpose of the request, without prejudice to Articles 15 and

16. Information unrelated to the interested party's own equipment, operations or field of activity shall be supplied only in aggregated or disidentified form. Information under non aggregated form may be provided to the interested party if it provides a detailed justification.
5. Interested parties listed in Annex III point (b) may be supplied 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 Annex III point (a) may take a decision of general nature to supply information on a regular basis to that interested party. The information requested shall be related to the interested party's own equipment, operations and field of activity. The decision of general nature cannot grant access to the whole content of the database and shall only cover access to disidentified information.
 7. The interested party shall only use the information received for the purpose specified in the request form, which should be compatible with the objective of this Regulation as stated in Article 1. The interested party shall not disclose the information received without the written consent of the provider and shall take the necessary measures to ensure appropriate confidentiality of the information received.
 8. The decision to disseminate information under this Article shall be limited to what is strictly required for the purpose of its user.
 9. The Commission shall be empowered to adopt, where necessary, delegated acts in accordance with Article 18 to update the rules on the dissemination of information contained in the European Central Repository in order to extend or restrict the dissemination of information.

Article 12

Record of requests and exchange of information

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

Article 13

Occurrence analysis and follow up at national level

1. Each organisation established in a Member State shall develop a process to analyse the details on occurrences collected in accordance with Articles 4 and 5 in order to identify the safety hazards associated with identified occurrences. Based on this analysis it shall determine any appropriate corrective or preventive action required for the enhancement of safety.

2. Each organisation established in a Member State shall, following the identification of actions required to address actual or potential safety deficiencies, implement these actions in a timely manner and establish a process to monitor implementation and effectiveness of the responses.
3. Each organisation certified or approved by a Member State shall report, where required, to the competent authority Member State, as referred to in Article 6(2), the result of the analysis performed in accordance with paragraph 1 and the actions required in accordance with paragraph 2 within 30 days.
4. Each Member State shall develop a process to analyse the details on occurrences collected in accordance with Articles 4 and 5 in order to identify the safety hazards associated with identified occurrences. Based on this analysis it shall determine any appropriate corrective or preventive action required for the enhancement of safety.
5. Each Member State shall, following the identification of actions required to address actual or potential safety deficiencies, implement these actions in a timely manner and establish a process to monitor implementation and effectiveness of the responses.
6. Each Member State shall also monitor the implementation and effectiveness of organisations responses pursuant to paragraph 2. When a Member State assesses that the responses are inappropriate to address the actual or potential safety deficiencies, it shall ensure that additional appropriate actions are taken and implemented by the relevant organisation.
7. Information related to the analysis and follow-up of individual occurrences as described in this Article shall be stored in the European Central Repository in a timely manner and no later than two months after their storage in the national database.
8. Information obtained from the analysis of occurrence reports shall be used by Member States to help determine remedial actions to be taken within the State Safety Programme.
9. Member States shall publish, at least annually, a safety review containing information on the type of occurrences collected by their national mandatory and voluntary reporting systems to inform the general public of the level of safety in civil aviation and the actions they have taken to address any safety issue in that context.
10. Member States may also publish disidentified occurrence reports.

Article 14

Occurrence analysis and follow up at European Union level

1. The Commission, EASA 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.
2. The collaboration shall be carried out by a Network of Aviation Safety Analysts.

3. EASA shall support the Network of Aviation Safety Analysts activities including, but not limited to, assistance for the preparation and organisation of its meetings.
4. The Network of Aviation Safety Analysts shall contribute to the enhancement of aviation safety in the Union notably by performing safety analysis activity to support the European Aviation Safety Programme and the European Aviation Safety Plan.
5. EASA shall include information about the result of information analysis referred to in paragraph 1 in the annual safety review mentioned in Article 15(4) of Regulation (EC) No 216/2008.

Article 15

Protection and appropriate use of the information

1. Member States and organisations shall take the necessary measures to ensure appropriate confidentiality of the details on occurrences received by them pursuant to Articles 4, 5 and 10.
2. The details on occurrences shall only be used for the purpose for which they have been collected. Member States and organisations shall not make available and use the information for another purpose than maintaining or improving aviation safety. The information shall not be used to attribute blame or liability.
3. The Commission, EASA and the competent authorities of the Member States, when discharging their obligations referred to in Article 14, shall ensure the confidentiality of the information contained in the European Central Repository, and shall limit its use to what is strictly necessary to discharge their safety related obligations. In this respect, that information shall notably be used for analysis of safety trends which can form the basis for anonymous safety recommendations or airworthiness directives without apportioning blame or liability.
4. Member States shall ensure that their competent authorities referred to in Article 6(2) and their competent authorities for the administration of justice cooperate with each other through advance arrangements. These advance 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

1. Each organisation established in a Member State shall ensure that all personal data such as names or addresses of individual persons are only available to the persons referred to in Article 6(1). Disidentified information shall be disseminated within the organisation as appropriate. Each organisation established in a Member State shall process personal data only to such an extent as necessary for the purpose of this Regulation and without prejudice to the national legislations implementing Directive 95/46/EC.

2. Each Member State shall ensure all personal data such as that names or addresses of individual persons are never recorded in the national database mentioned in Article 6(4). Disidentified information shall be made available to all relevant parties notably to allow them to discharge their obligations in terms of aviation safety improvement. Each Member State shall process personal data only to such an extent as necessary for the purpose of this Regulation and without prejudice to the national legislations implementing Directive 95/46/EC.
3. 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 in application of Articles 4 and 5. This rule shall not apply in cases of gross negligence.
4. Employees who report incidents in accordance with Articles 4 and 5 shall not be subject to any prejudice by their employer on the basis of the information they have reported, except in cases of gross negligence.
5. Each organisation established in a Member State shall adopt internal rules describing how Just Culture principles, in particular the principle referred to in paragraph 4, are guaranteed and implemented within their organisation.
6. Each Member State shall establish a body responsible for the implementation of this Article. Employees can report to this body infringements to the rules established by this Article. Where appropriate, the designated body shall propose to its Member State the adoption of penalties as referred to in Article 21 towards the employer.

Article 17

Update of the Annexes

The Commission shall be empowered to adopt delegated acts in accordance with Article 18 concerning the Annexes to this Regulation in order to adapt the Annexes to technical progress, to align the Annexes with the international agreed taxonomy ADREP, with other legislations adopted by the Union and with international agreements, to update the list of interested parties and the request for European Central Repository information form, and to ensure that the scope of incidents to be reported under the mandatory scheme remains appropriate.

Article 18

Exercise of the delegation

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 Articles 7(6), 8(5), 11(9) and 17 shall be conferred on the Commission for an indeterminate period of time.
3. The delegation of power referred to in Articles 7(6), 8(5), 11(9) and 17 may be revoked at any time by the European Parliament or by the Council. A decision of

revocation 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 Articles 7(6), 8(5), 11(9) and 17 shall enter into force only if no objection has been expressed either by the European Parliament or the Council within a period of 2 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 2 months at the initiative of the European Parliament or the Council.

Article 19

Committee procedure

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.

Article 20

Access to documents and protection of personal data

1. With the exception of Articles 10 and 11 which establish stricter access rules 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 legislations implementing Directive 95/46/EC and in accordance with Regulation (EC) No 45/2001.

Article 21

Penalties

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 inform the Commission when penalties are adopted in application of this Article.

Article 22

Amendment to Regulation (EU) No 996/2010

Article 19 is deleted.

Article 23

Repeals

Directive 2003/42/EC, Commission Regulation (EC) No 1321/2007 and Commission Regulation (EC) No 1330/2007 are repealed.

Article 24

Entry into force

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

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

Done at Brussels,

For the European Parliament
The President

For the Council
The President

ANNEX I: LIST OF INCIDENTS TO BE REPORTED UNDER THE MANDATORY OCCURRENCE REPORTING SCHEME

Part A: List of aircraft operations, maintenance, repair, and manufacture-related incidents to be reported

Note 1: Although this Part lists the majority of reportable incidents, it cannot be completely comprehensive. Any other incident, which is considered by those involved to meet the criteria, should also be reported.

Note 2: This Part does not include accidents and serious incidents as defined in Regulation (EU) No 996/2010. In addition to other requirements covering the notification of accidents and serious incidents as defined by Regulation (EU) No 996/2010, accidents and serious incidents shall also be reported through mandatory occurrence reporting systems.

Note 3: This Part contains examples of reporting requirements covering aircraft operations, maintenance, repair and manufacture.

Note 4: Occurrences to be reported are those where the safety of operation was or could have been endangered or which could have led to an unsafe condition. If in the view of the reporter an incident did not endanger the safety of the operation but if repeated in different but likely circumstances would create a hazard, then a report should be made. What is considered to be reportable on one class of product, part or appliance may not be so on another and the absence or presence of a single factor, human or technical, can transform an incident into an accident or serious incident.

Note 5: Occurrences to be reported may concern occurrences involving manned aircrafts as well as those involving Remotely Piloted Air System.

CONTENTS

1: AIRCRAFT FLIGHT OPERATIONS

2: AIRCRAFT TECHNICAL

3: AIRCRAFT MAINTENANCE AND REPAIR

4: AIR NAVIGATION SERVICES, FACILITIES AND GROUND SERVICES

1. AIRCRAFT FLIGHT OPERATIONS

1.1. Operation of the aircraft

(a) avoidance manoeuvres:

- risk of collision with another aircraft, terrain or other object or an unsafe situation when avoidance action would have been appropriate;
- an avoidance manoeuvre required to avoid a collision with another aircraft, terrain or other object;

- an avoidance manoeuvre to avoid other unsafe situations.
- (b) Take-off or landing incidents, including precautionary or forced landings. Incidents such as under-shooting, overrunning or running off the side of runways. Take-offs, rejected take-offs, landings or attempted landings on a closed, occupied or incorrect runway. Runway incursions.
- (c) Inability to achieve predicted performance during take-off or initial climb.
- (d) Critically low fuel quantity or inability to transfer fuel or use total quantity of usable fuel.
- (e) Loss of control (including partial or temporary) regardless of cause.
- (f) Incidents close to or above V1 resulting from or producing a hazardous or potentially hazardous situation (e.g. rejected take-off, tail strike, engine-power loss etc.).
- (g) Go around producing a hazardous or potentially hazardous situation.
- (h) Unintentional significant deviation from airspeed, intended track or altitude (more than 300 ft) regardless of cause.
- (i) Descent below decision height/altitude or minimum descent height/altitude without the required visual reference.
- (j) Loss of position awareness relative to actual position or to other aircraft.
- (k) Breakdown in communication between flight crew (CRM) or between flight crew and other parties (cabin crew, ATC, engineering).
- (l) Heavy landing — a landing deemed to require a ‘heavy landing check’.
- (m) Exceedance of fuel imbalance limits.
- (n) Incorrect setting of an SSR code or of an altimeter subscale.
- (o) Incorrect programming of, or erroneous entries into, equipment used for navigation or performance calculations, or use of incorrect data.
- (p) Incorrect receipt or interpretation of radio-telephony messages.
- (q) Fuel system malfunctions or defects, which had an effect on fuel supply and/or distribution.
- (r) Aircraft unintentionally departing from a paved surface.
- (s) Collision between an aircraft and any other aircraft, vehicle or other ground object.
- (t) Inadvertent and/or incorrect operation of any controls.

- (u) Inability to achieve the intended aircraft configuration for any flight phase (e.g. landing gear and gear doors, flaps, stabilisers, slats etc.).
- (v) A hazard or potential hazard which arises as a consequence of any deliberate simulation of failure conditions for training, system checks or training purposes.
- (w) Abnormal vibration.
- (x) Operation of any primary warning system associated with manoeuvring the aircraft e.g. configuration warning, stall warning (stick shaker), over-speed warning etc. unless:
 - (1) the crew conclusively established that the indication was false and provided that the false warning did not result in difficulty or hazard arising from the crew response to the warning; or
 - (2) operated for training or test purposes.
- (y) GPWS/TAWS ‘warning’ when:
 - (1) the aircraft comes into closer proximity to the ground than had been planned or anticipated; or
 - (2) the warning is experienced in instrument meteorological conditions or at night and is established as having been triggered by a high rate of descent (mode 1); or
 - (3) the warning results from failure to select landing gear or landing flaps by the appropriate point on the approach (mode 4); or
 - (4) any difficulty or hazard arises or might have arisen as a result of crew response to the ‘warning’ e.g. possible reduced separation from other traffic. This could include warning of any mode or type i.e. genuine, nuisance or false.
- (z) GPWS/TAWS ‘alert’ when any difficulty or hazard arises or might have arisen as a result of crew response to the ‘alert’.
- (aa) ACAS RAs.
- (bb) Jet or prop blast incidents resulting in significant damage or serious injury.

1.2. Emergencies

- (a) Fire, explosion, smoke or toxic or noxious fumes, abnormal smell, even though fires were extinguished.
- (b) The use of any non-standard procedure by the flight or cabin crew to deal with an emergency when:
 - (1) the procedure exists but is not used;

- (2) the procedure does not exist;
 - (3) the procedure exists but is incomplete or inappropriate;
 - (4) the procedure is incorrect;
 - (5) the incorrect procedure is used.
- (c) Inadequacy of any procedures designed to be used in an emergency, including when being used for maintenance, training or test purposes.
 - (d) An event leading to an emergency evacuation.
 - (e) Depressurisation.
 - (f) The use of any emergency equipment or prescribed emergency procedures in order to deal with a situation.
 - (g) An event leading to the declaration of an emergency ('Mayday' or 'panne').
 - (h) Failure of any emergency system or equipment, including all exit doors and lighting, to perform satisfactorily, including when being used for maintenance, training or test purposes.
 - (i) Events requiring any use of emergency oxygen by any crew member.

1.3. Crew incapacitation

- (a) Incapacitation of any member of the flight crew, including that which occurs prior to departure if it is considered that it could have resulted in incapacitation after take-off.
- (b) Incapacitation of any member of the cabin crew which renders them unable to perform essential emergency duties.

1.4. Injury

- (a) Incidents, which have or could have led to significant injury to passengers or crew but which are not considered reportable as an accident.
- (b) Severe health event affecting crew member or passengers

1.5. Meteorology

- (a) A lightning strike which resulted in damage to the aircraft or loss or malfunction of any essential service.
- (b) A hail strike which resulted in damage to the aircraft or loss or malfunction of any essential service.
- (c) Severe turbulence encounter, an encounter resulting in injury to occupants or deemed to require a 'turbulence check' of the aircraft.

- (d) A windshear encounter.
- (e) Icing encounter resulting in handling difficulties, damage to the aircraft or loss or malfunction of any essential service.

1.6. Security

- (a) Unlawful interference with the aircraft including a bomb threat or hijack.
- (b) Difficulty in controlling intoxicated, violent or unruly passengers.
- (c) Discovery of a stowaway.

1.7. Other incidents

- (a) Repetitive instances of a specific type of incident which in isolation would not be considered 'reportable' but which due to the frequency with which they arise, form a potential hazard.
- (b) A bird strike which resulted in damage to the aircraft or loss or malfunction of any essential service.
- (c) Wake-turbulence encounters.
- (d) Crew fatigue considered to have endangered or which might have endangered the aircraft or its occupants on board the aircraft or on the ground.
- (e) Any other incident of any type considered to have endangered or which might have endangered the aircraft or its occupants on board the aircraft or on the ground.

2. AIRCRAFT TECHNICAL

2.1. Structural

Not all structural failures need to be reported. Engineering judgment is required to decide whether a failure is serious enough to be reported. The following examples can be taken into consideration:

- (a) damage to a principal structural element (PSE) that has not been designated as damage-tolerant (life-limited element). PSEs are those which contribute significantly to carrying flight, ground, and pressurisation loads, and the failure of which could result in a catastrophic failure of the aircraft;
- (b) defect or damage exceeding admissible damages to a PSE that has been designated as damage-tolerant;
- (c) damage to or defect exceeding allowed tolerances of a structural element, the failure of which could reduce the structural stiffness to such an extent that the required flutter, divergence or control reversal margins are no longer achieved;

- (d) damage to or defect of a structural element, which could result in the liberation of items of mass that may injure occupants of the aircraft;
- (e) damage to or defect of a structural element, which could jeopardise proper operation of systems. See (2) below;
- (f) loss of any part of the aircraft structure in flight.

2.2. Systems

The following general criteria applicable to all systems are proposed:

- (a) loss, significant malfunction or defect of any system, subsystem or set of equipment when standard operating procedures, drills etc. could not be satisfactorily accomplished;
- (b) inability of the crew to control the system, for example:
 - (1) uncommanded actions,
 - (2) incorrect and/or incomplete response, including limitation of movement or stiffness,
 - (3) runaway,
 - (4) mechanical disconnection or failure;
- (c) failure or malfunction of the exclusive function(s) of the system (one system could integrate several functions);
- (d) interference within or between systems;
- (e) failure or malfunction of the protection device or emergency system associated with the system;
- (f) Loss of redundancy of the system.
- (g) Any incident resulting from unforeseen behaviour of a system.
- (h) For aircraft types with single main systems, subsystems or sets of equipment: loss, significant malfunction or defect in any main system, subsystem or set of equipment.
- (i) For aircraft types with multiple independent main systems, subsystems or sets of equipment: the loss, significant malfunction or defect of more than one main system, subsystem or set of equipment.
- (j) Operation of any primary warning system associated with aircraft systems or equipment unless the crew conclusively established that the indication was false, provided that the false warning did not result in difficulty or hazard arising from the crew response to the warning.

- (k) Leakage of hydraulic fluids, fuel, oil or other fluids which resulted in a fire hazard or possible hazardous contamination of aircraft structure, systems or equipment, or risk to occupants.
- (l) Malfunction or defect of any indication system when this results in the possibility of misleading indications to the crew.
- (m) Any failure, malfunction or defect if it occurs at a critical phase of the flight and is relevant to the system operation.
- (n) Significant shortfall of the actual performances compared to the approved performance which resulted in a hazardous situation (taking into account the accuracy of the performance-calculation method) including braking action, fuel consumption etc.
- (o) Asymmetry of flight controls; e.g. flaps, slats, spoilers etc.

The Appendix to this Annex gives a list of examples of reportable incidents resulting from the application of these general criteria to specific systems.

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

- (a) Flameout, shutdown or malfunction of any engine.
- (b) 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).
- (c) Failure or malfunction of any part of an engine or powerplant resulting in any one or more of the following:
 - (1) non-containment of components/debris;
 - (2) uncontrolled internal or external fire, or hot gas breakout;
 - (3) thrust in a direction different from that demanded by the pilot;
 - (4) thrust-reversing system failing to operate or operating inadvertently;
 - (5) inability to control power, thrust or rpm;
 - (6) failure of the engine mount structure;
 - (7) partial or complete loss of a major part of the powerplant;
 - (8) dense visible fumes or concentrations of toxic products sufficient to incapacitate crew or passengers;
 - (9) inability, by use of normal procedures, to shut down an engine;
 - (10) inability to restart a serviceable engine.

- (d) An uncommanded thrust/power loss, change or oscillation which is classified as a loss of thrust or power control (LOTTC):
 - (1) for a single-engine aircraft; or
 - (2) where it is considered excessive for the application; or
 - (3) where this could affect more than one engine in a multi-engine aircraft, particularly in the case of a twinengine aircraft; or
 - (4) for a multi-engine aircraft where the same, or similar, engine type is used in an application where the event would be considered hazardous or critical.
- (e) Any defect in a life-controlled part causing its withdrawal before completion of its full life.
- (f) Defects of common origin which could cause an in-flight shut-down rate so high that there is the possibility of more than one engine being shut down on the same flight.
- (g) An engine limiter or control device failing to operate when required or operating inadvertently.
- (h) Exceedance of engine parameters.
- (i) FOD resulting in damage.

Propellers and transmission

- (j) Failure or malfunction of any part of a propeller or powerplant resulting in any one or more of the following:
 - (1) an overspeed of the propeller;
 - (2) the development of excessive drag;
 - (3) a thrust in the opposite direction to that commanded by the pilot;
 - (4) a release of the propeller or any major portion of the propeller;
 - (5) a failure that results in excessive imbalance;
 - (6) the unintended movement of the propeller blades below the established minimum in-flight low-pitch position;
 - (7) an inability to feather the propeller;
 - (8) an inability to change propeller pitch;
 - (9) an uncommanded change in pitch;
 - (10) an uncontrollable torque or speed fluctuation;

- (11) the release of low-energy parts.

Rotors and transmission

- (k) Damage 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.
- (l) Damage to tail rotor, transmission and equivalent systems.

APUs

- (m) Shut down or failure when the APU is required to be available by operational requirements, e.g. ETOPS, MEL.
- (n) Inability to shut down the APU.
- (o) Overspeed.
- (p) Inability to start the APU when needed for operational reasons.

2.4. Human factors

Any incident where any feature or inadequacy of the aircraft design could have led to an error of use that could contribute to a hazardous or catastrophic effect.

2.5. Other incidents

- (a) Any incident where any feature or inadequacy of the aircraft design could have led to an error of use that could contribute to a hazardous or catastrophic effect.
- (b) An incident not normally considered as reportable (e.g., furnishing and cabin equipment, water systems), where the circumstances resulted in endangering the aircraft or its occupants.
- (c) A fire, explosion, smoke or toxic or noxious fumes.
- (d) Any other event which could endanger the aircraft, or affect the safety of the occupants of the aircraft, or people or property in the vicinity of the aircraft or on the ground.
- (e) Failure or defect of passenger address system resulting in loss of, or inaudible, passenger address system.
- (f) Loss of pilot seat control during flight.

3. AIRCRAFT MAINTENANCE AND REPAIR

- (a) Incorrect assembly of parts or components of the aircraft found during an inspection or test procedure not intended for that specific purpose.
- (b) Hot bleed air leak resulting in structural damage.

- (c) Any defect in a life-controlled part causing retirement before completion of its full life.
- (d) Any damage or deterioration (e.g. fractures, cracks, corrosion, delamination, disbonding etc.) resulting from any cause (e.g. as flutter, loss of stiffness or structural failure) to:
 - (1) a primary structure or a PSE (as defined in the manufacturers' Repair Manual) where such damage or deterioration exceeds allowable limits specified in the Repair Manual and requires a repair or complete or partial replacement;
 - (2) a secondary structure which consequently has or may have endangered the aircraft;
 - (3) the engine, propeller or rotorcraft rotor system.
- (e) Any failure, malfunction or defect of any system or equipment, or damage or deterioration thereof found as a result of compliance with an airworthiness directive or other mandatory instruction issued by a regulatory authority, when:
 - (1) it is detected for the first time by the reporting organisation implementing compliance;
 - (2) on any subsequent compliance, it exceeds the permissible limits quoted in the instruction and/or published repair/rectification procedures are not available.
- (f) Failure of any emergency system or equipment, including all exit doors and lighting, to perform satisfactorily, including when being used for maintenance or test purposes.
- (g) Non-compliance or significant errors in compliance with required maintenance procedures.
- (h) Products, parts, appliances and materials of unknown or suspect origin.
- (i) Misleading, incorrect or insufficient maintenance data or procedures that could lead to maintenance errors.
- (j) Any failure, malfunction or defect of ground equipment used for testing or checking of aircraft systems and equipment when the required routine inspection and test procedures did not clearly identify the problem, where this results in a hazardous situation.

4. AIR NAVIGATION SERVICES, FACILITIES AND GROUND SERVICES

4.1. Air navigation services (ANS)

See Annex IB, list of reportable ANS-related incidents.

4.2. Aerodrome and aerodrome facilities

- (a) Loss of radio communication between ground personnel and air traffic service.
- (b) loss of fire station alarm system.
- (c) rescue and fire fighting services not available according to requirements.
- (d) a significant change in aerodrome operating conditions that could lead to hazardous situations, not reported to air traffic service.

4.3. Handling of passengers, baggage and cargo

- (a) Significant contamination of aircraft structure, systems and equipment arising from the carriage of baggage or cargo.
- (b) Incorrect loading of passengers, baggage or cargo, likely to have a significant effect on aircraft mass and/or balance.
- (c) Incorrect stowage of baggage or cargo (including hand baggage) likely in any way to endanger the aircraft, its equipment or occupants or to impede emergency evacuation.
- (d) Inadequate stowage of cargo containers or other substantial items of cargo.
- (e) Carriage or attempted carriage of dangerous goods in contravention of applicable regulations, including incorrect labelling and packaging of dangerous goods.

4.4. Aircraft ground handling and servicing

- (a) Significant spillage during fuelling operations.
- (b) Loading of incorrect fuel quantities likely to have a significant effect on aircraft endurance, performance, balance or structural strength.
- (c) Failure, malfunction or defect of ground equipment used for the testing or checking of aircraft systems and equipment when the required routine inspection and test procedures did not clearly identify the problem, where this results in a hazardous situation.
- (d) Non-compliance or significant errors in compliance with required servicing procedures.
- (e) Loading of contaminated or incorrect type of fuel or other essential fluids (including oxygen and potable water).

Appendix to Part A of ANNEX I

The following subparagraphs give examples of reportable incidents resulting from the application of the general criteria to specific systems listed in paragraph 2.2 of Part A of Annex I.

1. Air conditioning/ventilation
 - (a) complete loss of avionics cooling
 - (b) depressurisation.
2. Autoflight system
 - (a) failure of the autoflight system to achieve the intended operation while engaged
 - (b) significant reported crew difficulty to control the aircraft linked to autoflight system functioning
 - (c) failure of any autoflight system disconnect device
 - (d) uncommanded autoflight mode change.
3. Communications
 - (a) failure or defect of passenger address system resulting in loss of or inaudible passenger address
 - (b) total loss of communication in flight.
4. Electrical system
 - (a) loss of one electrical distribution system (AC/DC)
 - (b) total loss or loss of more than one electrical generation system
 - (c) failure of the back up (emergency) electrical generation system.
5. Cockpit/Cabin/Cargo
 - (a) pilot seat control loss during flight
 - (b) failure of any emergency system or equipment, including emergency evacuation signalling system, all exit doors,
 - (c) emergency lighting, etc.
 - (d) loss of retention capability of the cargo loading system.
6. Fire protection system
 - (a) fire warnings, except those immediately confirmed as false

- (b) undetected failure or defect of fire/smoke detection/protection system, which could lead to loss or reduced fire detection/protection
 - (c) absence of warning in case of actual fire or smoke.
7. Flight controls
- (a) asymmetry of flaps, slats, spoilers, etc.
 - (b) limitation of movement, stiffness or poor or delayed response in the operation of primary flight control systems or their associated tab and lock systems
 - (c) flight control surface runaway
 - (d) flight control surface vibration felt by the crew
 - (e) mechanical flight control disconnection or failure
 - (f) significant interference with normal control of the aircraft or degradation of flying qualities.
8. Fuel system
- (a) fuel quantity indicating system malfunction resulting in total loss or wrong indication of fuel quantity on board
 - (b) leakage of fuel which resulted in major loss, fire hazard, significant contamination
 - (c) malfunction or defects of the fuel jettisoning system which resulted in inadvertent loss of significant quantity, fire hazard, hazardous contamination of aircraft equipment or inability to jettison fuel
 - (d) fuel system malfunctions or defects which had a significant effect on fuel supply and/or distribution
 - (e) inability to transfer or use total quantity of usable fuel.
9. Hydraulics
- (a) loss of one hydraulic system (ETOPS only)
 - (b) failure of the isolation system
 - (c) loss of more than one hydraulic circuit
 - (d) failure of the back-up hydraulic system
 - (e) inadvertent ram air turbine extension.
10. Ice detection/protection system
- (a) undetected loss or reduced performance of the anti-ice/de-ice system

- (b) loss of more than one of the probe-heating systems
 - (c) inability to obtain symmetrical wing de-icing
 - (d) abnormal ice accumulation leading to significant effects on performance or handling qualities
 - (e) crew vision significantly affected.
11. Indicating/warning/recording systems
- (a) malfunction or defect of any indicating system when the possibility of significant misleading indications to the crew could result in an inappropriate crew action on an essential system
 - (b) loss of a red warning function on a system
 - (c) for glass cockpits: loss or malfunction of more than one display unit or computer involved in the display/ warning function.
12. Landing gear system/brakes/tyres
- (a) brake fire
 - (b) significant loss of braking action
 - (c) asymmetrical braking action leading to significant path deviation
 - (d) failure of the landing gear free fall extension system (including during scheduled tests)
 - (e) unwanted landing gear or gear doors extension/retraction
 - (f) multiple tyre burst.
13. Navigation systems (including precision approach systems) and air data systems
- (a) total loss or multiple navigation equipment failures
 - (b) total or multiple air data system equipment failures
 - (c) significant misleading indications
 - (d) significant navigation errors attributed to incorrect data or a database coding error
 - (e) unexpected deviations in lateral or vertical path not caused by pilot input
 - (f) problems with ground navigational facilities leading to significant navigation errors not associated with transitions from inertial navigation mode to radio navigation mode.
14. Oxygen for pressurised aircraft

- (a) loss of oxygen supply in the cockpit
- (b) loss of oxygen supply to a significant number of passengers (more than 10 %), including when found during maintenance or training or test purposes.

15. Bleed air system

- (a) hot bleed air leak resulting in fire warning or structural damage
- (b) loss of all bleed air systems
- (c) failure of bleed air leak detection system.

Part B: List of air navigation services related incidents to be reported

Note 1: Although this Part lists the majority of reportable incidents, it cannot be completely comprehensive. Any other incidents, which are considered by those involved to meet the criteria, shall also be reported.

Note 2: This Part does not include accidents and serious incidents as defined by Regulation (EU) No 996/2010. In addition to other requirements covering the notification of accidents and serious incidents as defined by Regulation (EU) No 996/2010, accidents and serious incidents shall also be reported through mandatory occurrence reporting systems.

Note 3: This Part includes ANS incidents which pose an actual or potential threat to flight safety, or can compromise the provision of safe ANS services.

Note 4: The contents of this Part shall not preclude the reporting of any incident, situation or condition which, if repeated in different but likely circumstances or allowed to continue uncorrected, could create a hazard to aircraft safety.

- (1) Near collision incidents (encompassing specific situations where one aircraft and another aircraft/the ground/a vehicle/person or object are perceived to be too close to each other):
 - (a) separation minima infringement;
 - (b) inadequate separation;
 - (c) near-controlled flight into terrain (near CFIT);
 - (d) runway incursion where avoiding action was necessary.
- (2) Potential for collision or near collision (encompassing specific situations having the potential to be an accident or a near collision, if another aircraft is in the vicinity):
 - (a) runway incursion where no avoiding action is necessary;
 - (b) runway excursion;
 - (c) aircraft deviation from ATC clearance;
 - (d) aircraft deviation from applicable air traffic management (ATM) regulation:
 - (1) aircraft deviation from applicable published ATM procedures;
 - (2) unauthorised penetration of airspace;
 - (3) deviation from aircraft ATM-related equipment carriage and operations, as mandated by applicable regulation(s).
- (3) ATM-specific incidents (encompassing those situations where the ability to provide safe ATM services is affected, including situations where, by chance, the safe operation of aircraft has not been jeopardised).

This shall include the following incidents:

- (a) inability to provide ATM services:
 - (1) inability to provide air traffic services;
 - (2) inability to provide airspace management services;
 - (3) inability to provide air traffic flow management services;
- (b) failure of Communication function;
- (c) failure of Surveillance function;
- (d) failure of Data Processing and Distribution function;
- (e) failure of Navigation function;
- (f) ATM system security.

Appendix to Part B of Annex I

The following points give examples of reportable ATM incidents resulting from the application of the general criteria listed in paragraph 3 of Part B of Annex I to aircraft operations.

1. Provision of significantly incorrect, inadequate or misleading information from any ground sources, e.g. air traffic service (ATS), automatic terminal information service (ATIS), meteorological services, navigation databases, maps, charts, aeronautical information service (AIS), manuals, etc.
2. Provision of less than prescribed terrain clearance.
3. Provision of incorrect pressure reference data (i.e. altimeter setting).
4. Incorrect transmission, receipt or interpretation of significant messages when this results in a hazardous situation.
5. Separation minima infringement.
6. Unauthorised penetration of airspace.
7. Unlawful radio communication transmission.
8. Failure of ANS ground or satellite facilities.
9. Major ATC/ATM failure or significant deterioration of aerodrome infrastructure.
10. Aerodrome movement areas and/or navigational aids obstructed by aircraft, vehicles, animals, persons or foreign objects, resulting in a hazardous or potentially hazardous situation.
11. Errors or inadequacies in marking of obstructions or hazards on aerodrome movement areas resulting in a hazardous situation.
12. Failure, significant malfunction or unavailability of aerodrome lighting

**ANNEX II: LIST OF DEADLINES AND REQUIREMENTS APPLICABLE TO THE
MANDATORY OCCURRENCE REPORTING SCHEME**

1. DEADLINE FOR REPORTING

1.1. General rule

The maximum period to report an occurrence in application of Article 4 is 72 hours.

1.2. Specific cases

- (a) In the case of a "near collision with any other flying device; faulty air traffic procedures or lack of compliance with applicable procedures by air traffic services or by the flight crew; failure of air traffic services facilities", according to Regulation No 859/2008²² (EU-OPS) 1.420 d) 1, the report shall be made without delay.
- (b) In the case of a potential bird hazard, according to Regulation No 859/2008 (EU-OPS) 1.420 d) 3, the report shall be made immediately.
- (c) In the case of a bird strike involving significant damage to the aircraft or the loss or malfunction of any essential service, according to Regulation No 859/2008 (EU-OPS) 1.420 d) 3, the report shall be made after landing.
- (d) In the case of an act of unlawful interference on board an aircraft, according to Regulation No 859/2008 (EU-OPS) 1.420 d) 5, the report shall be made as soon as practicable.
- (e) In the case of a potentially hazardous condition such as an irregularity in a ground or navigational facility, a meteorological phenomenon or a volcanic ash cloud is encountered during flight, according to Regulation No 859/2008 (EU-OPS) 1.420 d) 6, the report shall be made as soon as practicable.

2. MANDATORY DATA FIELDS

2.1. Common data fields

Every occurrence report collected in application of Articles 4 and 5 shall contain at least the following information:

- (1) **Headline**
 - **Headline**
- (2) **Filing Information**
 - **Responsible Entity**

²² Commission Regulation (EC) No 859/2008 of 20 August 2008 amending Council Regulation (EEC) No 3922/91 as regards common technical requirements and administrative procedures applicable to commercial transportation by aeroplane; *OJ L 254, 20.9.2008, p. 1.*

- File Number
- Occurrence Status

(3) When

- Local Date
- Local Time
- UTC Date
- UTC Time

(If only one Date/ Time is selected – this should be UTC)

(4) Where

- State/ Area of Occurrence
- Location of Occurrence

(5) Classification

- Occurrence Class
- Occurrence Category

(6) Severity

- Highest Damage
- Injury Level
- Third Party Damage – (Recommended field - Not always relevant)
- Damage Aerodrome – (Recommended field - Not always relevant)

(7) ATM relation (when relevant)

- ATM contribution

(8) Weather (when relevant)

- Weather Relevant

If Yes

- Weather Conditions
- Light Conditions
- Wind Speed

- Visibility
 - Air Temperature
- (9) Narrative
- Narrative Language
 - Narrative
- (10) Events
- Event Type
 - Event Phase
- (11) Risk classification

2.2. Specific data fields

In case an aircraft is involved in the occurrence the following information shall be specified:

- (1) Aircraft Identification
- State of Registry
 - Make/ Model/ Series
 - Aircraft serial number
 - Aircraft Registration
- (2) Aircraft Operation
- Operator
 - Operator Type
- (3) Aircraft Description
- Aircraft Category
 - Propulsion Type
 - Number of Engines
 - Mass Group
- (4) History of Flight
- Last Departure Point

- Planned Destination
- Flight Phase
- Occurrence on Ground
- Type of Landing (Recommended field - Not always relevant)
- Landing Location (Recommended field - Not always relevant)

(5) ATS

- Current Flight Rules
- Current Traffic Type

ANNEX III: LIST OF INTERESTED PARTIES

(a) List of interested parties which may receive information on the basis of a case by case decision in accordance with 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; 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 equipments used on the air side of aerodromes
2. *Maintenance*: organisations involved with the maintenance or overhaul of aircraft, engines, propellers and aircraft parts and appliances; with the installation, modification, maintenance, repair, overhaul, flight checking or inspection of air navigation facilities; or with 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, servicing, loadsheet preparation, loading, de-icing and towing at an aerodrome, as well as rescue and fire fighting, or other emergency services
6. Aviation training organisations
7. *Third-country organisations*: governmental aviation authorities and accident investigation authority 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 in accordance with Articles 11(4) and 11(5)

1. *Pilots* (on personal basis)
2. *Air traffic controllers* (on personal basis) and other ATM/ANS staff carrying out safety related tasks
3. Engineers/technicians/air traffic safety electronics personnel/aviation (or aerodrome) managers (on personal basis)
4. Professional representative bodies of staff carrying out safety-related tasks

**ANNEX IV: REQUEST FOR INFORMATION FROM THE EUROPEAN CENTRAL
REPOSITORY**

1. Name:

Function/position

Company:

Address:

Tel:

E-mail:

Date:

Nature of Business:

Category of interested party you fall into (see Annex III of Regulation (EU) No.../... of the European Parliament and of the Council on occurrence reporting in civil aviation):

2. **Information requested** (please be as specific as possible in your request, stating the relevant date/period over which you are interested):

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3. Reason for the request:

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4. Explain the purpose the information will be used for:

--

5. Date by which the information is requested:

6. Completed form should be sent, via e-mail, to: (point of contact)

7. Access to information

The point of contact is not required to make available any requested information. It may do so only if it is confident that the request is compatible with Regulation (EU) No.../... of the European Parliament and of the Council on occurrence reporting in civil aviation. 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 are made available only for the purposes of flight safety as provided in Regulation (EU) No.../... and not for other purposes including attributing blame or liability or commercial purposes.

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

Failure to meet the above requirements may lead to the denial of access to further information from the European Central Repository and to any sanction where applicable.

8. Date, place and signature:

LEGISLATIVE FINANCIAL STATEMENT

1. FRAMEWORK OF THE PROPOSAL/INITIATIVE

1.1. Title of the proposal

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

1.2. Policy area concerned in the ABM/ABB structure²³

0602 : Inland, air and maritime transport

1.3. Nature of the proposal

- The proposal/initiative relates to **a new action**
- The proposal/initiative relates to **a new action following a pilot project/preparatory action**²⁴
- The proposal/initiative relates to **the extension of an existing action**
- The proposal/initiative relates to **an action redirected towards a new action**

1.4. Objectives

1.4.1. *The Commission's multiannual strategic objective(s) targeted by the proposal*

"Promote safe and secure transport" (Specific objective 2 of inland, air and maritime transport, DG MOVE Management Plan 2012).

DG MOVE policies aim to provide European citizens and businesses with competitive, sustainable, secure and safe transport services. The transport sector is a key element of the Commission's 2020 strategy.

Under the general objective of providing European citizens and businesses with competitive transport services as a factor for growth and jobs, the proposal for a Regulation on occurrence reporting in civil aviation within the ABB activity "Inland, air and maritime transport" contributes directly to attaining the specific objective of promoting safe and secure transport.

1.4.2. *Specific objective and ABM/ABB activity concerned*

Specific objective

²³ ABM: Activity-Based Management – ABB: Activity-Based Budgeting.

²⁴ As referred to in Article 49(6)(a) or (b) of the Financial Regulation.

To strengthen and formalise the actions at Union level related to occurrence reporting and in particular the analysis of safety information contained in the European Central Repository in order notably to determine key risk areas in the Union.

The European Aviation Safety Agency will coordinate the activities.

ABM/ABB activity concerned

Chapter 0602 : Inland, air and maritime transport

1.4.3. Expected results and impact

Specify the effects which the proposal/initiative should have on the beneficiaries/groups targeted.

The analysis of data contained in the European Central Repository at Union level and the formalisation of the Network of Analysts would produce the following benefits:

- The identification of possible aviation safety problems and key risk areas at the Union level;
- Enable the European Union to focus its efforts from a data driven perspective;
- Support the European Aviation Safety Programme (EASP) and the European Aviation Safety Plan (EASp);
- Support Member States with their own obligations, notably by giving them access to a larger set of data.

1.4.4. Indicators of results and impact

Specify the indicators for monitoring implementation of the proposal/initiative.

N/A

1.5. Grounds for the proposal/initiative

1.5.1. Requirement(s) to be met in the short or long term

Contribute to achieve an increased level of civil aviation safety.

1.5.2. Added value of EU involvement

The EU action coordinates and completes the actions of Member States.

1.5.3. Lessons learned from similar experiences in the past

N/A

1.5.4. Coherence and possible synergy with other relevant instruments

N/A

1.6. Duration and financial impact

- Proposal/initiative of **limited duration**
 - Proposal/initiative in effect from [DD/MM]YYYY to [DD/MM]YYYY
 - Financial impact from YYYY to YYYY
- Proposal/initiative of **unlimited duration**
 - Implementation with a start-up period from 2014 to YYYY,
 - followed by full-scale operation.

1.7. Management mode(s) envisaged²⁵

- Centralised direct management** by the Commission
- Centralised indirect management** with the delegation of implementation tasks to:
 - executive agencies
 - bodies set up by the Communities²⁶ (European Aviation Safety Agency)
 - national public-sector bodies/bodies with public-service mission
 - persons entrusted with the implementation of specific actions pursuant to Title V of the Treaty on European Union and identified in the relevant basic act within the meaning of Article 49 of the Financial Regulation
- Shared management** with the Member States
- Decentralised management** with third countries
- Joint management** with international organisations (*to be specified*)

If more than one management mode is indicated, please provide details in the "Comments" section.

Comments

The achievement of specific objective No1 will notably require additional human resources for the European Aviation Safety Agency which are estimated at two persons (€300,000 per year including 2 x €130,000 on the budget line “*staff expenditure*” and 2 x €20,000 on the budget line “*infrastructure and operating expenditure*”). An additional mission budget of €40,000 will be used to support Member States on-site and €25,000 will be used to support outreach activities such as workshops and seminars across Europe.

Therefore the total estimated additional budget costs for EASA will amount to €365,000 that will fully be covered by redeployment within the existing resources of the Agency.

²⁵ Details of management modes and references to the Financial Regulation may be found on the BudgWeb site: http://www.cc.cec/budg/man/budgmanag/budgmanag_en.html

²⁶ As referred to in Article 185 of the Financial Regulation.

2. MANAGEMENT MEASURES

2.1. Monitoring and reporting rules

Specify frequency and conditions.

Each year, the work of the EASA is monitored and evaluated in the annual general report (for the previous year) and the work programme (for the following year). These two documents are adopted by the Agency's Management Board and sent to the European Parliament, the Council, the Commission, the Court of Auditors and the Member States.

Every five years, an independent external evaluation is carried out to see how well the EASA has fulfilled its tasks and evaluate the impact of the common rules and the Agency's work on the general level of aviation safety.

2.2. Management and control system

2.2.1. Risk(s) identified

N/A

2.2.2. Control method(s) envisaged

Each year, the work of the EASA is monitored and evaluated in the annual general report (for the previous year) and the work programme (for the following year). These two documents are adopted by the Agency's Management Board and sent to the European Parliament, the Council, the Commission, the Court of Auditors and the Member States.

2.3. Measures to prevent fraud and irregularities

Specify existing or envisaged prevention and protection measures.

The Executive Director implements the Agency's budget. Each year, he presents detailed accounts for the previous year showing revenue and expenditure to the Commission, the Court of Auditors and the Agency's Management Board. In addition, the Commission's internal auditor has the same terms of reference with respect to the EASA as it does with respect to the Commission departments, and the Agency has an internal audit system similar to that of the Commission.

Regulation (EC) No 1073/1999 of the European Parliament and of the Council of 25 May 1999 concerning investigations conducted by the European Anti-Fraud Office (OLAF)²⁷, and the interinstitutional agreement of 25 May 1999 concerning internal investigations conducted by OLAF apply without restriction to the EASA.

²⁷ OJ L 136, 31.5.1999, p. 1.

3. ESTIMATED FINANCIAL IMPACT OF THE PROPOSAL/INITIATIVE

3.1. Heading(s) of the multiannual financial framework and expenditure budget line(s) affected (new multiannual financial framework 2014-2020)

- Existing expenditure budget lines

In order of multiannual financial framework headings and budget lines (2014-2020).

Heading of multiannual financial framework	Budget line	Type of expenditure	Contribution			
	Number [Description.....]	Diff./non-diff. (28)	from EFTA ²⁹ countries	from candidate countries ³⁰	from third countries	within the meaning of Article 18(1)(aa) of the Financial Regulation
1	(New) 06.02.02 EASA subsidies	Diff/ non -diff.	YES	NO ³¹	NO	NO

²⁸ Diff. = Differentiated appropriations / Non-diff. = Non-Differentiated Appropriations

²⁹ EFTA: European Free Trade Association.

³⁰ Candidate countries and, where applicable, potential candidate countries from the Western Balkans.

³¹ Participation from European third countries associated with the Agency (Switzerland, Norway and Iceland).

3.2. Estimated impact on expenditure

3.2.1. Summary of estimated impact on expenditure³²

EUR million (to 3 decimal places)

Heading of multiannual financial framework:	1	Smart and inclusive growth
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DG: MOVE			Year N ³³	Year N+1	Year N+2	Year N+3	Year N + 4 and later (indefinite)	TOTAL
• Operational appropriations								
Budget line : new 06.02.02	Commitments	(1)	0.365	0.365	0.365	0.365	0.365	
	Payments	(2)	0.365	0.365	0.365	0.365		
Appropriations of an administrative nature financed from the envelope for specific programmes ³⁴								
TOTAL appropriations for DG MOVE	Commitments	=1+1a+3	0.365	0.365	0.365	0.365	0.365	
	Payments	=2+2a+3	0.365	0.365	0.365	0.365	0.365	
• TOTAL operational appropriations	Commitments	(4)	0.365	0.365	0.365	0.365	0.365	
	Payments	(5)	0.365	0.365	0.365	0.365	0.365	
• TOTAL appropriations of an administrative nature financed from the envelope for specific programmes			(6)					

³² These amounts will be covered by redeployment.

³³ Assuming that year N is 2014, year of possible adoption.

³⁴ Technical and/or administrative assistance and expenditure in support of the implementation of EU programmes and/or actions (former "BA" lines), indirect research, direct research.

TOTAL appropriations under HEADING 1 of the multiannual financial framework	Commitments	=4+ 6	0.365	0.365	0.365	0.365	0.365	
	Payments	=5+ 6	0.365	0.365	0.365	0.365	0.365	

Heading of multiannual financial framework:	5	" Administrative expenditure " ³⁵
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EUR million (to 3 decimal places)

		Year N	Year N+1	Year N+2	Year N+3	... enter as many years as necessary to show the duration of the impact (see point 1.6)			TOTAL
DG: <.....>									
• Human resources									
• Other administrative expenditure									
TOTAL DG <.....>	Appropriations								
TOTAL appropriations under HEADING 5 of the multiannual financial framework	(Total commitments = Total payments)								

EUR million (to 3 decimal places)

		Year N ³⁶	Year N+1	Year N+2	Year N+3	... enter as many years as necessary to show the duration of the impact (see point 1.6)			TOTAL
TOTAL appropriations	Commitments								

³⁵ No administrative expenditure for DG MOVE.

³⁶ Year N is the year in which implementation of the proposal/initiative starts.

under HEADINGS 1 to 5 of the multiannual financial framework	Payments								
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3.2.2. *Estimated impact on operational appropriations*

- The proposal/initiative does not require the use of operational appropriations
- The proposal/initiative requires the use of operational appropriations, as explained below:

Commitment appropriations in EUR million (to 3 decimal places)

Indicate objectives and outputs ↓			Year N ³⁷		Year N+1		Year N+2		Year N+3		Year N + 4 and later (indefinite)		TOTAL		
	OUTPUTS														
	Type of output ³⁸	Average cost of the output	Number of outputs	Cost	Number of outputs	Cost	Number of outputs	Cost	Number of outputs	Cost	Number of outputs	Cost	Number of outputs	Cost	Total number of outputs
SPECIFIC OBJECTIVE No 1 ³⁹ ...															
- Output	See *	0.365		0.365		0.365		0.365		0.365		0.365		0.365	
TOTAL COST				0.365		0.365		0.365		0.365		0.365		0.365	

* The output is not quantifiable and is defined as "contribution to the improvement of aviation safety".

³⁷ Assuming that year N is 2014, year of possible adoption.

³⁸ Outputs are products and services to be supplied (e.g.: number of student exchanges financed, number of km of roads built, etc.).

³⁹ As described in Section 1.4.2. "Specific objective(s)..."

3.2.3. Estimated impact on appropriations of an administrative nature

3.2.3.1. Summary

- The proposal/initiative does not require the use of administrative appropriations
- The proposal/initiative requires the use of administrative appropriations, as explained below:

EUR million (to 3 decimal places)

	Year N ⁴⁰	Year N+1	Year N+2	Year N+3	... enter as many years as necessary to show the duration of the impact (see point 1.6)	TOTAL
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HEADING 5 of the multiannual financial framework								
Human resources								
Other administrative expenditure								
Subtotal HEADING 5 of the multiannual financial framework								

Outside HEADING 5⁴¹ of the multiannual financial framework								
Human resources								
Other expenditure of an administrative nature								
Subtotal outside HEADING 5 of the multiannual financial framework								

TOTAL								
--------------	--	--	--	--	--	--	--	--

⁴⁰ Year N is the year in which implementation of the proposal/initiative starts.

⁴¹ Technical and/or administrative assistance and expenditure in support of the implementation of EU programmes and/or actions (former "BA" lines), indirect research, direct research.

3.2.3.2. Estimated requirements of human resources

- The proposal/initiative does not require the use of human resources for DG MOVE
- The proposal/initiative requires the use of human resources, as explained below:

Estimate to be expressed in full amounts (or at most to one decimal place)

	Year N	Year N+1	Year N+2	Year N+3	... enter as many years as necessary to show the duration of the impact (see point 1.6)		
• Establishment plan posts (officials and temporary agents)							
XX 01 01 01 (Headquarters and Commission's Representation Offices)							
XX 01 01 02 (Delegations)							
XX 01 05 01 (Indirect research)							
10 01 05 01 (Direct research)							
• External personnel (in Full Time Equivalent unit: FTE)⁴²							
XX 01 02 01 (CA, INT, SNE from the "global envelope")							
XX 01 02 02 (CA, INT, JED, LA and SNE in the delegations)							
XX 01 04 yy ⁴³	- at Headquarters ⁴⁴						
	- in delegations						
XX 01 05 02 (CA, INT, SNE - Indirect research)							
10 01 05 02 (CA, INT, SNE - Direct research)							
Other budget lines (specify)							
TOTAL							

XX is the policy area or budget title concerned.

The human resources required will be met by staff from the DG who are already assigned to management of the action and/or have been redeployed within the DG, together if necessary with any additional allocation which may be granted to the managing DG under the annual allocation procedure and in the light of budgetary constraints.

Description of tasks to be carried out:

Officials and temporary agents	
External personnel	

⁴² CA= Contract Agent; INT= agency staff ("*Intérimaire*"); JED= "*Jeune Expert en Délégation*" (Young Experts in Delegations); LA= Local Agent; SNE= Seconded National Expert;

⁴³ Under the ceiling for external personnel from operational appropriations (former "BA" lines).

⁴⁴ Essentially for Structural Funds, European Agricultural Fund for Rural Development (EAFRD) and European Fisheries Fund (EFF).

3.2.4. Compatibility with the future multiannual financial framework

- Proposal/initiative is compatible the future multiannual financial framework (2014-2020)⁴⁵.
- Proposal/initiative will entail reprogramming of the relevant heading in the future multiannual financial framework.

Explain what reprogramming is required, specifying the budget lines concerned and the corresponding amounts.

- Proposal/initiative requires application of the flexibility instrument or revision of the multiannual financial framework⁴⁶.

Explain what is required, specifying the headings and budget lines concerned and the corresponding amounts.

3.2.5. Third-party contributions

- The proposal/initiative does not provide for co-financing by third parties
- The proposal/initiative provides for the co-financing estimated below:

Appropriations in EUR million (to 3 decimal places)

	Year N	Year N+1	Year N+2	Year N+3	... enter as many years as necessary to show the duration of the impact (see point 1.6)			Total
<i>Specify the co-financing body</i>								
TOTAL appropriations cofinanced								

⁴⁵ Discussions on the multiannual financial framework (2014-2020) are still on-going.

⁴⁶ See points 19 and 24 of the Interinstitutional Agreement.

3.3. Estimated impact on revenue

- Proposal/initiative has no financial impact on revenue.
- Proposal/initiative has the following financial impact:
 - on own resources
 - on miscellaneous revenue

EUR million (to 3 decimal places)

Budget revenue line:	Appropriations available for the ongoing budget year	Impact of the proposal/initiative ⁴⁷						
		Year N	Year N+1	Year N+2	Year N+3	... insert as many columns as necessary in order to reflect the duration of the impact (see point 1.6)		
Article								

For miscellaneous assigned revenue, specify the budget expenditure line(s) affected.

Specify the method for calculating the impact on revenue.

⁴⁷ As regards traditional own resources (customs duties, sugar levies), the amounts indicated must be net amounts, i.e. gross amounts after deduction of 25% for collection costs.