



EUROPEAN COMMISSION
Impact Assessment Board

Brussels,
D(2012)

Opinion

Title **DG MOVE - Impact Assessment on a proposal for a Regulation on occurrence reporting in civil aviation**
(draft version of 5 September 2012)*

(A) Context

Directive 2003/42/EC requires Member States to set up mandatory occurrence reporting systems and encourages the development of voluntary systems. The implementing Regulation to this Directive has also established of a European Central Repository (ECR) of information on civil aviation occurrences. However, occurrence reporting in the EU and the current performance of the ECR are still subject to a number of shortcomings such as sub-optimal collection of data and lack of occurrence analysis or data use. The present initiative seeks to revise Directive 2003/42/EC and its implementing regulations in order resolve these issues, and specifically to improve the use and analysis of existing civil aviation occurrence data at national and EU level, so as to contribute to the reduction of the number of aircraft accidents. The proposal to revise the legislation on occurrence reporting in civil aviation is a key part of the European Union's overall efforts to improve aviation safety by moving from a system which is mainly reactive and focuses on preventing accidents reoccurring by understanding their causes, towards a system which is more proactive and uses information coming from daily occurrences in order to prevent accidents occurring.

(B) Overall assessment

The report generally provides an adequate basis for decision-making but should be improved in a number of respects. First, the report should more clearly identify the main problem to be addressed, highlight the deficiencies with the current legislation and clearly distinguish between the underlying problem drivers and sub-drivers. It should also provide a more robust baseline scenario containing further information on the state of implementation of existing provisions. Second, the report should present more specific and operational objectives which are closely linked to more elaborated monitoring indicators. Third, the report should provide more information on each of the policy options, fully reflecting the views of airlines industries and Member State authorities in relation to each option. Fourth, the report should provide a more in-depth analysis of the impacts on Member States and the airlines industries, and, given that there is an impact on the EU budget, provide a more elaborated cost-effectiveness analysis of the options.

In their written communication with the Board DG MOVE accepted to amend the report along the lines of these recommendations.

* Note that this opinion concerns a draft impact assessment report which may differ from the one adopted

(C) Main recommendations for improvements

(1) Clearly identify the problem and strengthen the baseline scenario. The report should more concretely identify the main problem to be addressed by underlining the deficiencies with the current legislation in the case of regulatory failure, and by clearly highlighting implementation failures. The problems identified should be more clearly distinguished from the underlying problem drivers or sub-drivers. Each of the drivers should then be supported with further evidence, by fully reporting on the views of stakeholders in the main text. The report should provide further evidence to support the claim that the 'Just Culture' principle is not equally respected in all Member States. It should more clearly substantiate the problems that Member States have in accessing ECR data, identifying relevant bottlenecks where appropriate. As there is an impact on the EU budget, the report should discuss any past evaluations that have been carried out or critically assess the current expenditure programme. Finally, the report should strengthen the baseline scenario by providing a much clearer account of the state of implementation of the reporting requirements across MS, and, based upon the results of the targeted consultation with Member States, explain what difficulties Member States have encountered in implementing these requirements.

2) Present more specific and operational objectives. The report should present more specific and operational objectives which are more closely linked to more concrete monitoring indicators. Under strategic objective 1 the report should clarify which occurrence concretely will be collected. Under specific objective 3, the report should be much clearer on the level of access to be achieved and explain exactly what safeguards will be maintained. Under specific objective 4 the report should explain at what stage in the analysis or under what conditions preventative safety actions would be triggered.

3) Provide further information on the content of each policy option. The report should link the options more clearly with the objectives and problem drivers. It should explain why the presented set of policy packages is considered appropriate, and why for instance an additional option on strengthened enforcement has not been considered. The report should then provide further information on the content of the policy options, clearly presenting the views of key stakeholders groups in relation to each one. Under policy measure Problem Definition 1A, 'harmonise the scope of reporting', the report should clarify the scope of the future regulation by explaining exactly what kind of occurrences will be reported. Under policy measure Problem Definition 1B, 'develop and complement existing rules', it should explain how 'Just Culture' will be defined under the new rules, and what role the national focal point will play in enforcing it. Under Problem Definition 3A, 'ensure broader access to ECR', the report should explain concretely how the provisions on access to ECR data will be modified, what restrictions are to be kept, and clearly present the views of Member States. Finally, the role of the EU agency should be further clarified.

4) Further assess the impacts on 'outlier' Member States, national authorities and airlines industries. The report should pay due attention to the impacts on different Member States. It should clarify whether 'outlier' Member States are, for instance, likely to be impacted disproportionately, by drawing on the results of the targeted consultation. The report should also provide a breakdown of the administrative burden costs for each of the major stakeholders affected, within the main text. As there is an impact on the EU budget, the report should also provide a more elaborated assessment of the cost-effectiveness of the options, and clearly show how the measures proposed will respond to

the specific objectives. As at least one of the considered options has a substantial impact on the EU budget (€12.065 million) the report should also clarify why compliance with the Financial Regulation is not deemed necessary. Finally, the report should be more transparent about how the positive and negative values in table 5.9 have been derived, and further explain the methodology that has been used to determine the savings estimate by 2030.

Some more technical comments have been transmitted directly to the author DG and are expected to be incorporated in the final version of the impact assessment report

(D) Procedure and presentation

The report should avoid where possible the use of abbreviations and should provide a glossary of terms and definitions.

(E) IAB scrutiny process

Reference number	2011/MOVE/028
External expertise used	No
Date of IAB meeting	Written Procedure