On the basis of the Article 17(3), Article 237 point 3) and Article 265 of the Air Transport Law ("Official Gazette of RS", No 73/10 and 57/11),

The Management Board of the Civil Aviation Directorate of the Republic of Serbia has adopted

REGULATION ON OCCURRENCE REPORTING IN CIVIL AVIATION

Scope
Article 1

This Regulation lays down a process to report and process, protect, store, use and exchange information on civil aviation occurrences, defines occurrences to be reported, persons to report occurrences mandatorily, as well as a mechanism to put in place and maintain occurrences database.

Transposition of the European Union Regulations
Article 2

This Regulation shall implement the Directive 2003/42/EC of the European Parliament and of the Council of 13 June 2003 on occurrence reporting in civil aviation.

Also, this Regulation transposes into National legislation the following:

1) Commission Regulation (EC) No 1330/2007 of 24 September 2007 laying down implementing rules for the dissemination to interested parties of information on civil aviation occurrences referred to in Article 7(2) of the Directive 2003/42/EC of the European Parliament and of the Council, given in an Appendix 2;

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 exchanged in accordance with Directive 2003/42/EC of the European Parliament and of the Council, given in an Appendix 3.

Definitions

Article 3

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

1) *occurrence* means an operational interruption, defect, fault or other irregular circumstance that has or may have influenced flight safety and that has not resulted in an accident or serious incident, hereinafter referred to as 'accident or serious incident', as defined in Article 204 of the Air Transport Law;

2) *ECAA Agreement* means Multilateral Agreement between the European Community and its Member State, the Republic of Albania, Bosnia and Herzegovina, the Republic of Bulgaria, the Republic of Croatia, the Former Yugoslav Republic of Macedonia, the Republic of Island, the Republic of Montenegro, the Kingdom of Norway, Romania, the Republic of Serbia and the United Nations Interim Administration Mission in Kosovo (in accordance with the Safety Council Resolution UN 1244 of 10 June 1999) on the Establishment of a European Common Aviation Area;

3) *disidentification* means removing from reports submitted all personal details pertaining to the reporter and technical details which might lead to the identity of the reporter, or of third parties, being inferred from the information.

Terms “Community”, “Community Regulations” and “Member State” used in the Appendices to this Regulation shall be read in accordance with the paragraphs 2 and 3 of the Annex II of the ECAA Agreement.

Terms “Competent Authority”, “Competent Authority of the Member State”, “Contact Point for exchange of information” and “National Civil Aviation Authority” used in the Appendices to this Regulation shall be read as the Civil Aviation Directorate of the Republic of Serbia.

Other terms used in this Regulation shall have the meaning given in Article 2 of the Commission Regulation (EC) No 1330/2007.

Objective of occurence reporting
Article 4

Occurences which are subject of this Regulation shall be reported to the Civil Aviation Directorate of the Republic of Serbia (hereinafter referred to as: Directorate).

The objective of occurence reporting is to improve aviation safety through appropriate collection, storage, protection and dissemination of safety related information.

The sole objective of occurence reporting is the prevention of accidents and incidents and not to attribute blame or reliability.

Occurrences this Regulation applies to
Article 5

This Regulation shall apply to occurences which endanger or which, if not corrected, would endanger an aircraft, its occupants or any other person.

A list of examples of these occurences appears in Appendix 1 to this Regulation.

Mandatory reporting
Article 6

Occurences covered by Article 5 shall be reported to the Directorate by every person listed below in the exercise of his/her functions:

a) the operator or commander of a turbine-powered or a public transport aircraft used by an operator for which the Directorate ensures safety oversight of operations;

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 the Directorate;

c) a person who signs a certificate of maintenance review, or of release to service in respect of a turbine-powered or a public transport aircraft, or any equipment or part thereof, under the oversight of the Directorate;

d) a person who performs a function which requires him to be authorised by the Directorate as an air traffic controller or as a flight information officer;

e) a manager of an airport;

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 the Directorate 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;

Apart from the persons referred to in paragraph 1, occurences mentioned in Article 5 may be voluntarily reported by every person who exercise functions similar to those listed, in other civil aviation operations.

Voluntary reporting
Article 7

In addition to the system of mandatory reporting established under Article 5, occurences may be voluntarily reported by every person perceived by the reporter as an occurence of actual or potential hazard to the safety in aviation.

Accordingly, the provisions of this Regulation on mandatory reporting shall apply to voluntary reporting, including the provisions on protection of information.

Occurence reporting
Article 8

Occurences shall be reported to the Directorate by means of any of the communication means available.

Occurences shall be immediately reported according to the occurence knowledge, and at the latest within 72 hours of the occurence, as a rule on an appropriate report form.

Occurence reporting forms shall be developed by the Directorate and available to the public on the official web page, as well as phone numbers, e-mail address, mail address and other addresses to which occurences may be reported.

Occurence reports processing
Article 9

Upon reported occurence the Directorate shall:

- evaluate every occurence report;
- decide which occurences require investigation and undertake all the necessary actions for their investigation;
- verify that the aviation entities undertake appropriate preventive and corrective actions in accordance with the reported occurences;
- notify the aviation authorities of another States or organisations on need to undertake appropriate preventive and corrective actions with reference to reported occurences;
- evaluate and analyse information submitted for the potential safety risks;
- make information reached by the occurence reporting analysis available for improving the civil aviation safety;
- undertake all the other necessary actions he/she is entrusted by the Law.

Collection and storage of information in a database
Article 10

The Directorate shall store and maintain all the relevant information contained in the occurence reports collected and evaluated.

Accidents and serious incidents shall also be stored in the database referred to in paragraph 1.

Regardless of the type or information of occurrence and accident or serious incident, names and addresses of the individual persons shall never be recorded on the database.

Exchange of information

Article 11

To use the collected occurence information for improving the civil aviation safety, the Directorate shall cooperate in and participate in an exchange of information by making all relevant safety-related information stored in its database available to all other competent authorities for civil aviation safety or investigation of accidents or serious incidents, and to the competent authorities of other ECAA States.

The Directorate, when receiving an occurence report, shall enter it into the database and notify, whenever necessary, the competent authority of the relevant State where the occurence took place, where the aircraft is registered, where the aircraft is manufactured or where the operator is certified.

The software for a database used by the Directorate shall be compatible with existing softwares in the European Union Member States.

Protection of information

Article 12

When processing occurence information collected by the Directorate through mandatory or voluntary reporting, provisions of the Regulations governing the confidentiality of the individual person data and the confidentiality of the information shall be applicable.

Information referred to in paragraph 1 cannot be used for other purposes, except for the purpose of improving the civil aviation safety.

All information on occurence reporter, as well as of individuals involved in the occurence, shall be considered confident and the Directorate shall not disseminate such information to other persons, except at the request of the judicial authorities of the Republic of Serbia.

Without prejudice to the applicable rules of penal law, the Directorate shall refrain from instituting proceedings in respect of unpremediated or inadertent infringements of the law which come to its attention only because they have been reported under the mandatory occurence-reporting scheme, except in cases of gross negligence.

Employers shall encourage their employees to report any incidents of which they may have knowledge which they consider an actual or potential risk to aviation safety, with no fear of being subject to any prejudice by the empoyer.

Annual safety review

Article 13

The Directorate shall publish annualy a Safety Review of the Republic of Serbia, containing information on the types of occurences collected by the mandatory occurence-reporting system.

The Directorate may also publish disidentified reports.

Obligations of the aviation entities involved in the occurence

Article 14

Aviation entities involved in a particular occurence referred to in Article 5 shall keep information that may indicate the possible causes of that occurence for 90 days.

Transitional provision

Article 15

Provisions of this Regulation which refer to access of information contained in the European central repositary, as well as provisions which refer to occurence database software

shall be applicable from the date of the enabled access to the central repositary, ie to the software developed by the Commission.

Cease of other Regulations
Article 16

Upon entry into force of this Regulation, the Regulation on safety related occurence reporting in the civil aviation and investigating safety endangering („Offical Gazette of the Republic of Serbia“, No 16/09, 20/09-Corrigendum and 14/10) and Regulation transposing specific Regulations of the European Community on occurence reporting in the civil aviation („Official Gazette of RS“, No 14/10) shall cease to be valid.

Entry into force of this Regulation
Article 17

This Regulation shall enter into force on the eighth day following that of its publication in the „Official Gazette of the Republic of Serbia“.

Number: 1/0-01-0002/2012-0009
In Belgrade, 4 May 2012

Management Board

President
Milutin Mrkonjic

APPENDIX 1

LIST OF OCCURRENCES TO BE MANDATORY REPORTED

Although this Appendix lists the majority of reportable occurrences, it cannot be completely comprehensive. Any other occurrences, which are judged by those involved to meet the criteria, defined by this Regulation should also be reported.

This Appendix does not include accidents and serious incidents, which are mandatory reported.

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

1. OCCURENCES REFERRED TO AIRCRAFT FLIGHT OPERATIONS

1) <u>Operation of the aircraft</u>

1) avoidance manoeuvres:
   a) risk of collision with another aircraft, terrain or other object or an unsafe situation when avoidance action would have been appropriate;
   b) an avoidance manoeuvre required to avoid a collision with another aircraft, terrain or other object;
   c) an avoidance manoeuvre to avoid other unsafe situations.

(2) 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;

(3) Inability to achieve predicted performance during take-off or initial climb;

(4) Critically low fuel quantity or inability to transfer fuel or use total quantity of usable fuel;

(5) Loss of control (including partial or temporary) regardless of cause;

(6) Occurrences 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.);

(7) Go around producing a hazardous or potentially hazardous situation;

(8) Unintentional significant deviation from airspeed, intended track or altitude (more than 300 ft) regardless of cause;

(9) Descent below decision height/altitude or minimum descent height/altitude without the required visual reference;

(10) Loss of position awareness relative to actual position or to other aircraft.

(11) Breakdown in communication between flight crew (CRM) or between flight crew and other parties (cabin crew, ATC, engineering);

(12) Heavy landing — a landing deemed to require a 'heavy landing check';

(13) Exceedance of fuel imbalance limits;

(14) Incorrect setting of an SSR code or of an altimeter subscale;

(15) Incorrect programming of, or erroneous entries into, equipment used for navigation or performance calculations, or use of incorrect data;

(16) Incorrect receipt or interpretation of radio-telephony messages;

(17) Fuel system malfunctions or defects, which had an effect on fuel supply and/or distribution;

(18) Aircraft unintentionally departing from a paved surface;

(19) Collision between an aircraft and any other aircraft, vehicle or other ground object;

(20) Inadvertent and/or incorrect operation of any controls;

(21) Inability to achieve the intended aircraft configuration for any flight phase (e.g. landing gear and gear doors, flaps, stabilisers, slats etc.;

(22) A hazard or potential hazard which arises as a consequence of any deliberate simulation of failure conditions for training, system checks or training purposes;

(23) Abnormal vibration;

(24) Operation of any primary warning system associated with manoeuvring the aircraft e.g. configuration warning, stall warning (stick shaker), over-speed warning etc. unless:

a) 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
b) operated for training or test purposes.

(25) GPWS/TAWS 'warning' when:

a) the aircraft comes into closer proximity to the ground than had been planned or anticipated; or
b) 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
c) the warning results from failure to select landing gear or landing flaps by the appropriate point on the approach (mode 4); or
d) 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.

(26) GPWS/TAWS 'alert' when any difficulty or hazard arises or might have arisen as a result of crew response to the 'alert':
   a) ACAS Ras,
   b) Jet or prop blast incidents resulting in significant damage or serious injury.

2) <u>Emergencies</u>

(1) Fire, explosion, smoke or toxic or noxious fumes, even though fires were extinguished;

(2) The use of any non-standard procedure by the flight or cabin crew to deal with an emergency when:
   a) the procedure exists but is not used;
   b) the procedure does not exist;
   c) the procedure is incorrect;
   d) the incorrect procedure is used.

(3) Inadequacy of any procedures designed to be used in an emergency, including when being used for maintenance, training or test purposes;

(4) An event leading to an emergency evacuation;

(5) Depressurisation;

(6) The use of any emergency equipment or prescribed emergency procedures in order to deal with a situation;

(7) An event leading to the declaration of an emergency ("*Mayday*" or "*panne*");

(8) 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;

(9) Events requiring any use of emergency oxygen by any crew member.

3) <u>Crew incapacitation</u>

(1) 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;

(2) Incapacitation of any member of the cabin crew which renders them unable to perform essential emergency duties;

4) <u>Injury</u>

Occurrences, which have or could have led to significant injury to passengers or crew but which are not considered reportable as an accident;

5) Meteorology

(1) A lightning strike which resulted in damage to the aircraft or loss or malfunction of any essential service;

(2) A hail strike which resulted in damage to the aircraft or loss or malfunction of any essential service;

(3) Severe turbulence encounter, an encounter resulting in injury to occupants or deemed to require a 'turbulence check' of the aircraft;

(4) A windshear encounter;

(5) Icing encounter resulting in handling difficulties, damage to the aircraft or loss or malfunction of any essential service.

6) Security

(1) Unlawful interference with the aircraft including a bomb threat or hijack.

(2) Difficulty in controlling intoxicated, violent or unruly passengers.

(3) Discovery of a stowaway.

7) Other occurrences

(1) Repetitive instances of a specific type of occurrence which in isolation would not be considered 'reportable' but which due to the frequency with which they arise, form a potential hazard;

(2) A bird strike which resulted in damage to the aircraft or loss or malfunction of any essential service;

(3) Wake-turbulence encounters;

(4) Any other occurrence 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

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:

(1) 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;

(2) defect or damage exceeding admissible damages to a PSE that has been designated as damage-tolerant; 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;

(3) 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;

(4) 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;

(5) damage to or defect of a structural element, which could jeopardise proper operation of systems. See point 2) below - Systems;

(6) loss of any part of the aircraft structure in flight.

2) Systems

The following general criteria applicable to all systems are proposed:

(1) loss, significant malfunction or defect of any system, subsystem or set of equipment when standard operating procedures, drills etc. could not be satisfactorily accomplished;

(2) inability of the crew to control the system, for example:
   a) uncommanded actions,
   b) incorrect and/or incomplete response, including limitation of movement or stiffness,
   c) runaway,
   d) mechanical disconnection or failure;

(3) failure or malfunction of the exclusive function(s) of the system (one system could integrate several functions);

(4) interference within or between systems;

(5) failure or malfunction of the protection device or emergency system associated with the system;

(6) Loss of redundancy of the system;

(7) Any occurrence resulting from unforeseen behaviour of a system;

(8) 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;

(9) 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;

(10) 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;

(11) 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;

(12) Malfunction or defect of any indication system when this results in the possibility of misleading indications to the crew;

(13) Any failure, malfunction or defect if it occurs at a critical phase of the flight and is relevant to the system operation;

(14) 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.;

(15) Asymmetry of flight controls; e.g. flaps, slats, spoilers etc.

The following subparagraphs give examples of reportable occurrences resulting from the application of the general criteria to specific systems listed in point 2).

(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, emergency lighting, etc.,
c) 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 (RAM);

(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;

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

(1) Flameout, shutdown or malfunction of any engine;

(2) 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);

(3) Failure or malfunction of any part of an engine or powerplant resulting in any one or more of the following:

a) non-containment of components/debris,
b) uncontrolled internal or external fire, or hot gas breakout,
c) thrust in a direction different from that demanded by the pilot,
d) thrust-reversing system failing to operate or operating inadvertently,
e) inability to control power, thrust or rpm,
f) failure of the engine mount structure,
g) partial or complete loss of a major part of the powerplant,
h) dense visible fumes or concentrations of toxic products sufficient to incapacitate crew or passengers,
i) inability, by use of normal procedures, to shutdown an engine,
j) inability to restart a serviceable engine;

(4) An uncommanded thrust/power loss, change or oscillation which is classified as a loss of thrust or power control (LOTC):
a) for a single-engine aircraft, or
b) where it is considered excessive for the application, or
c) where this could affect more than one engine in a multi-engine aircraft, particularly in the case of a twinengine aircraft, or
d) 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;

(5) Any defect in a life-controlled part causing its withdrawal before completion of its full life;

(6) 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;

(7) An engine limiter or control device failing to operate when required or operating inadvertently;

(8) Exceedance of engine parameters;

(9) FOD resulting in damage.

Propellers and transmission

(10) Failure or malfunction of any part of a propeller or powerplant resulting in any one or more of the following:
a) an overspeed of the propeller,
b) the development of excessive drag,
c) a thrust in the opposite direction to that commanded by the pilot,
d) a release of the propeller or any major portion of the propeller,
e) a failure that results in excessive imbalance,
f) the unintended movement of the propeller blades below the established minimum in-flight low-pitch position,
g) an inability to feather the propeller,
h) an inability to change propeller pitch,
i) an uncommanded change in pitch,
j) an uncontrollable torque or speed fluctuation,
k) the release of low-energy parts.

Rotors and transmission

(11) 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;

(12) Damage to tail rotor, transmission and equivalent systems.

Auxiliary power units (APUs)

(13) Shut down or failure when the APU is required to be available by operational requirements, e.g. ETOPS, MEL;

(14) Inability to shut down the APU;

(15) Overspeed;

(16) Inability to start the APU when needed for operational reasons.

5) 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.

6) Other occurrences

(1) 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) An occurrence not normally considered as reportable (e.g., furnishing and cabin equipment, water systems), where the circumstances resulted in endangering the aircraft or its occupants.

(3) A fire, explosion, smoke or toxic or noxious fumes.

(4) 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.

(5) Failure or defect of passenger address system resulting in loss of, or inaudible, passenger address system.

(6) Loss of pilot seat control during flight.

3. AIRCRAFT MAINTENANCE AND REPAIR

(1) Incorrect assembly of parts or components of the aircraft found during an inspection or test procedure not intended for that specific purpose;

(2) Hot bleed air leak resulting in structural damage;

(3) Any defect in a life-controlled part causing retirement before completion of its full life;

(4) 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:
   a) 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,
   b) a secondary structure which consequently has or may have endangered the aircraft,
   c) the engine, propeller or rotorcraft rotor system;

(5) 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 (AD) or other mandatory instruction issued by a regulatory authority, when:
   a) it is detected for the first time by the reporting organisation implementing compliance,
   b) on any subsequent compliance, it exceeds the permissible limits quoted in the instruction and/or published repair/rectification procedures are not available;

(6) 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;

(7) Non-compliance or significant errors in compliance with required maintenance procedures;

(8) Products, parts, appliances and materials of unknown or suspect origin;

(9) Misleading, incorrect or insufficient maintenance data or procedures that could lead to maintenance errors;

(10) 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. GROUND SERVICES RELATED OCCURRENCES TO BE REPORTED

1) <u>Aerodrome and aerodrome facilities</u>

(1) Significant spillage during fuelling operations;

(2) Loading of incorrect fuel quantities likely to have a significant effect on aircraft endurance, performance, balance or structural strength.

2) <u>Handling of passengers, baggage and cargo</u>

(1) Significant contamination of aircraft structure, systems and equipment arising from the carriage of baggage or cargo;

(2) Incorrect loading of passengers, baggage or cargo, likely to have a significant effect on aircraft mass and/or balance;

(3) Incorrect passenger and checked baggage matching;

(4) Loading of passengers without a boarding pass for a flight, as well as of a submitted baggage for which no baggage tag has been issued;

(5) 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;

(6) Inadequate stowage of cargo containers or other substantial items of cargo.

(7) Carriage or attempted carriage of dangerous goods in contravention of applicable regulations, including incorrect labelling and packaging of dangerous goods.

3) Aircraft ground handling and servicing

(1) 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;

(2) Non-compliance or significant errors in compliance with required servicing procedures;

(3) Loading of contaminated or incorrect type of fuel or other essential fluids (including oxygen and potable water);

(4) Aircraft damage as a result of ground handling and servicing.

5. AIR NAVIGATION SERVICES RELATED OCCURRENCES TO BE REPORTED

1) <u>Incidents</u>

1.1 Near collision incidents

Encompass 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.

1.2 Potential for collision or near collision

Encompasses 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:
   - aircraft deviation from applicable published ATM procedures,
   - unauthorised penetration of airspace,
   - deviation from aircraft ATM-related equipment carriage and operations, as mandated by applicable regulation(s).

2) <u>ATM-specific occurrences</u>

Encompass 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 occurrences:

(1) inability to provide ATM services:
   a) inability to provide air traffic services (ATS),
   b) inability to provide airspace management services (ASM),
   c) inability to provide air traffic flow management services (ATFM);

(2) failure of Communication function;

(3) failure of Surveillance function;

(4) failure of Data Processing and Distribution function;

(5) failure of Navigation function;

(6) ATM system security.

The following subparagraphs give examples of reportable ATM occurrences resulting from the application of the general criteria listed in point 2):

a) Provision of significantly incorrect, inadequate or misleading information from any ground sources, e.g. air traffic control (ATC), automatic terminal information service (ATIS), meteorological services, navigation databases, maps, charts, manuals, etc.;
b) Provision of less than prescribed terrain clearance;
c) Provision of incorrect pressure reference data (i.e. altimeter setting);
d) Incorrect transmission, receipt or interpretation of significant messages when this results in a hazardous situation;
e) Separation minima infringement;
f) Unauthorised penetration of airspace;
g) Unlawful radio communication transmission;
h) Failure of ANS ground or satellite facilities;
i) Major ATC/ATM failure or significant deterioration of aerodrome infrastructure;
j) Aerodrome movement areas obstructed by aircraft, vehicles, animals or foreign objects, resulting in a hazardous or potentially hazardous situation;

k) Errors or inadequacies in marking of obstructions or hazards on aerodrome movement areas resulting in a hazardous situation;
l) Failure, significant malfunction or unavailability of airfield lighting.

APPENDIX 2

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 occurences referred to in Article 7(2) of the Directive 2003/42/EC of the European Parliament and of the Council

Subject matter
Article 1

This Regulation lays down measures concerning the dissemination to interested parties of the information on occurrences exchanged by Member States in accordance with Article 6(1) of Directive 2003/42/EC with the objective of providing such parties with the information they need to improve civil aviation safety.

Definitions
Article 2

1. For the purpose of this Regulation the following definitions shall apply:

1) *interested party* means any natural person, any legal person, whether profit-making or not, 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 occurrences exchanged by the Member States in accordance with Article 6(1) of Directive 2003/42/EC and which is included in one of the categories of interested parties listed in Annex I;

2) *point of contact* means:

a) where a request for information is made under Article 3(1) of this Regulation, the competent authority designated by each Member State in accordance with Article 5(1) of Directive 2003/42/EC or, if a Member State has designated more than one competent authority, the contact point designated by that Member State in accordance with the same provision;

b) where a request for information is made under Article 3(2), the Commission.

2. The list of points of contact will be published by the Commission.

Requests for information
Article 3

1. Interested parties established within the Community which are natural persons shall address requests for information to the point of contact of the Member State in which they are licensed or, where a licence is not required, in which they exercise their function. Other interested parties established within the Community shall address requests for information to the point of contact of the Member State in which they have their registered office or official seat or, in the absence of such office or seat, their principal place of business.

2. Interested parties not established in the Community shall address their request to the Commission.

3. Requests shall be submitted using forms approved by the point of contact. These forms shall contain at least the items set out in Annex II.

Special request
Article 4

An interested party which has submitted a particular report may address requests for information related to such report directly to the point of contact which received that report.

Validation of the requestor
Article 5

1. A point of contact which receives a request shall check that it is made by an interested party.
2. If an interested party addresses a request to a point of contact other than that which is competent to deal with such request pursuant to Article 3, it shall be invited to contact the competent point of contact.

Evaluation of the request
Article 6

1. A point of contact which receives a request shall evaluate on a case-by-case basis whether the request is justified and practicable.
2. If the request is accepted, the point of contact shall determine the amount and the level of information to be supplied. This shall be limited to what is strictly required for the purpose of the requestor, without prejudice to Article 8 of Directive 2003/42/EC. Information unrelated to the requestor's own equipment, operations or field of activity shall be supplied only in aggregated or unidentified form, unless a detailed justification is provided by the requestor.
3. Interested parties listed in Annex I(b) may be supplied only with information relating to the interested party's own equipment, operations or field of activity.

Decision of general nature
Article 7

A point of contact receiving a request from an interested party listed in Annex I(a) may take a general decision to supply information on a regular basis to that interested party provided that the information requested is related to the interested party's own equipment, operations or field of activity.

Use of the information and confidentiality
Article 8

1. The requestor shall only use the information received for the purpose specified in the request form, which should be compatible with the objective stated in Article 1 of Directive 2003/42/EC. The requestor shall not disclose the information received without the written consent of the provider.
2. The requestor shall take the necessary measures to ensure appropriate confidentiality of the information received.

Records of the requests
Article 9

Each point of contact shall record each request received by it and the action taken by it. That information shall be transmitted to the Commission whenever a request is received and/or action taken.

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.

Means of dissemination
Article 10

The points of contact may supply information to interested parties on paper or by using secure electronic means of communication.

For security reasons, direct access to data bases containing information received from other Member States pursuant to Article 6(1) of Directive 2003/42/EC shall not be granted to interested parties.

Entry into force
Article 11

This Regulation shall enter into force on the day following its publication in the „Official Journal of the European Union“.

Annex I
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 6(2) or on the basis of a general decision under Article 7**

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 bodies 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 6(2) and 6(3)**

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 II

REQUEST FOR DATA FROM EUROPEAN OCCURENCES DATABASE

1. Name

   Function/position

   Company

   Address

   Tel:

   E-mail:

   Date:

   Nature of business

   Category of interested party you fall into (see Annex I of Commission Regulation (EC) No 1330/2007 of 24 September 2007 implementing Directive 2003/42/EC of the European Parliament and of the Council of 13 June 2003 on occurence reporting in civil aviation laying down measures for dissemination to interested parties of information on civil aviation occurences):

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

3. Reason for the request:

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

5. Date by which the data is requested:

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

7. Access to data:

   The point of contact is not required to make available any requested data. It may do so only if it is confident that the request is compatible with Directive 2003/42/EC and Regulation (EC) No 1330/2007. The requestor commits itself and its organisation to restrict the useo f the data to the purpose it has described under point 4. It is also recalled that data provided on the basis of this request are made available only for the purposes of flight safety as provided in Directive 2003/42/EC and not for other purposes including attributing blame or liability or commercial purposes.

   The requestor is not allowed to disclose data 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 occurences, database and to any sanction where applicable.

8. Date, place and signature:

APPENDIX 3

Comision Regulation (EC) No 1321/2007 of 12 November 2007 laying down implementing rules for the integration into central repositary of information on civil aviation occurences exchanged in accordance with Directive 2003/42/EC of the European Parliament and of the Council

Subject matter
Article 1

This Regulation lays down measures concerning the integration into a central repository of relevant safety-related information exchanged by Member States, in accordance with Article 6(1) of Directive 2003/42/EC.

Central repositary
Article 2

1. The Commission shall set up and manage a central repository to store all information received from the Member States in accordance with Article 6(1) of Directive 2003/42/EC.
2. Each Member State shall agree with the Commission the technical protocols for the update of the central repository by transfer of all relevant safety-related information contained in the national databases referred to in Article 5(2) and (3) of Directive 2003/42/EC. This shall ensure that all relevant safety-related information contained in the national databases shall be integrated in the central repository.
3. In accordance with Article 7(1) of Directive 2003/42/EC, any entity entrusted with regulating civil aviation safety or with investigating civil aviation accident and incidents within the Community shall have online access to all information contained in the central repository except to the information which directly identifies the operator or aircraft subject to an occurrence report.
4. Such information which may remain confidential is the name, designator, call sign or flight number of the operator and the registration mark or serial/construction number of the aircraft.

In cases where such information is deemed necessary for safety analysis, authorisation shall be requested from the Member State which supplied the information.

Information related to investigations
Article 3

Basic factual information on accidents and serious incidents shall be transferred to the central repository 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.

Review
Article 4

Two years after the entry into force of this Regulation, the Commission shall review the safety-relevance of the data stored and exchanged.

Entry into force
Article 5

This Regulation shall enter into force on the 20th day following its publication in the "Official Journal of the European Union".