



COMMISSION OF THE EUROPEAN COMMUNITIES

Brussels, 18.11.2002

COM(2002) 647 final

2000/0343 (COD)

OPINION OF THE COMMISSION

**pursuant to Article 251 (2), third subparagraph, point (c) of the EC Treaty,
on the European Parliament's amendments
to the Council's common position regarding the
proposal for a**

DIRECTIVE OF THE EUROPEAN PARLIAMENT AND OF THE COUNCIL

on occurrence reporting in civil aviation

**AMENDING THE PROPOSAL OF THE COMMISSION
pursuant to Article 250 (2) of the EC Treaty**

OPINION OF THE COMMISSION

**pursuant to Article 251 (2), third subparagraph, point (c) of the EC Treaty,
on the European Parliament's amendments
to the Council's common position regarding the
proposal for a**

DIRECTIVE OF THE EUROPEAN PARLIAMENT AND OF THE COUNCIL

on occurrence reporting in civil aviation

Article 251(2)(c) of the EC Treaty lays down that the Commission shall deliver an opinion on the amendments proposed by the European Parliament at the second reading.

The Commission therefore delivers the following opinion on the amendments proposed by Parliament.

1. BACKGROUND

- a) On 19.12.2000, the Commission transmitted to the Council and the European Parliament its proposal for a Directive (COM(2000) 847 final - 2000/0343(COD) of 19.12.2000).
- b) The Economic and Social Committee delivered a favourable opinion on 12.9.2001.
- c) The Committee of the Regions decided not to deliver an opinion.
- d) On 14.6.2001, the European Parliament, at its first reading, delivered its opinion, containing a number of amendments to the Commission proposal.
- e) On 25.9.2001 (COM(2001)532 final), the Commission adopted, in accordance with Article 250(2) of the Treaty, an amended proposal incorporating, wholly or in part, eight of the ten amendments adopted by Parliament.
- f) The Council adopted its common position on 17.6.2002.
- g) On 23.10.2002, the European Parliament adopted, at the second reading, a resolution containing two amendments to the common position.

2. OBJECTIVE OF THE PROPOSED DIRECTIVE

The objective of the proposed Directive is to improve air safety by ensuring that relevant safety information is reported, collected, stored, protected and disseminated.

To this end, Member States are required to organise a national system for collecting occurrence reports and to participate in an information exchange system making it possible to pool the information gathered.

Provision is made for protecting the confidentiality of the information and the arrangements for disseminating it.

The sole objective of the occurrence reports is to prevent future accidents and incidents and not to determine fault or responsibility.

3. OPINION OF THE COMMISSION ON THE AMENDMENTS BY THE EUROPEAN PARLIAMENT

Parliament adopted two amendments to the common position of the Council at the second reading.

The Commission accepts all the amendments proposed by the European Parliament.

3.1 Amendment 1: Protection of the reporter.

Amendment 1 reinstates the paragraph 3 of Article 8 of the Commission amended proposal which was deleted in the common position of the Council. This paragraph aims at protecting the reporter of an incident from sanctions, except in case of gross negligence. In its Communication to the European Parliament on the common position, the Commission regretted the deletion of this paragraph which gave a clear political signal about the principle that the occurrence reporter should be regarded as conveying an important positive message for air safety and therefore encouraged to do so without risking any counterproductive sanctions.

The Commission is able to accept this amendment.

3.2 Amendment 2: Confidential reporting

Amendment 2 reinstates Article 9 of the Commission proposal which was deleted in the Common position of the Council. This paragraph aims at establishing the legal framework to enable the setting up of voluntary confidential reporting systems. The Commission opposed the deletion of this article which would allow a better understanding of human factors involved in occurrences and accidents.

The Commission is able to accept this amendment.

4. CONCLUSION

In accordance with Article 250(2) of the EC Treaty, the Commission amends its proposal as set out above.