



EUROPEAN COMMISSION

EU LEGISLATION ON ACCIDENT PREVENTION

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DIRECTORATE GENERAL ENERGY AND TRANSPORT

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CONTENT

- **Directive 94/56 on accident investigation**
- **Directive 2003/42 on incident reporting**
- **Directive 2004/36 on safety of third countries aircraft**
- **Regulation 2111/2005 on the Community list of banned aircraft**



ACCIDENT INVESTIGATION

DIRECTIVE 94/56/EC OF 21 NOVEMBER 1994 ESTABLISHING THE FUNDAMENTAL PRINCIPLES GOVERNING THE INVESTIGATION OF CIVIL AVIATION ACCIDENTS AND INCIDENTS

**Official Journal of the European Union n° L.319
of 12 December 1994 p. 14**

<http://europa.eu.int>



ACCIDENT INVESTIGATION

- **MANDATORY INVESTIGATION OF EACH ACCIDENT AND SERIOUS INCIDENT WITH THE ONLY OBJECTIVE TO PREVENT ITS RECURRENCE**
- **CLEAR SEPARATION BETWEEN JUDICIAL ENQUIRY AND TECHNICAL INVESTIGATION WITH THE REINFORCEMENT OF THE LATTER'S STATUTE**



ACCIDENT INVESTIGATION

- **INVESTIGATION BODY PERMANENT AND INDEPENDENT WITH SUFFICIENT RESOURCES**
- **MANDATORY PUBLICATION OF INVESTIGATION REPORT CONTAINING CONCLUSIONS AND SAFETY RECOMMANDATIONS**
- **FOLLOW UP OF THESE RECOMMANDATIONS**



INCIDENT REPORTING

Directive 2003/42/EC of the European Parliament and of the Council of 13 June 2003 on occurrence reporting in civil aviation

Official Journal of the European Union n° L.167 of 4 July 2003 p. 23

<http://europa.eu.int>



OBJECTIVE

- **The objective of this directive is to contribute to the improvement of air safety by ensuring that relevant information on safety is reported, collected, stored, protected and disseminated.**
- **The sole objective of occurrence reporting is the prevention of accidents and incidents and not to attribute blame or liability.**



COLLECTED

Member States shall

- require that occurrences are reported
- put in place a mechanism to collect, evaluate, process and store occurrences



STORED

- **The competent authorities shall store the reports collected in their databases**
- **The Commission shall develop specific software for the purpose of this directive**



EXCHANGED

Member States shall

- participate in an exchange of information
- make available to other M S and the Commission all relevant safety-related information stored in the data base



PROTECTED

- **Member States shall ensure ... appropriate confidentiality of the information received**
- **Names or addresses of individual persons shall never be recorded in the database**



PROTECTED

- **MS shall refrain from instituting proceedings for unpremeditated or inadvertent infringements... without prejudice to ... penal law**
- **Employees who report incidents ... are not subject to any prejudice by their employer**



DISSEMINATED

- **Civil aviation safety regulator and civil aviation investigating bodies shall have access... to enable it to draw the safety lessons**
- **The Commission assisted by a Committee may disseminate information to persons or organisations**
 - **when needed to improve aviation safety**
 - **limited to what is strictly required**
- **Publication of annual safety review**



VOLUNTARY REPORTING

In addition to mandatory reporting, Member States may put in place a voluntary reporting system for occurrences which are perceived by the reporter as an actual or potential hazard



REPORTABLE OCCURRENCES

- **Annex 1 contains reporting requirements from JAA codes**
- **Annex 2 comes from EUROCONTROL ESARR 2**
- **No new additional requirements**



ECCAIRS

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ECCAIRS

The ECCAIRS occurrence reporting system is a set of applications that provide together a complete solution to organisations that want to collect aircraft incidents and accidents in an ICAO compatible format



THIRD COUNTRIES

DIRECTIVE 2004/36/EC OF THE EUROPEAN PARLIAMENT AND OF THE COUNCIL ON THE SAFETY OF THIRD COUNTRIES AIRCRAFT USING COMMUNITY AIRPORTS

Official Journal of the European Union n° L.143
of 30 April 2004 p. 76
<http://europa.eu.int>



OBJECTIVE

To introduces a harmonised approach to the effective enforcement of international safety standards within the Community by harmonising the rules and procedures for ramp inspections of third-country aircraft landing at airports located in the Member States.



COLLECTION OF INFORMATION

- **Basic information to help targeting unsafe aircraft / operator / State**
- **Inspection reports and action taken subsequently**
- **Follow-up on corrective actions or recurrence**



RAMP INSPECTION

- **Harmonised procedures for all Member States**
- **Inspection based on suspicion of non-compliance with international safety standards**
- **Spot-checks allowed, should be non-discriminatory**
- **Should avoid unreasonable delays**



EXCHANGE

- **Statistical information to prove compliance with the Directive will be given to the Commission**
- **Collected information will be given to the Commission and available to all Member States**
- **In case of potential safety threat, immediate notice to each Member State and the Commission**



PROTECTION

- **Protection of the source of information (e.g. crew)**
- **Appropriate confidentiality of information exchanged between Member States**



DISSEMINATION

- Dissemination of relevant information to interested parties (using this information to improve safety)
- Publication of a yearly report by the Commission



POSSIBLE MEASURES

- **Grounding of unsafe aircraft**
- **Focused inspection of identified aircraft, operator or State**
- **Co-operation with and assistance to third countries**



“THE BLACK LIST”

**REGULATION No 2111/2005 OF 14 DEC 2005
ON THE ESTABLISHMENT OF A COMMUNITY
LIST OF AIR CARRIERS SUBJECT TO AN
OPERATING BAN WITHIN THE COMMUNITY
AND ON INFORMING AIR TRANSPORT
PASSENGERS OF THE IDENTITY OF THE
OPERATING AIR CARRIER AND REPEALING
ARTICLE 9 OF DIRECTIVE 2004/36/EC**

**Official Journal of the European Union n° L 344 of
27 December 2005, p. 15, <http://europa.eu.int>**



“THE BLACK LIST”

2 components / several advantages

Safety measures aspect:

All operating bans are now decided:

- at Community level,
- on the basis of common criteria and
- are applicable everywhere in the Community



“THE BLACK LIST”

2 components / several advantages

Passengers rights aspect:

- Responding to a request for more transparency on safety measures;
- Additional rights for passengers when a carrier is placed on the black list :



“THE BLACK LIST”

Which airlines are covered ?

ALL airlines whatever:

- their origin
- their economical model
- the kind of flights operated

= > No discrimination whatsoever!



“THE BLACK LIST”

**Common Criteria for decisions to be taken on a case-by-case basis
3 categories**

- Deficiencies detected on aircraft and/or,
- Lack of ability of the airlines to solve deficiencies and/or
- Lack of ability of the competent authorities for oversight to fulfil their ICAO obligations



IMPLEMENTING RULES

**COMMISSION REGULATION No 473/2006 OF
22 MARCH 2006 LAYING DOWN
IMPLEMENTING RULES FOR THE
COMMUNITY LIST OF AIR CARRIERS WHICH
ARE SUBJECT TO AN OPERATING BAN
WITHIN THE COMMUNITY REFERRED TO IN
CHAPTER II OF REGULATION No 2111/2005
OF 14 DEC 2005**

**Official Journal of the European Union n° L 84 of 23
March 2006, p. 8, <http://europa.eu.int>**



IMPLEMENTING RULES

- Information to be supplied by Member States requesting to update the list
- Joint consultation with the Authorities responsible for the oversight of the carrier concerned
- Exercise of carrier's right of defence
- Exceptionnal measures



THE LIST

- **Initial list published under Commission Regulation N°474/2006 of 22 March 2006 (Official Journal of the European Union n° L 84 of 23 March 2006)**
- **Updated list published under Commission Regulation N°910/2006 of 20 June 2006 (Official Journal of the European Union n° L 168 of 21 June 2006)**
- **New list to be discussed at the meeting of the Air Safety Committee on 4 October 2006**



THE END

THANK YOU