

# Public Consultation on a possible revision of Directive 2003/42/EC on occurrence reporting in civil aviation and of its implementing rules

## INTRODUCTION

The EU is looking to achieve the highest air safety performance in the world and to ensure the same level of air safety for all its citizens, by moving towards a proactive system based on state of the art risk management techniques. The effectiveness of such a system will greatly depend on the ability of the EU to systematically analyse all available safety information, including information on civil aviation occurrences.

[Directive 2003/42/EC](#) requires each Member State to set up a mandatory occurrence reporting system and encourages the development of voluntary systems.

From the EU perspective a set of national schemes working independently was however insufficient. To eliminate this fragmentation and aggregate data at the EU level, a European Central Repository (ECR) of information on civil aviation occurrences was set up by means of implementing legislation adopted by the Commission ([Commission Regulation \(EC\) No 1321/2007](#)).

However, despite the adoption of Directive 2003/42/EC and of its implementing rules, occurrence reporting in the EU and the current performance of ECR are still affected by a number of shortcomings which limit the usefulness of the whole system for accident prevention purposes.

The Commission is considering a revision of Directive 2003/42/EC and its implementing rules and this consultation aims at collecting your views on the current issues related to the implementation of the Directive and possible options for its revision.

## I. RESPONDENT INFORMATION

### I.1 Identification

1. Your profile <sup>\*</sup> (compulsory)  
(at most 1 answer)

- Organisation
- Public authority
- Citizen

As part of the European Transparency Initiative, **organisations** are invited to use the Register of interest representatives to provide the European Commission and the public at large with information about their objectives, funding and structures.

If you are not registered yet in this register, please visit:

<https://webgate.ec.europa.eu/transparency/regrin/welcome.do?locale=en>

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1a. Name of the Organisation or Authority

<sup>\*</sup> (compulsory)

1b. Email address (optional)

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## I.2 Views of the respondent

2. Please can you confirm your agreement to having your views made public when we summarise the results of the consultation? \* (compulsory)  
(at most 1 answer)

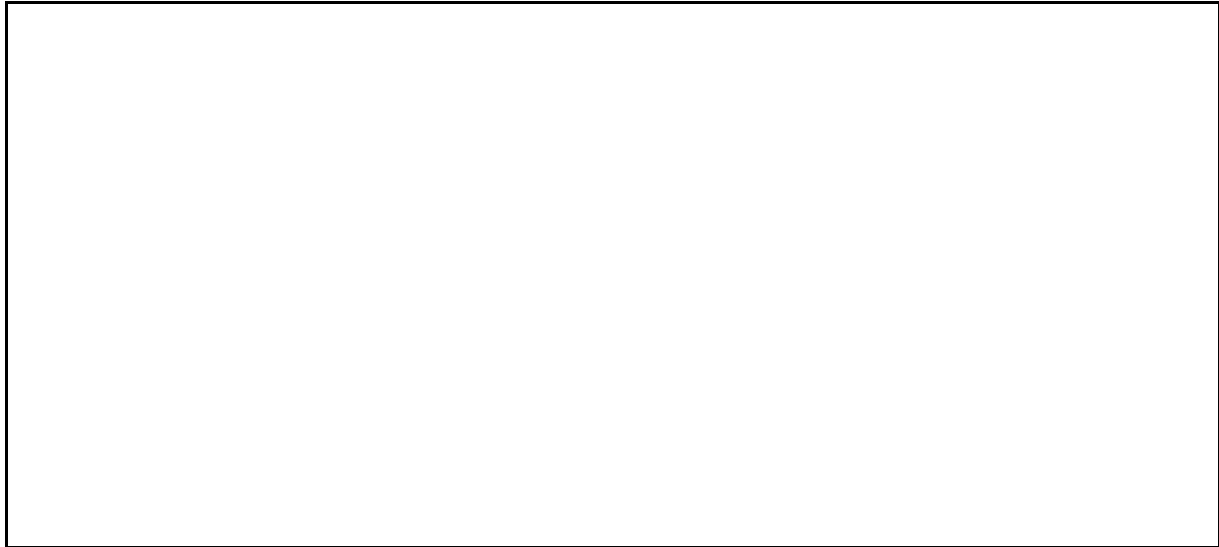
Yes

No

## I.3. Role and interest of the respondent

3. Please can you identify your role and interest in the potential revision of the Directive on occurrence reporting in civil aviation? \* (compulsory)

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## II. Current functioning of the Directive

It is important for this consultation to understand how well Directive 2003/42/EC and its implementing Regulations (Commission Regulation (EC) N° 1321/2007 and Commission Regulation (EC) N° 1330/2007) currently function, and whether stakeholders have experienced any problems with the implementation of this legislation. Further information is available at [add website, or weblink to Roadmap]

In particular, the Commission is interested in the following aspects linked to the collection of occurrence data at national level and the protection of reporters: the clarity in the different reporting obligations, the completeness and quality of data collected in the European Central Repository (ECR), the access to information contained in the ECR, the analysis of occurrences collected and its impact on air safety.

4. How do you assess the overall functioning of [Directive 2003/42/EC](#) on occurrence reporting in civil aviation and of the two implementing instruments - [Commission Regulation \(EC\) N° 1321/2007](#) laying down implementing rules for the integration into a central repository of information on civil aviation occurrences and [Commission Regulation \(EC\) N° 1330/2007](#) laying down implementing rules for the dissemination to interested parties of information on civil aviation occurrences?

What problems, if any, are there with this legislation?

(optional)

5. What are in your view the main issues that a revision of Directive 2003/42/EC and its implementing rules should look at?

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*As defined in [Regulation \(EC\) 691/2010](#): "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, willful violations and destructive acts are not tolerated.*

\* (compulsory)

- Just culture
- Regroup all occurrence reporting lines in a single EU legislation
- Establish occurrences reporting schemes for all occurrences and not only the ones defined in Directive 2003/42/EC
- Standardise the occurrence data entry process
- Improve the quality of occurrence data reported
- Improve the completeness of occurrence data reported
- Review the access rules to the European Central Repository
- Establish a severity risk classification for occurrences reported

Occurrences analysis at national level

Occurrences analysis at EU level

Other

Please specify "Other"\* (compulsory)

6. In order to pursue the improvement of the air safety level in the European Union, do you believe that the collection and analysis of civil aviation occurrences should play a role in the prevention of aircrafts accidents? (optional)

(at most 1 answer)

Yes

No

No opinion

7. Do you believe that, in addition to the analysis of occurrences done by each Member State at national level, an analysis of occurrences should take place at EU level?\* (compulsory)

(at most 1 answer)

Yes

No

No opinion

8. Please comment on the reasons to your answer to question 7. \* (compulsory)

### III. Collection of civil aviation occurrences and protection of reporters

9. Do you consider that the scope of occurrence information currently required to be collected by Member States under Directive 2003/42/EC is adequate? (optional)  
(at most 1 answer)

Yes

No

No opinion

10. Do you consider that the functioning of the mandatory occurrence reporting system is efficient? (optional)  
(at most 1 answer)

Yes

No

No opinion

11. Can you please explain your answer to question 10?

Please address in particular issues such as: ease of reporting, feedback provided by the system on the actions taken, acknowledgment of reports submitted, protection of information and of the reporter etc.

(optional)

12. Do you think that there is a need to regroup all occurrence reporting obligations in a unique EU legislative instrument? (optional)

(at most 1 answer)

Yes

No

No opinion

13. Do you think that the EU legislation should oblige Member States to collect all occurrences or do you think that the list of occurrences to be compulsorily reported according to Directive 2003/42/EC is sufficient? (optional)

(at most 1 answer)



- All occurrences should be reported
- Report occurrences listed in Directive 2003/42/EC is sufficient
- No opinion

14. Do you think that persons involved or operators who report an occurrence are sufficiently protected from blame or repressive action in European Union Member States? \* (compulsory)  
(at most 1 answer)

- Yes
- No
- No opinion

15. Please explain your answer to question 14. \* (compulsory)

16. Do you think that "Just culture" principles are well implemented and respected in European Union Member States? (optional)  
(at most 1 answer)

- Yes
- No

No opinion

17. Please explain your answer to question 16. (optional)

18. Do you believe there would be an added value in establishing a voluntary occurrence reporting scheme at EU level in order to report all occurrences and not only the ones to be compulsorily reported according to Directive 2003/42/EC? \* (compulsory)  
(at most 1 answer)

Yes

No

No opinion

18a. Please indicate which organisation in your view should be tasked with the operation of such a system. (optional)

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#### IV. Completeness and quality of the data

19. Do you think that the EU legislation should define a minimum content of information that an occurrence report should contain? \* (compulsory)  
(at most 1 answer)

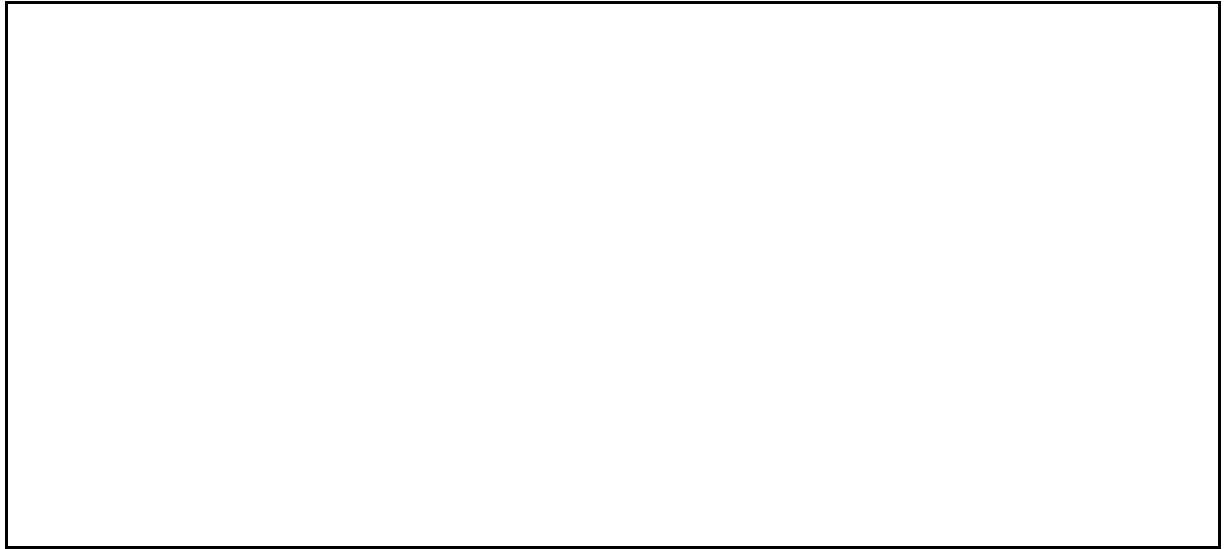
- Yes
- No
- No opinion

20. If you have any experience with the system, do you think that some data fields should be mandatory when occurrences are reported? (optional)  
(at most 1 answer)

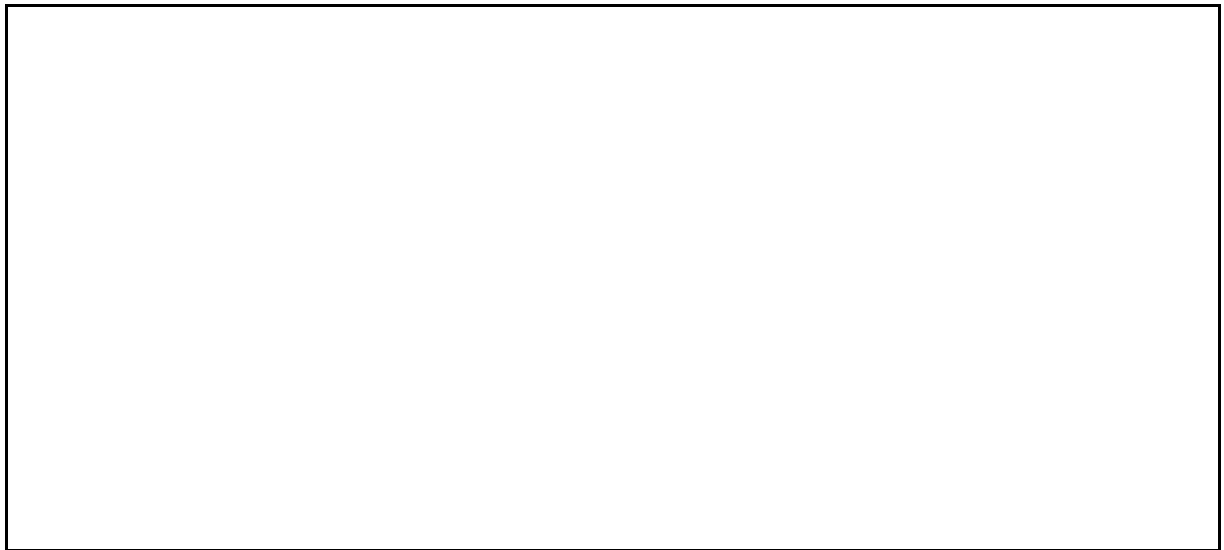
- Yes
- No
- No opinion

20a. Please detail which fields should be mandatory in your view. (optional)

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21. How do you think a greater standardisation of occurrence data could be achieved in the EU? (optional)



22. Should a formal standardisation process for occurrence reporting be introduced? \* (compulsory)

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23. If you have any experience with the system, do you think that a common EU risk severity classification scheme of occurrences should be introduced? \* (compulsory)  
(at most 1 answer)

- Yes
- No
- No opinion

## V. Analysis of occurrences reported

24. How do you think the analysis of occurrences reported could be best organised at EU level? \* (compulsory)

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25. How should the EU best focus its analysis efforts in terms of occurrence reporting? (optional)

26. Who do you think should be in charge of occurrences analysis at EU level? (optional)

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27. Do you think that the analysis of occurrences at EU level should be done in collaboration with the Member States? (optional)

(at most 1 answer)

- Yes
- No
- No opinion

## VI. Options for revising the legislation

The Commission is considering different policy options for the modification of current European legislation on occurrence reporting:

- [Directive 2003/42/EC](#) on occurrence reporting in civil aviation
- [Commission Regulation \(EC\) No 1321/2007](#) laying down implementing rules for the integration into a central repository of information on civil aviation occurrences
- [Commission Regulation \(EC\) No 1330/2007](#) laying down implementing rules for the dissemination to interested parties of information on civil aviation occurrences

28. Could you rank the following five policy options according to your preference? (1=highest preference, 5=lowest preference)

	1	2	3	4	5
(a) Repeal Directive 2003/42/EC and implementing Regulations (EC) N° 1321/2007 and N° 1330/2007 * compulsory	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>
(b) Maintain current legislation and continue to ensure its proper implementation * compulsory	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>
(c) Provide additional support for the implementation of current legislation (in	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>



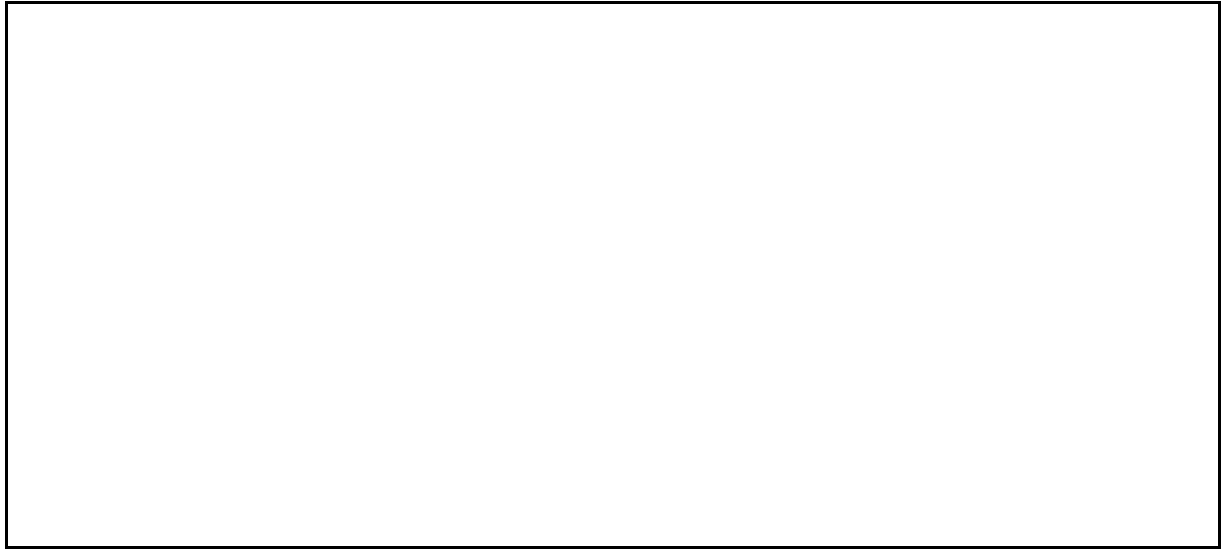
<p>particular development of additional functionalities to the "ECCAIRS" reporting system, supporting data quality control and analysis, development of additional guidance material, organisation of workshops for the authorities etc.)</p> <p>* compulsory</p>					
<p>(d) Launch a substantial revision of the EU legislation on occurrence reporting to address issues such</p>	<p>○</p>	<p>○</p>	<p>○</p>	<p>○</p>	<p>○</p>

<p>as clarification of the reporting obligations, standardisation of data entry into ECR, more systematic quality assurance processes, revision of the access rules to ECR, the issue of protection and use of sensitive safety information; and establishing a framework and tools for the analysis of occurrences at EU level.</p> <p>* compulsory</p>					
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<p>(e) In addition to option (d), create, in an appropriate organisational set-up, a European voluntary occurrence reporting scheme, allowing aviation professionals and organisations to report occurrences directly to an EU-based system on a voluntary basis.</p> <p><b>*</b> compulsory</p>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>
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29. Please develop the reasons of your answer to the previous question. **\*** (compulsory)

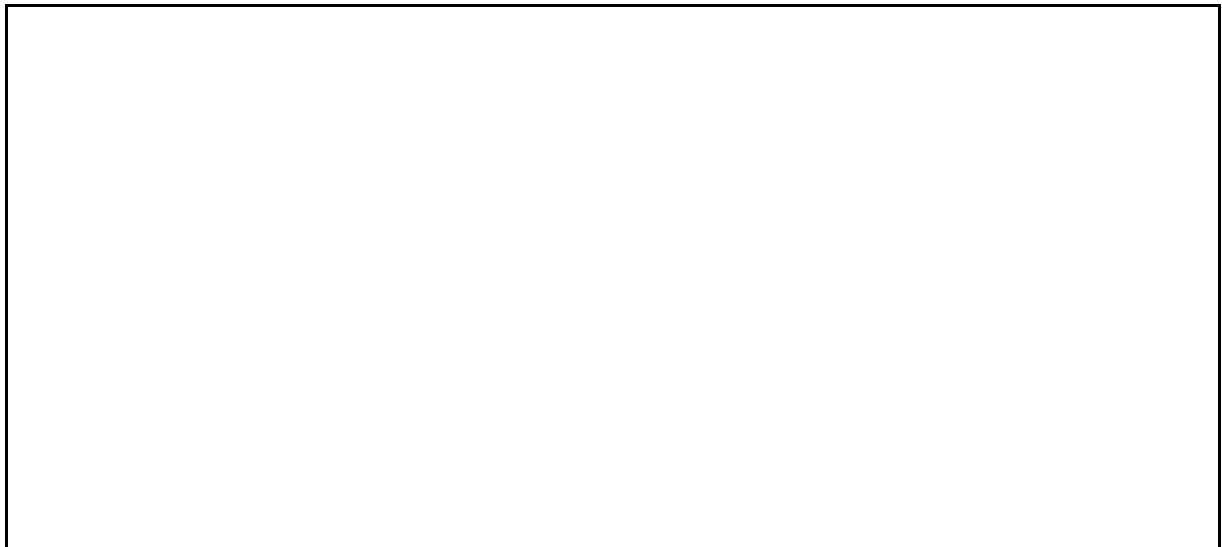
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## VII. Other issues to which you would like to draw our attention

We would welcome any information you are able to provide regarding any other issues with the application of the Directive and implementing rules.

30. Are there any other issues regarding civil aviation occurrence reporting to which you would like to draw our attention? Please give details. [\(optional\)](#)



### Useful links

1. Directive 2003/42/EC on occurrence reporting in civil

aviation: <http://eur-lex.europa.eu/LexUriServ/LexUriServ.do?uri=CELEX:32003L0042:EN:NOT>

2. Commission Regulation (EC) No 1321/2007 laying down implementing rules for the integration into a central repository of information on civil aviation

occurrences: <http://eur-lex.europa.eu/LexUriServ/LexUriServ.do?uri=CELEX:32007R1321:EN:NOT>

3. Commission Regulation (EC) No 1330/2007 laying down implementing rules for the dissemination to interested parties of information on civil aviation

occurrences: <http://eur-lex.europa.eu/LexUriServ/LexUriServ.do?uri=CELEX:32007R1330:EN:NOT>

4. 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: <http://eur-lex.europa.eu/LexUriServ/LexUriServ.do?uri=CELEX:32010R0996:EN:NOT>