

Occurrence Reporting

Information and Guidance on Mandatory and Voluntary Occurrence Reporting to the National Database.

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Revision History

Amendment Number	Changes	Date of Applicability		
Issue 1	Changes to reflect the CAD's new reporting system	July 2015		
Issue 2, Rev 0	Changes to reflect the CAD's new reporting system	July 2019		
Issue 2, Rev 1	Update to new regulatory references, minor text corrections	31 October 2022		
Issue 3, Rev 0	Change of Centrik portal interface diagrams and general text correction	31 July 2025		

Foreword

This document has been prepared to provide information and guidance to those who, by the applicable legislation, are involved in its operation.

This document incorporates the requirements of Regulation (EU) 376/2014 and its related regulations and Annexes and Part XI of the Chapter 641 - Air Navigation Act

In accordance with Part XI of the Air Navigation Act (ANA), the Director General for Civil Aviation is the designated authority to put in place a mechanism to collect, evaluate, process and store occurrence data to fulfil the requirements set by Regulation (EU) 376/2014. The Civil Aviation Directorate (the CAD) has had such a mechanism in place for a number of years.

Furthermore, in accordance with Regulation (EU) 376/2014 and Part XI of the ANA, occurrences reported in accordance with applicable Regulations, as well as reports of accidents and serious incidents, are stored in a database compatible with software developed for the purpose by the European Commission.

The European Co-ordination Centre for Accident and Incident Reporting Systems (ECCAIRS) is a co-operative network of European Transport Authorities and Accident Investigation Bodies. This has now evolved in ECCAIRS 2. The ECCAIRS 2 project is being managed by the European Union Aviation Safety Agency (EASA) on request of the Directorate General for Mobility and Transport (DG Move).

1. Introduction

1.1 Just Culture

In the interest of the ongoing development of flight safety, the CAD supports the development of a 'Just Culture' which means that, within all areas of the aviation community, the CAD promotes a culture in which:

- individuals are not punished for actions, omissions or decisions taken by them that are commensurate with their experience and training, but which result in a reportable event; but
- where gross negligence, wilful violations and destructive acts are not tolerated.

This position is in line with European Commission Regulation (EU) No 376/2014.

1.2 Confidentiality of reports

It is fundamental to the purpose of the reporting of incidents and accidents, that the knowledge gained from the investigation of these occurrences is disseminated so that we may all learn from them.

Without prejudice to the proper discharge of its responsibilities, the CAD will not disclose the name of the person submitting the report or of a person to whom it relates.

Should any safety follow-up action arising from a report be necessary, the CAD will take all reasonable steps to avoid disclosing the identity of the reporter or of those individuals involved in any reportable occurrence.

1.3 Assurance regarding prosecution

The CAD gives an assurance that its primary concern in relation to the Occurrence Reporting is to secure free and uninhibited reporting and that it will not be its policy to institute proceedings in respect of unpremeditated or inadvertent breaches of the law which come to its attention only because they have been reported under the Scheme, except in cases of gross negligence.

Without prejudice to the applicable rules of criminal law, there shall be no proceedings in respect of unpremeditated or inadvertent infringements of the law which come to the attention of the relevant authorities only because they have been reported, except in cases of gross negligence. Consequently, the sole objective of occurrence reporting is the prevention of accidents and incidents and not to attribute blame or liability.

This mirrors the obligations of Regulation (EU) No 996/2010 on the investigation and prevention of accidents and incidents in civil aviation and Regulation (EU) No 376/2014 on the reporting, analysis and follow-up of occurrences in civil aviation.

1.4 Possible action by employers

Where a reported occurrence indicated an unpremeditated or inadvertent lapse by an employee, the CAD would expect the employer in question to act responsibly, to share the view that free and full reporting is the primary aim and ensure that every effort should be made to avoid action that may inhibit reporting.

The CAD expects employers not to take disciplinary or punitive action against staff for reporting safety incidents, unless such action is clearly necessary to ensure safety, or in cases where there is clear evidence of deliberate misconduct, serious negligence, or failure to act responsibly, leading to harm or a serious risk to aviation safety.

Regulation (EU) No 376/2014 requires Member States to ensure that employees who report incidents are not subjected to any prejudice by their employer.

2 Occurrence Reporting

2.1 Legislation

The principles set out above have always been central to the evaluation and analyses of air safety occurrences. These principles are captured in Regulation (EU) No 376/2014 on the reporting, analysis and follow-up of occurrences in civil aviation and Part XI of Chapter 641 – Air Navigation Act

Because of the close relationship between aircraft accidents, serious incidents and other occurrences, and between the regulations pertaining to their investigation, the following explanation is included as guidance.

Regulation (EU) No 996/2010 on the investigation and prevention of accidents and incidents in civil aviation provides the following definitions:

"accident" means an occurrence associated with the operation of an aircraft which, in the case of a manned aircraft, takes place between the time any person boards the aircraft with the intention of flight until such time as all such persons have disembarked, or in the case of remotely piloted aircraft, takes place between the time the aircraft is ready to move with the purpose of flight until such time it comes to rest at the end of the flight and the primary propulsion system is shut down, in which:

- (a) a person is fatally or seriously injured as a result of:
 - (i) being in the aircraft, or,
 - (ii) direct contact with any part of the aircraft, including parts which have become detached from the aircraft, or,
 - (iii) direct exposure to jet blast, except when the injuries are from natural causes, self-inflicted or inflicted by other persons, or when the injuries are to stowaways hiding outside the areas normally available to the passengers and crew; or
- (b) the aircraft sustains damage or structural failure which adversely affects the structural strength, performance or flight characteristics of the aircraft, and would normally require major repair or replacement of the affected component except for engine failure or damage, when the damage is limited to a single engine, (including its cowlings or accessories), to propellers, wing tips, antennas, probes, vanes, tyres, brakes, fairings,

panels, landing gear doors, windscreens, the aircraft skin (such as small dents or puncture holes) or minor damages to main rotor blades, Landing gear, and those resulting from hail or bird strike, (including holes in the radome); or

(c) the aircraft is missing or is completely inaccessible.

"serious incident" means an incident involving circumstances indicating that there was a high probability of an accident and is associated with the operation of an aircraft, which in the case of a manned aircraft, takes place between the time any person boards the aircraft with the intention of flight until such time as all such persons have disembarked, or in the case of remotely piloted aircraft, takes place between the time the aircraft is ready to move with the purpose of flight until such time it comes to rest at the end of the flight and the primary propulsion system is shut down.

"incident" means an occurrence, other than an accident, associated with the operation of an aircraft which affects, or would affect, the safety of operation.

Regulation (EU) No 376/2014 on the reporting, analysis and follow-up of occurrences in civil aviation provides the following definitions:

"occurrence" means any safety-related event which endangers or which, if not corrected or addressed, could endanger an aircraft, its occupants or any other person and includes in particular an accident or serious incident.

"hazard" means a situation or an object with the potential to cause death or injury to a person, damage to equipment or a structure, loss of material, or a reduction of ability to perform a prescribed function.

"just culture" means a culture in which front-line operators or other persons are not punished for actions, omissions or decisions taken by them that are commensurate with their experience and training, but in which gross negligence, wilful violations and destructive acts are not tolerated;

"reporter" means a natural person who reports an occurrence or other safety-related information.

2.2 Exchange of information

Regulation (EU) No 2018/1139 Article 62(9) states:

In order to facilitate the effective exercise of their tasks related to certification, oversight and enforcement, the Commission, the Agency and national competent authorities, shall exchange relevant information, including on possible or identified infringements.

Article 72(1) states:

The Commission, the Agency and the national competent authorities shall exchange any information available to them in the context of the application of this Regulation and of the delegated and implementing acts adopted on the basis thereof, which is relevant to the other parties for the performance of their tasks under this Regulation. The competent authorities of the Member States entrusted with the investigation of civil aviation accidents and incidents, or with the analysis of occurrences, shall also be entitled to access to that

information for the performance of their tasks. That information may also be disseminated to interested parties in accordance with the implementing acts referred to in paragraph 5.

In compliance with the (EU) 2018/1139as stated above, Regulation (EU) 376/2014 sets the requirements for exchange of information in Article 9. Member States and the Agency exchange information by making all information relating to safety stored in their respective reporting databases available to the competent authorities of the other Member States, the Agency and the Commission, through the European Central Repository.

The CAD transfers occurrence reports to the European Central Repository no later than 30 days after having been entered in the national database. The information transferred to the European Central Repository includes preliminary information on accidents and serious incidents during the investigation and on completion of investigation the final report and when available a summary in English of the final investigation report.

3. Mandatory Occurrence Reporting

3.1 Objective

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

The responsibility for safety rests with the management and staff of the organisations involved (manufacturers, operators, maintenance organisations etc). The responsibility of the CAD is to provide the regulatory framework within which the industry must work and thereafter to monitor performance in order that it is satisfied that required standards are set and maintained. Mandatory Occurrence Reporting is an established part of the monitoring function of the CAD and is complementary to the normal day-to-day procedures and systems and will form part of the Malta State Safety Programme.

Therefore, it is essential that any organisation should:

- (a) report and record occurrences;
- (b) analyse and follow-up action in respect of reported occurrences
- (c) when applicable, have the necessary procedures to follow-up and close occurrence reporting analyses in conjunction with the CAD.

3.2 Applicability

3.2.1 Reportable occurrences

For the purposes of mandatory occurrence reporting, a reportable occurrence in relation to an aircraft includes any incident which endangers or which, if not corrected, would endanger an aircraft, its occupants or any other person. Occurrences which fall into the following categories as listed in

Regulation (EU) 376/2014 shall be reported mandatorily:

- (a) occurrences related to the operation of the aircraft, such as:
 - i. collision-related occurrences:
 - ii. take-off and landing-related occurrences;
 - iii. fuel-related occurrences;
 - iv. in-flight occurrences;
 - v. communication-related occurrences;
 - vi. occurrences related to injury, emergencies and other critical situations;
 - vii. crew incapacitation and other crew-related occurrences;
 - viii. meteorological conditions or security-related occurrences;
- (b) occurrences related to technical conditions, maintenance and repair of aircraft, such as:
 - i. structural defects:
 - ii. system malfunctions;
 - iii. maintenance and repair problems;
 - iv. propulsion problems (including engines, propellers and rotor systems) and auxiliary power unit problems;
- (c) occurrences related to air navigation services and facilities, such as:
 - i. collisions, near collisions or potential for collisions;
 - ii. specific occurrences of air traffic management and air navigation services (ATM/ANS); (iii) ATM/ANS operational occurrences;
- (d) occurrences related to aerodromes and ground services, such as:
 - i. occurrences related to aerodrome activities and facilities;
 - ii. occurrences related to handling of passengers, baggage, mail and cargo;
 - iii. occurrences related to aircraft ground handling and related services.

Commission Implementing Regulation (EU) 2015/1018 lays down a list of classifying occurrences in civil aviation which should be referred to when reporting occurrences, under mandatory reporting systems.

3.2.2 Categories of persons required to report

The following are the natural persons entitled to report the occurrences referred to in point 3.2.1 as listed in Regulation (EU) 376/2014:

- a) the pilot in command, or, in cases where the pilot in command is unable to report the occurrence, any other crew member next in the chain of command of an aircraft registered in a Member State or an aircraft registered outside the Union but used by an operator for which a Member State ensures oversight of operations or an operator established in the Union;
- a person engaged in designing, manufacturing, continuous airworthiness monitoring, maintaining or modifying an aircraft, or any equipment or part thereof, under the oversight of a Member State or of the Agency;

- a person who signs an airworthiness review certificate, or a release to service in respect of an aircraft or any equipment or part thereof, under the oversight of a Member State or of the Agency;
- d) a person who performs a function which requires him or her to be authorised by a Member State as a staff member of an air traffic service provider entrusted with responsibilities related to air navigation services or as a flight information service officer;
- e) a person who performs a function connected with the safety management of an airport to which Regulation (EC) No 1008/2008 of the European Parliament and of the Council applies;
- 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 a Member State ensures the oversight;
- g) a person who performs a function connected with the ground handling of aircraft, including fuelling, load sheet preparation, loading, de-icing and towing at an airport covered by Regulation (EC) No 1008/2008.

The categories of persons (or organisations) who are required to report occurrences include every person who:

- a) is the operator or commander of a turbine-powered aircraft registered in Malta or a public transport aircraft used by the holder of an Air Operator's Certificate issued by the Director General for Civil Aviation; or
- b) carries out in Malta the business of designing, manufacturing or modifying a turbine-powered or a public transport aircraft, or any equipment or part thereof; or
- c) signs a certificate of maintenance review, or of release to service in respect of the aircraft indicated in paragraph (a); or any equipment or part thereof; or
- d) performs a function which requires him to be authorised by the Director General as an air traffic controller or as a flight information officer; or
- e) is a manager of an airport covered by Council Regulation (EC) No 1008/2008 on access for Community air carriers to intra-Community air routes; or
- f) performs a function connected with the installation, modification, maintenance, repair, overhaul, flight checking or inspection of air navigation facilities which are approved for use by the Director General; or
- g) performs a function connected with the ground handling of aircraft, including fuelling, servicing, load sheet preparation, loading, de-icing and towing at an airport covered by Regulation (EC) No 1008/2008.

A report should also be submitted on any occurrence that involves an unsatisfactory condition, behaviour or procedure, which did not immediately endanger the aircraft but if allowed to continue uncorrected, or if repeated in other foreseeable circumstances, would create a hazard.

It is of great importance that the reporters keep firmly in mind the concept of 'endangering' or 'potentially endangering', as used above, when deciding whether to submit a report. The primary objective of occurrence reporting is to monitor, disseminate and record for analysis, critical or potentially critical safety occurrences. It is not intended to collect and monitor the normal flow of day-to-day defects/incidents etc. The latter is an important part of the overall flight safety task but other

procedures and systems exist to carry out this function. In the main, these comprise industry responsibilities monitored overall by the CAD. When appropriate, such systems also provide the necessary records for statistical purposes. To achieve the above objectives for occurrence reporting, the criteria for a reportable occurrence need to be set above, in terms of the effect on safety, the normal day-to-day defects or minor incidents. Overenthusiastic reporting of such items which fall below these criteria will involve unnecessary duplication and work to both the reporters and the CAD and will also tend, by sheer volume of data generated, to obscure the more significant safety items. Reporters should ensure that the content of their reports meets with the criteria and guidance referenced in Section 3.2.1. Emphasis should be paid to ensuring that day-to-day anomalies, technical defects and routine reliability issues are dealt with by means of the normal organisational systems and procedures.

3.2.3 Reporting of events over or in Malta

In the case of organisations providing a service or facility for aircraft operating over or in Malta (air traffic services and the airfield), any occurrence meeting the required criteria should be reported regardless of the nationality of the aircraft involved.

While the legislation defines those who must report, anyone may report, should they consider it necessary by means of the voluntary reporting system.

3.3 Applicable legislation

As already mentioned in Section 2.1, both European and National Legislation provide a legal platform for reporting of occurrences, evaluation of occurrences and exchange of information and related responsibilities. If clarification is required, the CAD can be contacted (see Section 4.2).

3.3.1 National legislation

Legislation on the CAD occurrence reporting is contained in Part XI of Chapter 641 – <u>Air Navigation</u> <u>Act</u>.

The legislation specifies provisions related to the Mandatory and voluntary reporting Systems, the National database of occurrence reports, Access to reports by Bureau of Air Accident Investigation and collaboration between authorities.

3.3.2 European legislation

There are various EU regulations which contain occurrence reporting requirements. These are directly applicable in Malta and take precedence over national legislation.

Regulation (EU) No 376/2014 on the reporting, analysis and follow-up of occurrences in civil aviation.

<u>Commission Implementing Regulation (EU) No 2015/1018</u> laying down a list classifying occurrences in civil aviation to be mandatorily reported according to Regulation (EU) No 376/2014.

Regulation (EU) No 996/2010 on the investigation and prevention of accidents and incidents in

civil aviation defines the sole objective of civil aviation investigations as being the prevention of future accidents and incidents without apportioning blame or liability.

Regulation (EC) No 2018/1139, on the common rules in the field of civil aviation and establishing a European Union Aviation Safety Agency. Among other things, this regulation defines the aircraft types which fall under the regulatory requirements of the European Aviation Safety Agency (EASA). Aircraft outside the responsibility of EASA are defined in Annex I to this regulation. With respect to occurrence reporting, Annex I aircraft can be considered under national legislation.

Regulation (EU) No 748/2012 covers the design and manufacture of aircraft and, under 21.A.165(f), places a responsibility on production organisations for reporting items released which could lead to an unsafe condition.

Regulation (EU) No 1321/2014 covers the continuing airworthiness of aircraft and places a responsibility on the individual or organisation responsible for the airworthiness of an aircraft (for example, the owner of an aircraft) to report any 'condition of an aircraft or component which endangers flight safety' under M.A.202. Additionally, organisations approved under Part 145 have an obligation to similarly report under 145.A.60.

Regulation (EU) 965/2012 also places an obligation on aircraft operators with respect to occurrence reporting in a similar way to national legislation, under ORO.GEN.160

Regulation (EU) 1178/2011 also places obligations on organisations with respect to occurrence reporting in a similar way to national legislation, under ORA.GEN.160

Regulation (EU) 2019/947 on the rules and procedures for the operation of unmanned aircraft (UAS) and are subject to accident investigations and occurrence reporting schemes.

3.4 Timeline for reporting occurrences

In accordance with regulation (EU) 376/2014 Occurrences shall be reported within 72 hours of the reporter/organisation becoming aware of the occurrence, unless exceptional circumstances prevent this.

Organisations shall transmit within 30 days from the date of notification of the occurrence by the reporter, preliminary results of the analysis and action taken to the CAD. The report of the results of the analysis should be made available to the CAD by no later than 3 months from the date of notification of the occurrence. When the organisation fails to transmit the preliminary or results of the analysis of any occurrence which has been submitted to the CAD, the authority reserves the right to request the transmission of the subject reports.

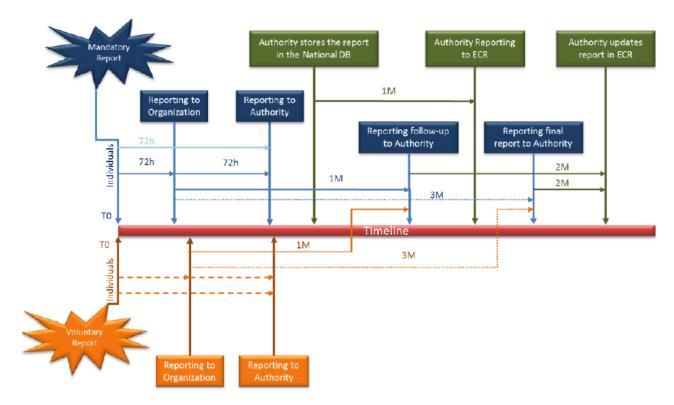


Figure 1 - Flow of Occurrence Report Information pursuant to Regulation (EU) 376/2014 (Source: Easy Access Rules for Occurrence Reporting (Regulation (EU) No 376/2014))

3.5 Reporting procedure

The primary responsibility for reporting an event lies with the individual/s. However, in the interests of flight safety, the full participation in the investigation by the organisation involved is encouraged. Therefore, wherever possible, the CAD encourages the use of company reporting systems, with a responsible person(s) within the organisation being nominated to receive all reports and to establish which reports meet the desired criteria for an occurrence report to the CAD. Correlation of operational and technical aspects and the provision of any relevant supplementary information (for example, the reporter's assessment and immediate action to control the problem) is an important part of such activity. Management of such 'Air Safety Reports', is an important part of an organisation's Safety Management System.

When the employee making such a report is a person having a duty to report to the CAD, in the spirit of Regulation (EU) 376/2014, the organisation must tell the reporter if the report has not been passed to the CAD as an occurrence report. Any employee who is convinced that it should be, must have the right to insist that the report be passed to the CAD or to report it directly to the CAD. Procedures to ensure that this right of the individual reporter is maintained must be incorporated into the organisation's reporting procedures and be clearly stated in the relevant instructions to staff.

Individuals may submit an occurrence report directly to the CAD should they so wish but, in the interest of flight safety, they are strongly advised also to notify their employers, preferably by a copy of the report.

Reports must be dispatched within 72 hours of the event, unless exceptional circumstances prevent this. Nevertheless, when the circumstances of an occurrence are judged to be particularly hazardous, the CAD expects to be advised of the essential details as soon as possible. This should

be followed up, within 72 hours, by a full report in the usual way. The CAD is dependent upon the judgement of those responsible for submitting reports to establish which occurrences are in this category. Conversely, for occurrences involving a lesser degree of hazard, reporters must exercise their judgement in deciding whether to delay the dispatch of the report if there is the likelihood of additional information becoming available within the statutory 72 hours, which could usefully be included with the report.

Should the initial report be incomplete in respect of any item of information required by the Regulation (EU) 376/2014, a further report containing this information must be made within 72 hours of the information becoming available. Prompt advice to the CAD on the results of investigations and the actions taken to control the situation will minimise, or may render unnecessary, direct the CAD involvement in the evaluation activity. In the case of technical failures or difficulties, the availability of photographs and/or preservation of damaged parts will greatly facilitate the subsequent evaluation.

Regulation (EU) 376/2014 requires that the organisations provide their employees and contracted personnel with information concerning the analysis of, and follow-up on, occurrences for which preventive or corrective action is taken. The organisation shall provide the CAD, with the preliminary results of the analysis and any action taken, within 30 days from the date of notification of the occurrence by the reporter. Furthermore, the organisation shall report the results of the analysis to the CAD as soon as they are available but no later than 3 months from the date of notification of the occurrence.

3.6 Occurrence Report Submissions

To facilitate consistent reporting and subsequent storage and analysis of data, the CAD has created a web-based portal which is easily accessible to any individual/organisation willing to submit a reportable event. The Centrik web-link https://tmcad.totalaoc.com/SMS/Case/ExternalReport.aspx does not require any specialised log-in credentials and will allow the reporter to select between mandatory and voluntary-type reports. This centralised portal will ensure that the data is collected and stored in one central database managed by the CAD.

The Centrik web-link will allow the reporter to submit reports in any of the following two means:

- 1. Use the web-link as the report generator by submitting all the information in the necessary fields.
- 2. Use the web-link to upload a .e5x file format generated by specific safety management software utilised by the organisation/operator.

The mandatory fields are highlighted in orange border for easy identification. A report cannot be submitted unless all mandatory data fields are populated. A list with any missing mandatory field data will be prompted to the submitter when trying to submit an incomplete report. Nevertheless, reports will be reviewed for any necessary follow- ups, especially for preliminary reports containing limited information to the user.

This occurrence reporting web-link is made public on Transport Malta's website. Information on how this reporting system shall be used is disseminated to operators/organisations under the CAD oversight through specific guidance material. Associated submission guidance can be found in the Appendixes of this document.

3.7 Specific reporting provisions

3.7.1 Aircraft, aircraft equipment and ground equipment defects

In the case of occurrences arising from, or relating to, defects in the aircraft, its equipment or any item of ground equipment, it is important that the appropriate manufacturer(s) and competent authority be advised of the occurrence as soon as possible. The CAD therefore expects that any organisation which raises an occurrence report (or which has been made aware of a report raised by an individual employee) will pass a copy of the report to the appropriate aircraft or equipment manufacturer(s) as soon as possible. In the case of incidents affecting ground installations or services (for example, aerodrome and/or air traffic control) those responsible for those services should also be informed. The original report should list all addressees to whom it has been sent.

3.7.2 Volcanic Ash reporting

Volcanic Ash reporting shall be made directly to EASA using the **EASA Volcanic Ash Report**. Completed reports shall be sent to: report@easa.europa.eu

3.7.3 Dangerous Goods reporting

Any type of dangerous goods occurrence must be reported, irrespective of whether the dangerous goods are contained in cargo, mail or baggage.

A dangerous goods accident is an occurrence associated with and related to the transport of dangerous goods which results in fatal or serious injury to a person or major property damage. For this purpose, serious injury is an injury which is sustained by a person in an accident and which

- a) requires hospitalisation for more than 48 hours, commencing within 7 days from the date the injury was received; or
- b) results in a fracture of any bones (except simple fractures of fingers, toesor nose); or
- involves lacerations which cause severe haemorrhage, nerve, muscle or tendon damage;
 or
- d) involves injury to any internal organ; or
- e) involves second- or third-degree burns, or any burns affecting more than 5% of the body surface; or
- f) involves verified exposure to infectious substances or injurious radiation.

A dangerous goods accident may also be an aircraft accident, in which case the normal procedure for reporting of air accidents must be followed. A dangerous goods incident is an occurrence, other than a dangerous goods accident, associated with and related to the transport of dangerous goods, not necessarily occurring on board an aircraft, which results in injury to a person, property damage, fire, breakage, spillage, leakage of fluid or radiation or other evidence that the integrity of the packaging has not been maintained. Any occurrence relating to the transport of dangerous goods which seriously jeopardises the aircraft or its occupants is also deemed to constitute a dangerous goods incident.

Any occasion when undeclared or erroneously declared dangerous goods are discovered in cargo,

mail or unaccompanied baggage or when accompanied baggage contains dangerous goods which passengers or crew are not permitted to take on aircraft, shall be reported using the Centrik weblink, and ticked accordingly.

3.8 Retention of data from recording instruments

The CAD expects to use data obtained from specific recording instruments only when this is necessary for the proper evaluation and investigation of the more significant occurrences. It is not intended to use such data to check on information contained in a submitted report but to supplement and extend the documented information.

Recording instruments fitted to some aircraft can provide valuable data on a wider range of occurrences and the CAD would expect to make judicious use of such information in relation to appropriate occurrences.

3.8.1 Flight Data Recorder (FDR) data

Following an accident or an incident that is subject to mandatory reporting, the operator of an aircraft shall preserve the original recoded data for a period of 60 days as stated in regulation (EU) 965/2012 CAT.GEN.MPA.195. For occurrences other than an accident or incident the CAD request operators to retain the data from an FDR which is relevant to the reported occurrence for a period of 14 days from the date of the occurrence being reported to the CAD, or a longer period if the CAD so requests. As part of the occurrence reporting system of an operator, the operator shall have the necessary internal procedures to download and read flight data to accomplish the necessary internal investigations and follow-up. These procedures should be included in the organisations approved procedures for internal occurrence reporting and flight data monitoring. The operator shall keep and maintain up-to-date documentation that presents the necessary information to convert FDR raw data into parameters expressed in engineering units.

The CAD depends upon the judgement of those responsible for submitting reports to establish which occurrences require the retention of FDR data. It is equally incumbent upon the CAD to advise the reporting organisation, as quickly as possible, when it requires such data.

3.9 Processing of occurrence reports

In relation to all reported occurrences, including those raised by its own personnel, the CAD will:

- a) evaluate each occurrence report received;
- b) decide which occurrences require follow-up by the CAD in order to discharge the CAD's functions and responsibilities;
- c) make such checks as it considers necessary to ensure that operators, manufacturers, maintenance organisations, training organisations, air traffic control services and aerodrome operators are taking any necessary remedial and preventative action in relation to reported occurrences in a timely manner and monitor the implementation and effectiveness of the action;
- d) take such steps as to first report the occurrence to type certificate holders, competent authorities and EASA and liaise and exchange information with them for any necessary remedial and preventative action as applicable in relation to reported occurrences;

- e) assess and analyse the information reported to it in order to detect safety problems which may not be apparent to individual reporters;
- f) make available the information derived from occurrence reports in accordance with the relevant regulations;
- g) make available the results of studies of the data provided to those who will use them for the benefit of air safety;
- h) where appropriate, issue specific advice or instructions to particular sections of the industry;
- i) where appropriate, take action in relation to legislation, requirements or guidance, such as revisions of the ANA, European Commission civil aviation regulations;
- j) ensure that effective communication is maintained between BAAI and the CAD in respect of accident and serious incident investigation and follow up, and that all appropriate areas of the CAD are fully briefed on all matters of significance; and
- k) exchange data with EU states in accordance with the requirements of Regulation (EU) No 376/2014.

The CAD publishes a safety review at least once a year to inform stakeholders on the level of safety in civil aviation.

3.10 Storage of occurrence report data

Occurrence report data is handled and stored by the CAD Safety and Compliance Unit (SCU). The SCU makes use of the Centrik software as a means of managing data reporting, storage of occurrence data, follow-up reports, and safety recommendations and so on. The SCU manages and co-ordinates the occurrence reporting system and thus forms the central point for receipt, evaluation, processing, dissemination, storage, and initial analysis of occurrence report data. When technical expertise is required, the SCU will coordinate with the relevant Unit within the CAD to ensure that the best evaluation and safety outcomes are taken into account.

3.11 Occurrences closed on receipt

Certain occurrences reported to the CAD, while meeting the criteria for a reportable occurrence, are adequately dealt with by the reporting organisation. Thus, there is no justification for further investigation by the CAD, although details of the occurrence and action taken do provide valuable information for dissemination and storage purposes. Reports judged to be in this category are closed on receipt by the CAD, the principal justification for closure being that it is evident from the report that existing requirements, procedures, documentation and so on, coupled with the reporter's action, have adequately controlled the identified hazard.

When necessary, the CAD will liaise with the reporter and/or seek advice from appropriate the CAD staff in making this decision. The ability of the CAD to close an occurrence on receipt and thus avoid the need for further the CAD evaluation is very much dependent upon the quality of the information provided in the report and, specifically, information on the action taken by the reporting organisation to control the situation.

3.12 Non-MOR events

When reporting to the CAD via a company system, any report/s that does not meet the criteria for a

MOR should normally be filtered out by the company's process. However, when any report that is received by the CAD is judged to fall outside the MOR criteria, the report will be evaluated as 'Not-MOR'. The report will be stored in the CAD database and classified as 'Voluntary (Not-MOR) Report'. This classification by the CAD does not mean that it is considered insignificant or unimportant.

Accordingly, the CAD will not disclose the name of the person submitting the report, or of a person to whom it relates, unless required to do so by law or unless, in either case, the person concerned authorises disclosure.

4 Voluntary Occurrence Reporting

4.1 Voluntary reporting

The CAD encourages voluntary reporting across the whole spectrum of civil aviation operations. A voluntary report is made by a person not required to report under the legislation described above. Voluntary reports are processed in a similar way to mandatory reports. Confidentiality, data protection and just culture shall be ensured.

Voluntary occurrence reports can be submitted via the Centrik portal web-link referred to earlier (https://tmcad.totalaoc.com/SMS/Case/ExternalReport.aspx). The public is made aware of this link via the TM website. This reporting tool is intended to give the possibility to the public using air transport to report any occurrence or event which may jeopardise the safety of aircraft.

4.2 Submitting reports via ECCAIRS 2 (https://aviationreporting.eu/)

While reports will be primarily submitted via the Centrik portal web-link, the CAD will still allow receipt of reports which are submitted by third parties via the aviation reporting website (ECCAIRS 2). This reporting portal is linked to the National database on Centrik administered by the CAD.

4.3 Protection of reporters and reports

If any reporter considers that it is essential that their identity is not to be revealed, the report itself should be clearly annotated 'CONFIDENTIAL' when submitting the report via the Centrik web-link portal. The request will be respected, and the reporter will be contacted personally. The above method may also be used when a reporter wishes to disclose sensitive information to the CAD, even when submitting a 'Voluntary Report' type.

The CAD will do its utmost to safeguard the confidentiality of the reporter. However, confidentiality cannot be guaranteed if the same occurrence is reported elsewhere by another party, or if the event involves clear evidence of gross negligence which may require enforcement. Reporters submitting a Confidential Report must accept that, in such cases, effective investigation may be limited. However, the CAD would rather receive a Confidential Report than no report at all. The use of information will be strictly limited to what is necessary to fulfil safety-related obligations, without attributing blame or liability.

4.4 Confidentiality and dissemination of reports

It is fundamental to the purpose of the reporting of incidents and accidents, that the knowledge

gained from the investigation of these occurrences is disseminated so that we may all learn from them. The CAD will not disclose the name of the person submitting the report or of a person to whom it relates.

Should any safety follow-up action arising from a report be necessary, the CAD will take all reasonable steps to avoid disclosing the identity of the reporter or of those individuals involved in any reportable occurrence.

Personal details pertaining to the reporter and technical details which might lead to the identity of the reporter or of third parties would be removed from the reports by the CAD. The CAD will ensure that relevant safety information deriving from the analysis of reports, which have been subjected to de-identification, are made available to all parties so that they can be used for improving safety.

Without prejudice to the proper discharge of its responsibilities, the CAD will not disclose the name of the person submitting the report, or of a person to whom it relates, unless required to do so by law or unless, in either case, the person concerned authorises disclosure.

5 Dissemination of Safety Information

The CAD has online access to information on occurrences contained in the European Central Repository. Requests for Information shall be executed via the form presented in Appendix B and sent to the contact as follows:

email: aviationsafety.tm@transport.gov.mt

address: Director General for Civil Aviation

Malta Transport CentrePantar Road,

Lija, LJA 2021

Malta

The CAD verifies that the request is made by an interested party as listed hereunder and is competent to deal with that request. Each request will be considered on a case-by-case basis whether it is justified and practicable. When a request is accepted, provided information is limited to what is strictly required for the purpose of the request and anonymised.

The following interested parties may request to receive information:

- Manufacturers: designers and manufacturers of aircraft, engines, propellers and aircraft
 parts and appliances, and their respective associations; 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 equipment usedon the air side of aerodromes
- 2. Maintenance: organisations involved in the maintenance or overhaul of aircraft, engines, propellers and aircraft parts and appliances; in the installation, modification, maintenance, repair, overhaul, flight checking or inspection of air navigation facilities; or in the 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

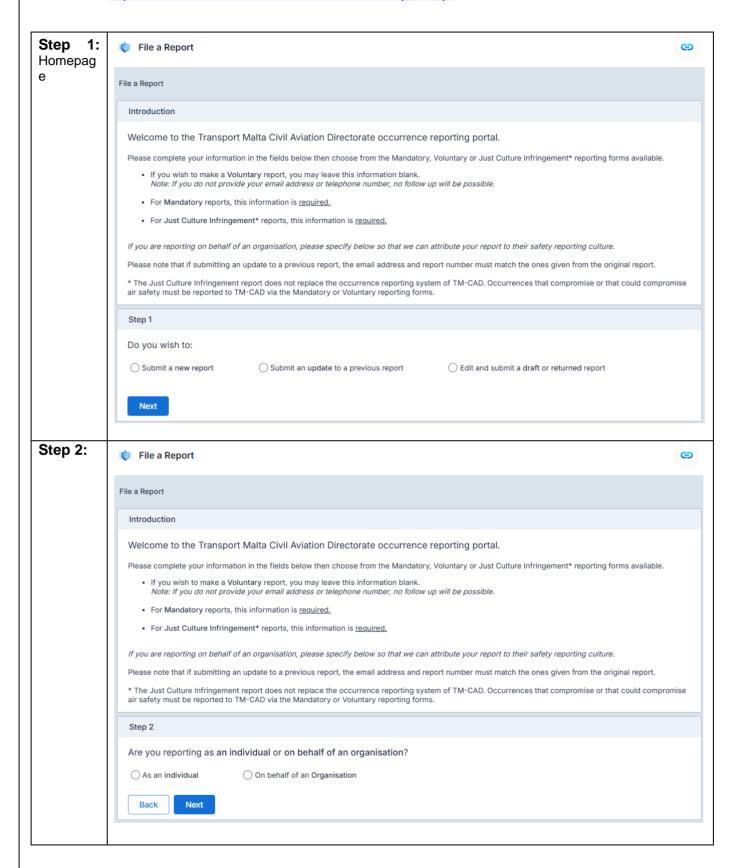
- 5. Aerodrome service providers: organisations in charge of ground handling of aircraft, including fuelling, load sheet preparation, loading, de-icing and towing at an aerodrome, as well as rescue and firefighting, or other emergency services
- 6. Aviation training organisations
- 7. Third-country organisations: governmental aviation authorities and accident investigation authorities 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

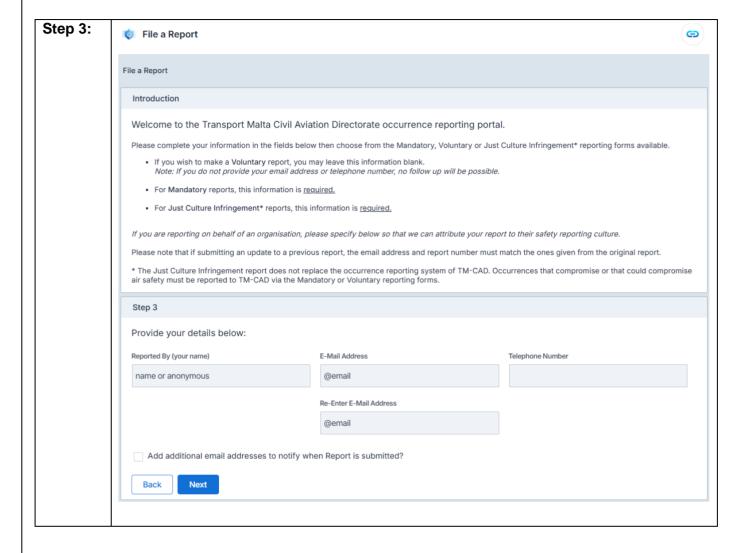
The interested parties will only be supplied with information relating to their own equipment, operations of field of activity.

Appendix A

Occurrence Reporting Portal

Web-link: https://tmcad.totalaoc.com/SMS/Case/ExternalReport.aspx





Step 4: File a Report **(=)** Select type of File a Report report Introduction Welcome to the Transport Malta Civil Aviation Directorate occurrence reporting portal. Please complete your information in the fields below then choose from the Mandatory, Voluntary or Just Culture Infringement* reporting forms available. If you wish to make a Voluntary report, you may leave this information blank.
 Note: If you do not provide your email address or telephone number, no follow up will be possible. • For Mandatory reports, this information is required. • For Just Culture Infringement* reports, this information is required. If you are reporting on behalf of an organisation, please specify below so that we can attribute your report to their safety reporting culture. Please note that if submitting an update to a previous report, the email address and report number must match the ones given from the original report. * The Just Culture Infringement report does not replace the occurrence reporting system of TM-CAD. Occurrences that compromise or that could compromise air safety must be reported to TM-CAD via the Mandatory or Voluntary reporting forms. Step 4 Select most appropriate type of report: Occurrence Reporting Flight Operations O Aerodrome & Ground Handling O ATM/ANS Mandatory Reports Technical O General Aviation O Voluntary Report Voluntary Reports Just Culture Infringement Reports Just Culture Infringement O Just Culture Infringement Forms Back

Report New FLT - Flight Operations (3) page for FLT type New FLT - Flight Operations report (similar General Information for other domains): Report Nu... Occurrence Report Type FLT - Flight Operations 038961 Report Title Confidentiality (opt.) Not confidential Description Event Date Event Time (... H B I SEvent Location State/area of occurrence (please select) Reported By (your name) E-Mail Address Telephone Number (opt.) test CB christopher.balzia@trans... Organisation (opt.) Position/Job (opt.) Report Status Check the options that apply to this report: If this didn't occur in Malta, was this reported to the relevant state? Did the occurrence happen on or near an aerodrome? Did the occurrence involve a runway incursion? Did the occurrence involve an airprox? Did the occurrence involve more than one aircraft? Was the aircraft hit by a bird or other animal? Was there an ATM contribution? Did the occurrence result in damage and/or injuries?

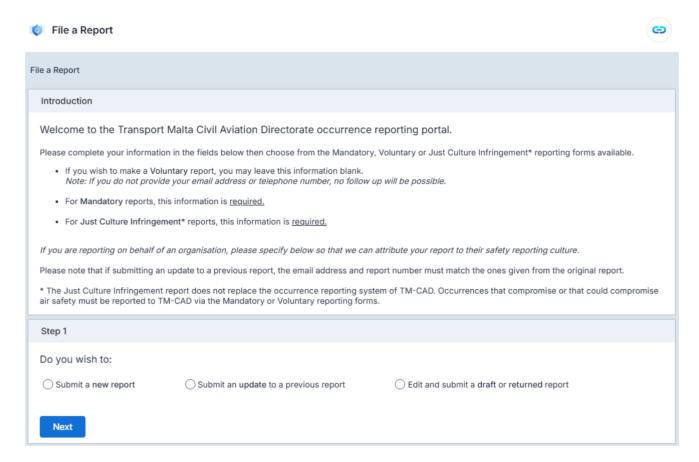


Guidance on how to submit an occurrence reporting to the National Database administered by the CAD

This guide is aimed only at individuals/organisations/operators that do not have a dedicated Safety/Occurrence reporting system to submit occurrence reports to the CAD. The same reporting portal may also be used by individuals who would like to submit an occurrence report that needs to be brought to the attention of the Authority.

New Report Submissions

The link https://tmcad.totalaoc.com/SMS/Case/ExternalReport.aspx will open the following web page:

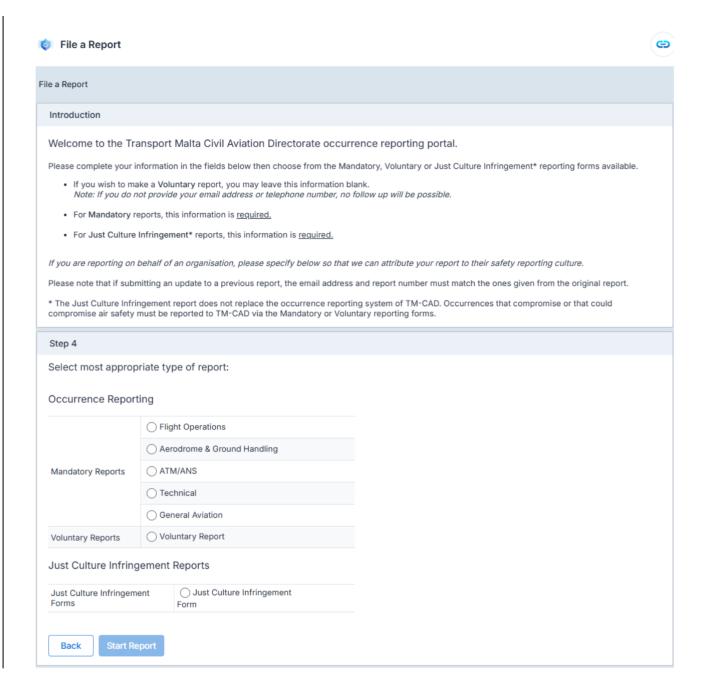


- Step 1: Select 'Submit a new report'.
- **Step 2:** The reporter selects whether the report is being submitted by an individual or else on behalf of an organisation.
- **Step 3:** The individual is required to enter the details as necessary.

Note: A report cannot be submitted without populating the 'Orange-marked' cell.

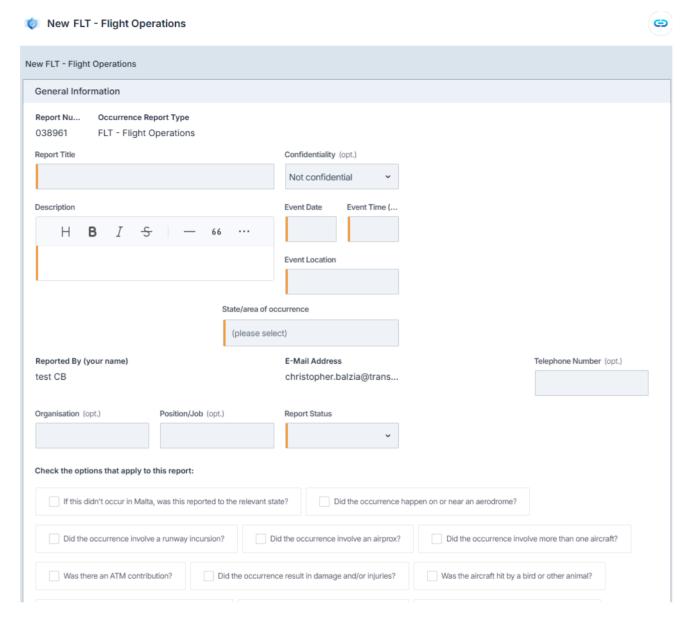
Note: The details populated by the submitter will automatically be pre-populated by Centrik on any subsequent submission.

Step 4: The submitter selects the type of report being submitted, whether it is Voluntary or Mandatory. Mandatory reports will have to be further classified under the respective nature of the occurrence.



After selecting the type of report, the submitter will be prompted with the respective occurrence report form:

Mandatory Report:



Note: All mandatory fields are identified as 'Orange-bordered' cells. These need to be filled-in in order for the report to be accepted by Centrik. An error message with any missing fields will be prompted when trying to submit the report.

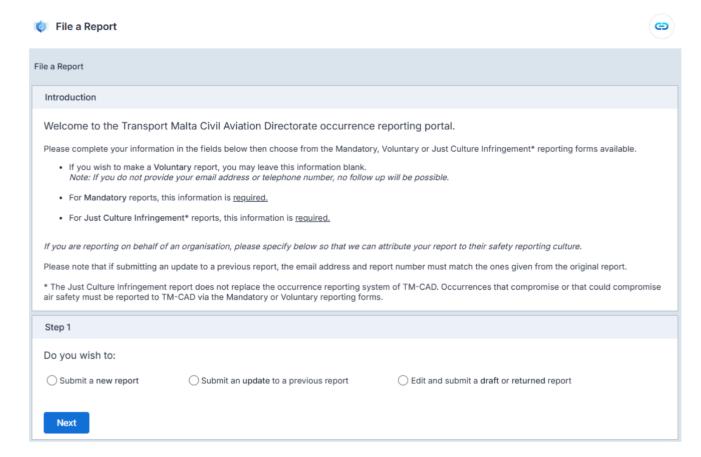
Once the mandatory fields are filled in from each respective Tab the user can submit the report by opening the 'Finish and Submit' Tab and click on the 'Submit' button.

Note: The report will be submitted only to TM-CAD. Any obligations required by the operator/organisation to report to third-party entities (ex: State of Occurrence) shall be done separately by the submitter.

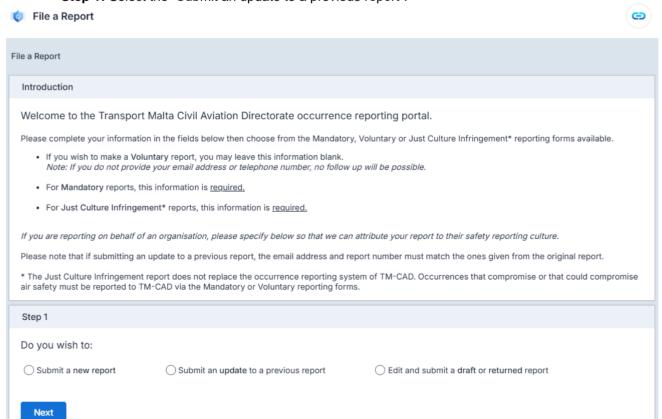
Once the report is submitted, a **unique code** and related **report number** will be provided. These references must be retained, since they will serve as report identifiers when updating any previous submissions, or to access the report.

Updating a previously submitted report via the Centrik portal

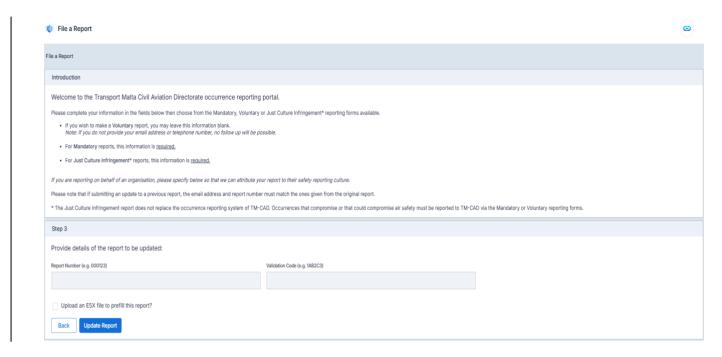
The link https://tmcad.totalaoc.com/SMS/Case/ExternalReport.aspx will open the followingpage:



Step 1: Select the "Submit an update to a previous report".



- Step 2: Insert the submitter details as required.
- **Step 3:** The submitter is requested to input the Report Number (e.g. 000123) and the Validation Code (e.g. 1AB2C3) followed by clicking the **'Update'** button.



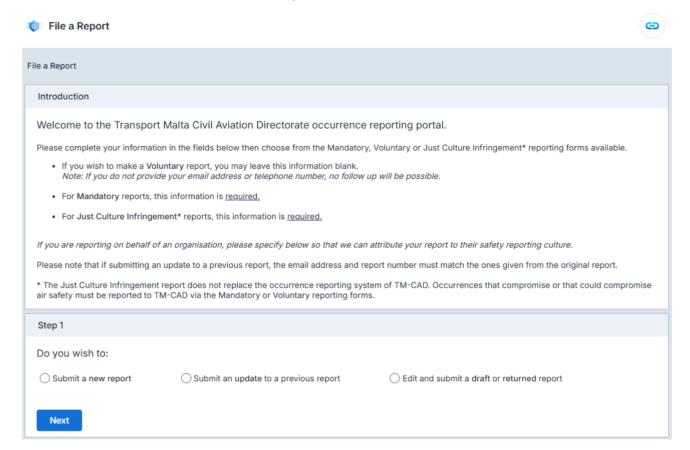
Step 4: Proceed with the necessary updating.

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Editing a draft or returned report via the Centrik portal

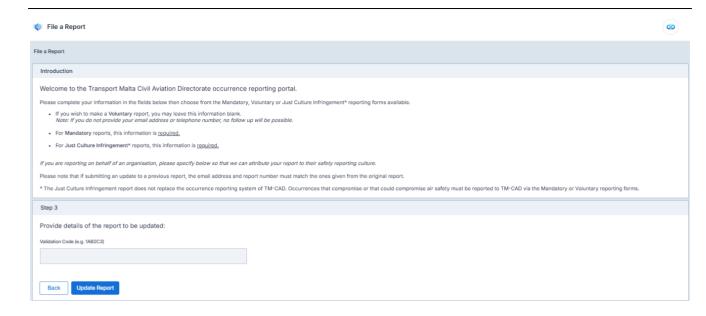
The reporting portal allows a reporter to save a report as 'Draft' in case some mandatory information is missing, or for any other reason that the reporter could not complete the submission process. When this function is used, a validation code is generated, and the report can be accessed for updating by means of the following steps:

Step 1: From the reporting link https://tmcad.totalaoc.com/SMS/Case/ExternalReport.aspx select the "Edit and submit a draft or returned report".



Step 2: Insert the submitter details as required.

Step 3: The submitter is requested to input the Validation Code (e.g. 1AB2C3), and then click the **'Update'** button.



Step 4: The stored report will be recalled, and the reporter can proceed with the necessary updating.

Note: The "Edit and submit a draft or returned report" process can be used when a report is 'Returned' by TM-CAD. Reports are normally returned to the reporter by TM-CAD if missing or inadequate information is submitted with the report.

Important Notes:

- It is recommended that an email address is populated in the appropriate box when submitting a report. This will facilitate follow-up communication between the CAD and the organisation/operator, if required.
- All mandatory fields must be filled. In cases where details are not yet available, you can opt to choose a 'not specified' selection from the drop-down menu or else insert text manually. Reports will not be accepted by Centrik unless all mandatory fields are populated.
- It is important that a risk classification/score is submitted with each report.
- This portal submits reports only to the CAD. Any other reporting obligations referred to in the regulation in relation to an event (ex: Report to State of Occurrence, Aircraft Manufacturer, etc) are to be handled by the operator.
- The CAD will continue uploading reports on ECCAIRS2 and the ECR as per regulatory obligation.
- Any difficulties encountered when submitting reports are to be reported to the CAD on aviationsafety.tm@transport.gov.mt

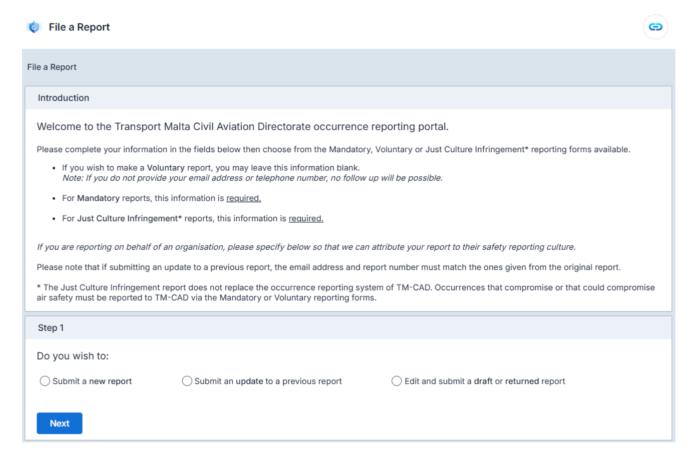
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Guidance on how to upload a .e5x file format to the National Database administered by the CAD

This guide is aimed only at organisations/operators that have a dedicated Safety/Occurrence reporting system software that can generate a report/s in .e5x file format. The CAD reporting portal (https://tmcad.totalaoc.com/SMS/Case/ExternalReport.aspx) will be specifically mapped to the software used by the organisations. It is therefore necessary that the reporting organisation/operator contacts the CAD to provides the necessary support and approval for the organisation/operator to avail itself of this feature.

Uploading a .e5x file report

The link https://tmcad.totalaoc.com/SMS/Case/ExternalReport.aspx will open the following web page:

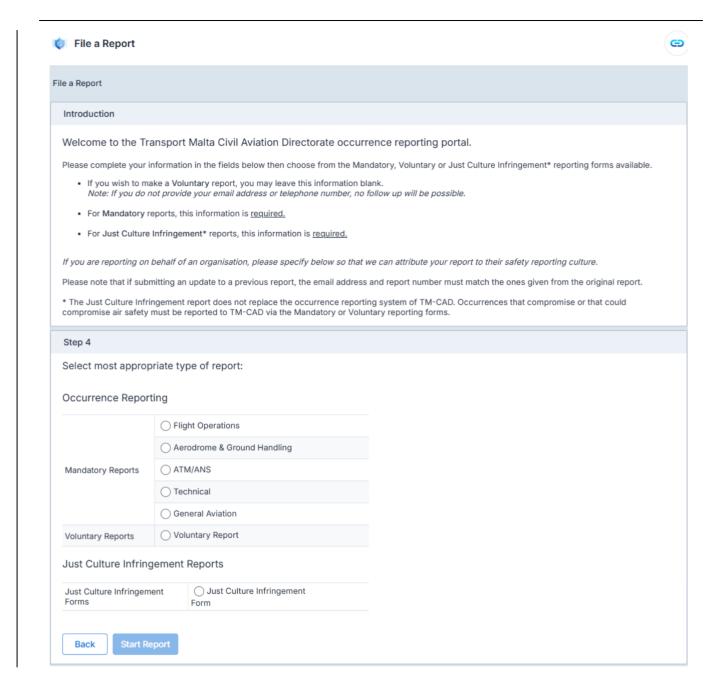


- Step 1: Select 'Submit a new report'.
- **Step 2:** The reporter selects whether the report is being submitted by an individual or else on behalf of an organisation.
- **Step 3:** The individual is required to enter the details as necessary.

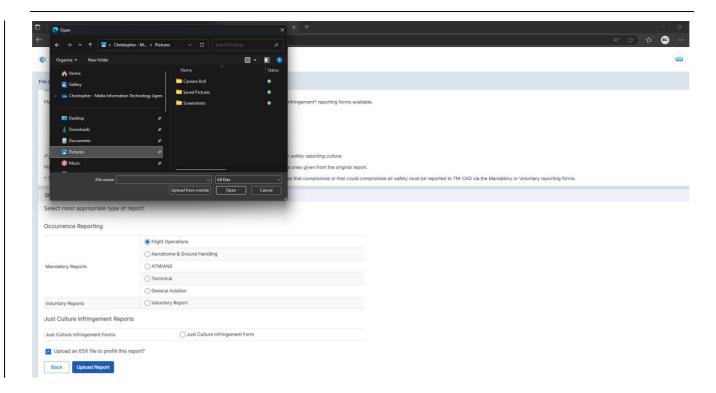
Note: A report cannot be submitted without populating the 'Orange-bordered' cell.

Note: The details populated by the submitter will automatically be pre-populated by Centrik on any subsequent submission.

- **Step 4:** The submitter selects the <u>type of report being submitted</u>, whether it is Voluntary or Mandatory. Mandatory reports will have to be further classified under the respective nature of the occurrence.
- **Step 5:** Tick the 'Upload an E5X file to prefill the report?'



Step 6: A pop-up window will open. Select the relevant .e5x format file from the appropriatefolder and upload.



Note: All mandatory fields need to be filled-in in order for the report to be accepted by Centrik. An error message with any missing fields will be prompted when trying to submit the report.

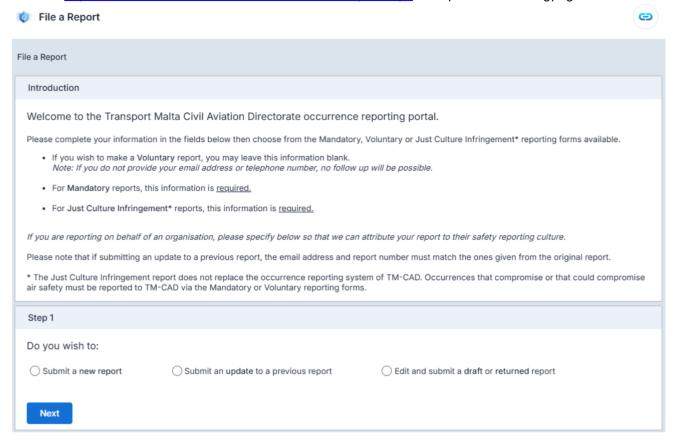
Once the mandatory fields are filled in from each respective Tab the user can submit the report by opening the 'Finish and Submit' Tab and click on the 'Submit' button.

Note: The report will be submitted only to TM-CAD. Any obligations required by the operator/organisation to report to third-party entities (ex: State of Occurrence) shall be done separately by the submitter.

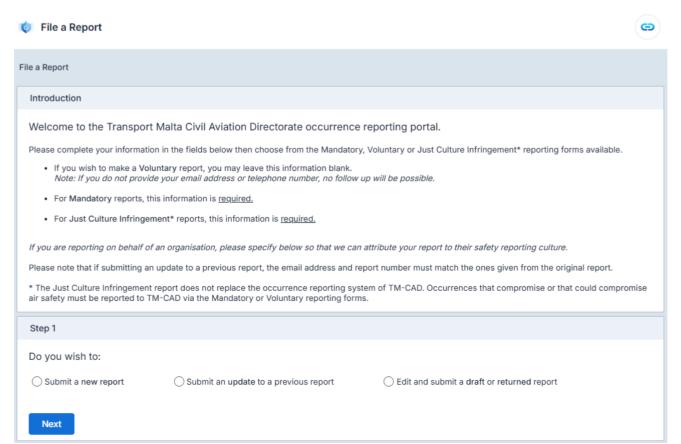
Once the report is submitted, a **unique code** and **report number** will be provided. These references must be retained, since they will serve as report identifiers in order to access the submitted report.

Updating a previously submitted report via the Centrik portal

The link https://tmcad.totalaoc.com/SMS/Case/ExternalReport.aspx will open the followingpage:



Step 1: Select the "Submit an update to a previous report".



- Step 2: Insert the submitter details as required.
- **Step 3:** The submitter is requested to input the Report Number (e.g. 000123) and the Validation Code (e.g. 1AB2C3) followed by clicking the **'Update'** button.
- **Step 4:** Proceed with the necessary updates.

Important Notes:

- It is recommended that an email address is populated in the appropriate box when submitting a report. This will facilitate follow-up communication between TM-CAD and the organisation/operator, if required.
- All mandatory fields must be filled. In cases where details are not yet available, you can opt to choose a 'not specified' selection from the drop-down menu or else insert text manually. Reports will not be accepted by Centrik unless all mandatory fields are populated.
- It is important that a risk classification/score is submitted with each report.
- This portal submits reports only to TM-CAD. Any other reporting obligations referred to in the regulation in relation to an event (ex: Report to State of Occurrence, Aircraft Manufacturer, etc) are to be handled by the operator.
- TM-CAD will continue uploading reports on ECCAIRS2 and the ECR as per regulatory obligation. Any difficulties encountered when submitting reports are to be reported to the CAD on aviationsafety.tm@transport.gov.mt

Appendix D

Request for Information Form

Request for Information from the European Central Repository
1. Name:
Function/Position:
Company:
Address:
Tel:
E-mail:
Date:
Nature of Business:
Category of interested party (see Annex II to Regulation (EU) 376/2014 of the European Parliament and ofthe Council of 3 April 2014 on the reporting, analysis and follow-up of occurrences in civil aviation
 Information requested (please be as specific as possible; include the relevant date/period in which you are interested):
3. Reason for the Request:
4. Explain the purpose for which the information will be used:
5. Date by which the information is requested:
6. The completed form should be sent, via e-mail, to: aviationsafety.tm@transport.gov.mt
7. Access to information
The CAD is not required to supply any requested information. It may do so only if it is confident that the request is compatible with Regulation (EU) No 376/2014. The requestor commits itself and its organisation to restrict the use of the information to the purpose it has described under point 4. It is also recalled that information provided on the basis of this request is made available only for the purposes of flight safety as provided in Regulation (EU) No 376/2014 and not for other purposes such as, in particular, attributing blame or liability or for commercial purposes.
The requestor is not allowed to disclose information provided to it to anyone without the written consent of the point of contact.
Failure to comply with these conditions may lead to a refusal of access to further information from the European Central Repository and, where applicable, to the imposition of penalties.
8. Date: Place:
Signature: