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Bundesamt für Zivilluftfahrt BAZL
Sicherheits- und Risikomanagement

„Frequently Asked Questions"
to the EU Regulation 376/2014 on the reporting, analysis and follow-up of occurrences in civil aviation

Content

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FAQ 001 What is to be understood under „Just Culture"?

The regulation (EU) Nr. 376/2014 requires the FOCA as the responsible authority, to use the information available to improve safety and not to prosecute people for reporting incidents.

Since the introduction of the reporting system in 2007, the FOCA has maintained a "Just Culture". The commitment to "Just Culture" aims to encourage aviation stakeholders to report openly about safety related events. The reporter does not experience any prejudice on the basis of the information they have reported to the FOCA, in line with the reporting requirements. This principle applies, in so far as no willful misconduct or serious lack of professional duty of care is evident, whereby aviation safety has been seriously compromised.

As part of this culture, the FOCA will take the necessary measures to ensure the confidentiality of the information received and to protect the personal data of the reporter. Safety relevant data that is obtained through the analysis of the confidential reports, shall where necessary, be forwarded anonymised, in so far, that the data is used for the improvement of aviation safety.

The EU and the FOCA also require the aviation industry to implement a "Just Culture". Employees who report events, should therefore, not be discriminated against by their employer.

Also refer to the *"European Corporate Just Culture Declaration"*

FAQ 002 Definition of „non-EASA aircraft"

According to Article 2, Paragraph 2 of Regulation (EU) Nr. 376/2014, the member states can decide to apply this regulation to events and other safety related information, to the mentioned aircraft in Annex II of Regulation (EG) Nr. 216/2008.

The FOCA has decided, that the aircraft defined in the Annex II of the above mentioned Regulation (EG) Nr. 216/2008, which may also be referred to as "non-EASA aircraft", are also to be recognised within the scope of the Regulation (EU) Nr. 376/2014.

The following aircraft fall in the category of "non EASA aircraft":

- Homebuilt Aircraft
- Experimental Aircraft
- Historical Aircraft / Standardclass ≤1955
- Aircraft that have been in the service of military forces
- Restricted Aircraft
- Limited Aircraft
- Ultralight, Ecolight, Gyrocopter, unmanned aircraft

FAQ 003 Who is obligated to report?

Article 4, paragraph 6 of the (EU) Nr. 376/2014 regulation, lists who is obligated to report.
Generally, all those working in civil aviation are obligated to report an event, which may pose a risk to aviation safety. This principle also applies to general aviation. The notification must be made within 72 hours from the occurrence of the event, respectively, as of the knowledge that the event has occurred.

FAQ 004 What is required to be reported?

Reportable events are listed in the *"Commission Implementing Regulation (EU) 2015/1018 laying down a list classifying occurrences in civil aviation to be mandatorily reported according to Regulation (EU) No 376/2014 of the European Parliament and of the Council"*.

This Implementing Regulation is divided into 5 annexes. Each annex corresponds to a stakeholder, respectively, an operational category (for e.g events in relation to the operation of an aircraft, with the technical condition, maintenance and repair of an aircraft etc). The division into categories of reportable events was introduced, so that the persons referred to in the Regulation (*EU) Nr. 376/2014*, could determine which events they have to report.

So that a reliable picture of the level of safety in Switzerland and at the European level can occur, each event that endangered or could have endangered the safety, should be reported. Non reportable events and safety information can be reported voluntarily (refer to FAQ 007).

FAQ 005 How can an event be reported?

According to Article 7, Paragraph 4 (b) of the Regulation (EU) Nr. 376/2014, the databases of the organisations, aviation national authority and the EASA should be standardised and compatible with ECCAIRS[1] software and the ICAO ADREP[2] taxonomy.

To be able to fulfil this requirement, the EASA has made available three different instruments to report events, which Switzerland also uses. Individuals from general aviation or those who are not employed by an organisation should use either the offline or the online form to report events. These forms are available on the internet under www.aviationreporting.eu. For medium and larger organisations, the online form or a data transfer file format[3] is available.

In general, reports are to be made through the organisation, as long as one operates for one or is employed there.

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[1] *"European Co-ordination Centre for Aviation Incident Reporting System"* (Standardsoftware in the EU and Switzerland for the recording of Occurrences)

[2] ICAO **A**ccident/Incident **D**ata **Rep**orting

[3] Information about the data transfer file format can be requested by contacting occurrence@bazl.admin.ch

FAQ 006 Why should events be reported?

"Experience has shown that accidents are often preceded by safety-related incidents and deficiencies revealing the existence of safety hazards. Safety information is therefore an important resource for the detection of potential safety hazards." (European Union, 2014).

Lessons learned from accidents are of great importance, but this reactive approach is of limited use when it comes to improving safety. For this reason, it's important that the reactive system is complemented by a proactive system, through which one receives other additional safety information. This additional information can be used to achieve effective improvements in aviation safety through the implementation of appropriate measures.

The collection of occurrence reports by the FOCA, and at a higher level the EASA, aids in identifying early on potential precursors to serious incidents and accidents and where possible to implement appropriate mitigating measures. The more data (occurrence reports) available to the national authority, the more accurate the overall picture of the level of safety of civil aviation will be.

What occurs once an occurrence has been received by the FOCA? Once the personal details have been excluded from the report and a quality check has been conducted, the occurrence is entered into the ECCAIRS database by the Office of Safety and Risk Management. The next step is to forward the report to the responsible safety division. Depending on the severity of the event, an investigation of the occurrence is initiated in line with the `Just Culture' principles (refer to FAQ 001). The investigation is usually performed by the assigned inspector. The investigations may for e.g be an email or telephone call with the affected organisation. Alternatively, the occurrence may also be discussed by the inspector during a routine inspection where it is clarified together with the organisation.

In general, however, the principle applies that an organisation is responsible in each case for the analysis of occurrences as part of its SMS and for independently implementing corrective measures. The occurrence analysis, as well as any corrective measures, must be sent to the FOCA as a follow up and / or final report if the event was classified as severe. Individuals, who are not under an organisation, are not subject to this required investigation. In such events, the FOCA is responsible for the investigation.

FAQ 007 What is the difference between mandatory and voluntary reports?

To be able to identify early on potential safety risks, the reporting of all safety relevant events is desirable. The EU has created a list of events which by law, must be reported. These events are listed in the *Implementing Regulation (EU) 2015/1018.*

Other events considered by an aviation stakeholder as an actual or potential risk for flight safety, should be reported to the FOCA under a voluntary report. Voluntary reports are therefore:

- Information on events, that are not obligated to report under the *Implementing Regulation (EU) 2015/1018.*
- Other safety related information which is perceived by the reporter as a threat to aviation safety
- Reports of events and safety related information by people that are not obliged to report under the Article 4, paragraph 6 of the *Regulation (EU) 376/2014.*

Both mandatory and voluntary reports can be sent to the FOCA via the internet portal www.aviationreporting.eu (refer to FAQ 005). The reporting portal does not differentiate between mandatory and voluntary reports. This categorisation is determined by the FOCA on receipt of the report.

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