

**ESARR ADVISORY MATERIAL/GUIDANCE DOCUMENT
(EAM/GUI)**

EAM 2 / GUI 7

**ESARR 2 AND RELATED SAFETY
OVERSIGHT**

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Abstract		
<p>The previous working drafts of EAM 2 / GUI 7 were produced before the approval of ESARR 1 and the entry into force of the SES Regulations. As such, their enactment has necessitated a full review of the document in order to ensure its consistency with this new regulatory material. As a first step in this review process, the SRC has produced this edition of EAM 2 / GUI 7 to include a table with guidance on the criteria for the assessment of compliance with ESARR 2, using the same approach adopted for all ESARRs.</p> <p>Section 3.1.2 in Annex II to EC/2096/2005, states that, within the operation of the SMS, an ATS provider shall demonstrate that it has implemented the requirements on the reporting and assessment of safety occurrences in accordance with applicable national and Community law. In addition, EUROCONTROL Contracting Parties are bound to implement ESARR 2 into their regulatory frameworks. Consequently, NSAs will have to verify compliance with specific rules in place transposing ESARR 2 into the safety regulatory framework.</p> <p>It is intended to produce a fully revised version of EAM 2 / GUI 7 to provide NSAs with guidance on the safety oversight of ESARR 2-related requirements.</p>		
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F.3 DOCUMENT APPROVAL

The following table identifies all management authorities who have successively approved the present issue of this document.

AUTHORITY	NAME AND SIGNATURE	DATE
Quality Control (SRU)	<i>signed by Daniel Hartin</i> (Daniel HARTIN)	21.03.2006
Head Safety Regulation Unit (SRU)	<i>signed by Peter Stastny</i> (Peter STASTNY)	21.03.2006
Chairman Safety Regulation Commission (SRC)	<i>signed by Ron Elder</i> (Ron ELDER)	21.03.2006

Note: For security reasons and to reduce the size of files placed on our website, this document does not contain signatures. However, all management authorities have signed the master copy of this document held by the SRU. Requests for copies of this document should be e-mailed to: sru@eurocontrol.int.

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F.4 DOCUMENT CHANGE RECORD

The following table records the complete history of the successive editions of the present document.

EDITION NUMBER	EDITION DATE	REASON FOR CHANGE	PAGES AFFECTED
0.01	15-May-03	Creation.	All
0.02	22-Apr-04	SRU quality check.	All
0.03	06-Jul-04	Incorporation of the AST review and preparation for SRC consultation.	All
0.1	06-Feb-06	Changes made as a result of the enactment of ESARR 1. Contents completely replaced.	All
0.2	03-Mar-06	New version produced after SRC consultation (RFC No. 602).	2, 6
1.0	21-Mar-06	Document formally released.	-

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F.6 EXECUTIVE SUMMARY

The previous working drafts of EAM 2 / GUI 7 were produced before the approval of ESARR 1 and the entry into force of the Single European Sky (SES) Regulations.

As such, their enactment has necessitated a full review of the document in order to ensure its consistency with this new regulatory material.

As a first step in this review process, the safety Regulation Commission (SRC) has produced this edition of EAM 2 / GUI 7 to include a table (see Section 1) with guidance on the criteria for the assessment of compliance with ESARR 2, using the same approach adopted for all ESARRs.

The new table is primarily intended to provide National Supervisory Authorities (NSAs) with guidance to support the development of their strategy to verify the implementation of ESARR 2-related requirements in the context of the certification and on-going oversight of Air Navigation Service Providers (ANSPs) against the Common Requirements established in Commission Regulation (EC) 2096/2005. As such, the table is also referred to in EAM 1 / GUI 5 ‘ESARR 1 in the Certification and Designation of Service Providers’.

Section 3.1.2 in Annex II to Commission Regulation (EC) 2096/2005, states that, within the operation of the SMS, a provider of air traffic services shall demonstrate that it has implemented the requirements on the reporting and assessment of safety occurrences in accordance with applicable national and Community law. In addition, EUROCONTROL Contracting Parties are bound to implement ESARR 2 into their regulatory frameworks. Consequently, NSAs will have to verify compliance with specific rules in place transposing ESARR 2 into the safety regulatory framework.

Apart from the new table, no other contents have currently been modified. However, it is intended to produce a fully revised version of EAM 2 / GUI 7 to provide NSAs with guidance on the safety oversight of ESARR 2-related requirements.

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1. GUIDANCE ON THE CRITERIA FOR THE ASSESSMENT OF COMPLIANCE WITH ESARR 2

This section does not include binding provisions. It only provides guidance for possible use by NSAs.

This table has been produced to provide NSAs with guidance to support the development of criteria for the assessment of compliance with ESARR 2.

This material is of particular interest when developing a strategy to verify the implementation of ESARR 2-related requirements in the context of the certification and on-going oversight of ANSPs against the Common Requirements established in Commission Regulation (EC) 2096/2005. As such, the table is referenced to in EAM 1 / GUI 5 'ESARR 1 in the Certification and Designation of Service Providers'.

This table also contains indications about the possible use of its contents by NSAs. In particular, it should be noted that this material only provides guidance on possible evidences and possible ways to evaluate them. The range of contents from this table that may support the NSA in a specific situation will normally depend upon the case. In particular, different approaches will be needed for initial and on-going safety oversight. NSAs are expected to define their strategy regarding the necessary actions and level of verification consistently with the recommendations of EAM 1 / GUI 3 and EAM 1 / GUI 5. Evidences will also depend on the implementing arrangements put in place by the ANSP.

ESARR 2 applies to the State and does not specify a harmonised allocation of roles for its implementation. As a result, the evidences and ways to assess them will significantly depend on the allocation of tasks and responsibilities established at national level.

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ESARR 2 Reference	ESARR 2 provision	EC provisions intended to transpose the ESARR provision	Evidence(s)	How could the evidence be assessed	Comments/Notes
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NOTES ABOUT THE USE OF THIS TABLE

- a) This table provides indications on the evidences that can be sought to show compliance with the requirements of ESARR2. This considering the context of the national legislative and regulatory framework and with regard to the responsibilities and tasks allocated to an ANSP, by the State, in the field of reporting and analysis of safety occurrences in ATM
- b) The table provides indications about evidences that can be expected to be found to show compliance with the requirement. These evidences illustrate a means, but not necessarily the only possible means, by which a requirement can be met.
- c) Guidance is also included about possible ways to assess these evidences. Depending upon the case only a limited set of the actions proposed, or other alternative actions, may be needed to assess the evidences under consideration. NSAs are expected to define their strategy regarding the necessary actions and level of verification in line with the recommendations of EAM 1 / GUI 3 and EAM 1 / GUI 5.
- d) Indications of possible evidences are given not only regarding the existence of written arrangements/procedures but also in relation to their effective implementation. This latter aspect is normally demonstrated by means of evidences which exist after allowing a period for the effective operation of the written arrangements/procedures.
- e) Sampling is proposed to assess the effective implementation of various arrangements. As a general rule, it is recommended that samples include at least 10% of the units relevant to the case under consideration over a specific period of time.
- f) It should be noted that ESARR 2 is applicable to the State and does not identify a specific allocation of responsibilities for its implementation at national level. The institutional arrangements, tasks and responsibilities may therefore be different at national level. In order to conduct safety oversight with regard to service providers, NSAs should only address the arrangements allocated to them.

ESARR 2 Reference	ESARR 2 provision	EC provisions intended to transpose the ESARR provision	Evidence(s)	How could the evidence be assessed	Comments/Notes
5.1. Requirements for safety occurrence reporting and assessment at national level	Each State shall ensure that: [...]	EC Directives 42/2003/EC and 56/1994/EC.	<p>Evidences provided by an ANSP will depend on the allocation of tasks and responsibilities established by the State in its national regulatory framework.</p> <p>In that context, consider all evidences below from 5.1.1 to 5.1.9.</p>	<p>In order to assess the effective implementation of the arrangements related to 5.1 for which an ANSP is responsible, consider a sample of safety occurrences. The sample should be selected by the NSA and include enough occurrences to cover:</p> <ul style="list-style-type: none"> • Situations in which the report originated from the ANSP, • Situations in which an occurrence concerned the ANSP although the report originated outside its organisation, • Situations involving coordination between the relevant entities responsible for action in accordance with the national framework (NSA, ANSPs, AIB, Military, etc), • Situations involving the various types of safety occurrences to be reported in accordance with ESARR 2 Annex 2. 	(sampling unit =safety occurrences reported within the categories of ESARR 2 Appendix 2).

ESARR 2 Reference	ESARR 2 provision	EC provisions intended to transpose the ESARR provision	Evidence(s)	How could the evidence be assessed	Comments/Notes
			Evidences showing the implementation of ESARR 3, Section 5.2.7.	If appropriate proceed to verify the implementation of ESARR 3, Section 5.2.7 (safety occurrences), totally or partially, using the tables included in the EAM 3 / GUI 3.	<p>ESARR 3, 5.2.7, establishes that, within the operation of the SMS, the ATM service-provider shall ensure that ATM operational or technical occurrences which are considered to have significant safety implications are investigated immediately, and any necessary corrective action is taken. Consequently, it should be noted that:</p> <ul style="list-style-type: none"> • The internal investigation required by ESARR 3 does not prevent other investigations, • Any allocation of tasks and responsibilities decided at national level to implement ESARR 2 should be compatible with this ESARR 3 provision, • The provider will have to meet this ESARR 3 requirement by means of arrangements consistent with the ESARR 2 wherever applicable (e.g. internal investigations should meet the ESARR 2 provisions regarding investigation).

ESARR 2 Reference	ESARR 2 provision	EC provisions intended to transpose the ESARR provision	Evidence(s)	How could the evidence be assessed	Comments/Notes
5.1.1	<p>A formal means of safety occurrence reporting and assessment is implemented for all ATM-related occurrences that pose an actual or potential threat to flight safety, or can compromise the provision of safe ATM services, which as a minimum complies with the list of ATM-related occurrences as defined in Appendix A of ESARR 2:</p>	<p>42/2003/ EC Art. 4 Member States shall require that occurrences [...] are reported to the competent authorities [...].</p> <p>42/2003/ EC Art 5 / 1 Member States shall designate one or more competent authorities to put in place a mechanism to collect, evaluate, process and store occurrences reported [...].</p> <p>42/2003/EC Art.2 / 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 [...].</p> <p>56/1994/EC Art. 4 / 1 Every accident or serious incident shall be the subject of an investigation. [...] Member States may take measures to enable incidents not covered by the first subparagraph to be investigated [...]</p>	<p>Procedures/arrangements for reporting and assessment of safety occurrences:</p> <ul style="list-style-type: none"> Elements in relation to responsibilities allocated to the ANSP, Elements showing that procedures are in place (e.g. status, approval signatures applicability date, etc.), Elements showing the actions established (reporting & assessment) to implement the tasks allocated to the ANSP, Elements showing that the scope of occurrences addressed. 	<p>Check that ANSP procedures/arrangements:</p> <ul style="list-style-type: none"> Are in existence and properly promulgated within the organisation to deal with the reporting and assessment of safety occurrences, and they, Are intended to implement the tasks and responsibilities allocated to the ANSP by the national regulatory framework, Identify and allocate appropriate responsibilities within the organisation from those responsibilities allocated to the ANSP, Include coordination with all entities concerned (NSA, AIB, Military, etc) consistently with the tasks allocated to them, Define the tasks to be conducted by the ANSP to meet its obligations as regards: <ul style="list-style-type: none"> Reporting of occurrences, Assessment of occurrences. in accordance with the role allocated to the ANSP. Establish a scope for the ANSP tasks which, as a minimum, includes the list of ATM-related occurrences defined in Appendix A of ESARR 2. 	<p>Appendix A to ESARR 2 contains minimum contextual/factual data to be collected and, for those occurrences subject to detailed analysis, typical main results of the assessment or investigation, such as categories of causes, level of severity and safety recommendations / Interventions.</p> <p>EC Directive 42/2003/EC does not require occurrence reporting of actual accidents and serious incidents as established in ESARR 2. However, this directive requires that accidents and serious incidents are stored. On the other hand EC Directive 56/1994/EC requires assessment of accidents and serious incidents and encourages, without requiring it, the assessment of others occurrences.</p>

ESARR 2 Reference	ESARR 2 provision	EC provisions intended to transpose the ESARR provision	Evidence(s)	How could the evidence be assessed	Comments/Notes
			Records documenting the results of the processes implemented by the ANSP.	<p>Within the sample of occurrences selected in 5.1 above, check that:</p> <ul style="list-style-type: none"> • For each occurrence the actions conducted by the ANSP conform to the relevant procedures. More specifically: <ul style="list-style-type: none"> ◦ Wherever necessary, coordination tool place with the relevant entities concerned, ◦ The actions covered all the tasks for reporting of occurrences and assessment of occurrences that the ANSP procedures require to discharge its obligations. • Cross-check data on safety occurrences from other entities (NSA, AIB, military) to try to identify situations not addressed by the ANSP in accordance with its procedures. 	

ESARR 2 Reference	ESARR 2 provision	EC provisions intended to transpose the ESARR provision	Evidence(s)	How could the evidence be assessed	Comments/Notes
5.1.2 (1 st sentence)	<p>Provisions exist for any person or organisation in the aviation industry to report any such occurrence or situation in which he or she was involved, or witnessed, and which he or she believes posed a potential threat to flight safety or compromised the ability to provide safe ATM services.</p>	<p>42/2003/EC Article 4/1 Member States shall require that occurrences [...] are reported [...] by every person listed below in the exercise of his/her functions: [...] (See the comprehensive list in the directive).</p> <p>42/2003/ EC Article 4/2 Member States may encourage voluntary reporting on occurrences mentioned in Article 3(1) by every person who exercises, in other civil aviation operations functions similar to those listed in paragraph 1,</p>	<p>Procedures/arrangements for reporting and assessment of safety occurrences:</p> <ul style="list-style-type: none"> Elements identifying who should report. Arrangements to facilitate the reporting by ANSP personnel, 	<p>Check that the ANSP procedures reflect the national regulatory provisions transposing 5.1.2 and as such:</p> <ul style="list-style-type: none"> Establish that within the ANSP any person who was involved, or witnessed, a situation which he/she believes that posed threat to flight safety or compromise the ability to provide safe ATM services, should report, This is widely communicated within the organisation, Appropriate arrangements are established to facilitate in practice the reporting of occurrences (availability of forms, guidance to complete the forms, etc.). <p>Additionally, In a sample of safety-related personnel selected by the NSA which:</p> <ul style="list-style-type: none"> Ideally includes management, operational and technical staff from different units, Is chosen after conducting the review proposed in relation to the next evidence on the table. <p>Check that each person in the sample:</p> <ul style="list-style-type: none"> Is aware of the existence of ANSP procedures establishing that any person should report if involved or witnessed of that type of situations, Has access to the relevant ANSP procedures and arrangements intended to facilitate the implementation of this provision. 	<p>(sampling unit = person involved in safety-related aspects within the organisation irrespective of having an operational, technical or management profile)</p> <p>See next evidence on the table to get additional indications for selecting the sample</p> <p>The EC directive requires a mandatory reporting system for some functions, and a voluntary one for the others; ESARR 2 does not have any requirement about the type of reporting (but there is no contradiction).</p> <p>The EC directive is more precise on the people concerned, but is less precise on the circumstances of reporting (involvement or witness / reasons for reporting).</p>

ESARR 2 Reference	ESARR 2 provision	EC provisions intended to transpose the ESARR provision	Evidence(s)	How could the evidence be assessed	Comments/Notes
			Records documenting the results of the processes implemented by the ANSP.	<p>Within the sample of occurrences selected in 5.1 above, check who was the reporter for each occurrence and:</p> <ul style="list-style-type: none"> Consider all the information available to try to identify whether a specific category of persons who should potentially report, does not report at all, Use the conclusions of this review to select the sample suggested in the previous row. 	
5.1.2 (2 nd sentence)	<p>Such provisions shall not be restricted to the reporting of aircraft accidents or serious incidents, since other types of occurrences could reveal the same types of hazards as accidents or serious incidents ;</p>	<p>42/2003/EC Article 2/1 "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 3(a) and (k) of Directive 94/56/EC;</p> <p>42/2003/ EC Article 3/1 This Directive shall apply to occurrences which endanger or which, if not corrected, would endanger an aircraft, its occupants or any other person. A list of examples of these occurrences appears in Annexes I and II.</p>	<p>Procedures/arrangements for reporting and assessment of safety occurrences:</p> <ul style="list-style-type: none"> Elements showing the scope of occurrences addressed, Elements identifying who should report, Arrangements to facilitate the reporting by ANSP personnel. 	<p>Check that the ANSP procedures reflect the national regulatory provisions transposing 5.1.2 and as such:</p> <ul style="list-style-type: none"> Make clear and explicit that the occurrences and situations which ANSP personnel should report are not confined to aircraft accidents and serious incidents, Identify a scope compliant with the one established in ESARR 2 Appendix A, This is widely communicated within the organisation. <p>Additionally, in a sample of safety-related personnel selected by the NSA which:</p> <ul style="list-style-type: none"> Could be the same one proposed in relation to the 1st sentence of 5.1.2, Ideally includes management, operational and technical staff from different units, Is chosen after conducting the review proposed in relation to the previous evidence on this table. <p>Check that each person in the sample:</p> <ul style="list-style-type: none"> Is aware that the scope of occurrences to be reported is not confined to accidents and serious incidents. 	<p>The 42/2003/EC directive actually only addresses occurrences which are not accident or serious incidents. It does not address accidents and serious incidents except for storage. There is no clear relation between 56/1994/EC (investigation) and 42/2003/EC (reporting).</p>

ESARR 2 Reference	ESARR 2 provision	EC provisions intended to transpose the ESARR provision	Evidence(s)	How could the evidence be assessed	Comments/Notes
5.1.3	ATM personnel and third parties are encouraged by every means to systematically and consistently report such occurrences;	<p>42/2003/EC Article 4/1</p> <p>Member States shall require that occurrences [...] are reported [...] by every person listed below in the exercise of his/her functions: [...] (see the comprehensive list in the directive).</p> <p>42/2003/ EC Article 4/2</p> <p>Member States may encourage voluntary reporting on occurrences mentioned in Article 3(1) by every person who exercises, in other civil aviation operations functions similar to those listed in paragraph 1.</p>	<p>Procedures/arrangements for reporting and assessment of safety occurrences:</p> <ul style="list-style-type: none"> • Awareness and communication actions (briefing sessions, use of intranet, leaflets, etc.), • Elements in the ANSP procedures identifying who should report, • Arrangements to facilitate the reporting by ANSP personnel. 	<p>Additionally, in a sample of safety-related personnel selected by the NSA which:</p> <ul style="list-style-type: none"> • Could be the same one proposed in relation to the 1st sentence of 5.1.2, • Ideally includes management, operational and technical staff from different units, • Is chosen after conducting the review proposed in relation to the previous evidence on this table. <p>Check that each person in the sample:</p> <ul style="list-style-type: none"> • Is aware of the actions undertaken by the ANSP to encourage reporting amongst its personnel, • Is aware that he/she is encouraged to report in the situations identified in ESARR 2. 	<p>To note that:</p> <ul style="list-style-type: none"> • The EC directive is precise about the people concerned; • ESARR2 does not require anything about the mandatory or voluntary nature of the reporting scheme; • The EC directive does not require the reporting to be done "systematically" and "consistently". However, these aspects may be considered as implicit.

ESARR 2 Reference	ESARR 2 provision	EC provisions intended to transpose the ESARR provision	Evidence(s)	How could the evidence be assessed	Comments/Notes
			<p>Records documenting the implementation of arrangements with third parties such as:</p> <ul style="list-style-type: none"> • External services, • Contractors, • etc. <p>providing personnel who could potentially witness, or be involved in, situations to be reported.</p>	<p>Within the sample of occurrences selected in 5.1 above, check who was the reporter for each occurrence and the third parties involved, and:</p> <ul style="list-style-type: none"> • Consider all the information available to try to identify whether a specific category of persons in a third party who should potentially report, does not report at all. 	
5.1.4	<p>All relevant data that would aid understanding of the circumstances surrounding such occurrences are adequately identified, with the data being secured, recorded and stored in a manner which ensures their quality and confidentiality as well as permitting subsequent collation and assessment;</p>	<p>42/2003/ EC Article 5</p> <p>Art. 5 / 1 - Member States shall designate one or more competent authorities to put in place a mechanism to collect, evaluate, process and store occurrences reported in accordance with Article 4 [...].</p> <p>Art. 5 / 2 - The competent authorities shall store the reports collected in their databases.</p> <p>Art. 5 / 3 - Accidents and serious incidents shall also be stored in these databases.</p>	<p>Procedures/arrangements for reporting and assessment of safety occurrences:</p> <ul style="list-style-type: none"> • Arrangements to secure, record and store all relevant data, • Arrangements to ensure quality and confidentiality of all relevant data, • Arrangements to permit collation and assessment of all relevant data up to the level required by the national framework. 	<p>Check that the ANSP procedures/arrangements reflect the national regulatory provisions transposing 5.1.4 and that as a result:</p> <ul style="list-style-type: none"> • Arrangements exist within the ANSP to ensure that all relevant data is identified and subsequently; secured, recorded and stored, wherever the data is under the responsibility of the ANSP, • Appropriate procedures are established to ensure quality and confidentiality within the ANSP, • Appropriate procedures are established and applied with regard to tasks on data collation and assessment allocated to the ANSP by the national regulatory framework, • All procedures and arrangements established within the ANSP with regard to this provision are clearly communicated within the organisation. 	<p>The EC directive is less demanding: Using a database supposes that occurrences are identified, recorded and stored but this does not ensure:</p> <ul style="list-style-type: none"> • Sufficient relevant data stored, • Safeguarding of relevant data, • Quality and confidentiality, • Collation and assessment.

ESARR 2 Reference	ESARR 2 provision	EC provisions intended to transpose the ESARR provision	Evidence(s)	How could the evidence be assessed	Comments/Notes
			Records documenting the results of the processes implemented by the ANSP.	<p>Within the sample of occurrences selected in 5.1 above, check that the records show a correct implementation of the ANSP procedures with regard to:</p> <ul style="list-style-type: none"> • Adequate identification of all relevant data; • Safeguarding of data; • Recording of data; • Storage of data. <p>to permit the identification and preservation of the quality and confidentiality of the data under the responsibility of the ANSP in respect to all the occurrences included in the sample.</p> <p>Check also whether the actions defined in the ANSP procedures related to tasks allocated to the ANSP by the national framework with regard to data collation and assessment:</p> <ul style="list-style-type: none"> • Conform with the relevant procedures / arrangements, 	

ESARR 2 Reference	ESARR 2 provision	EC provisions intended to transpose the ESARR provision	Evidence(s)	How could the evidence be assessed	Comments/Notes
5.1.5	<p>Investigation or assessment, by a team with the necessary expertise, of those occurrences that are considered to have significant implications on flight safety and/or on the ability to provide safe ATM services, takes place immediately, and any necessary remedial action taken;</p>	<p>56/1994/EC Article 4/1 Every accident or serious incident shall be the subject of an investigation. However, Member States may take measures to enable incidents not covered by the first subparagraph to be investigated when the investigating body may expect to draw air safety lessons from it.</p> <p>56/1994/EC Article 6/3 The body or entity referred to in paragraph 1 shall be given the means required to carry out its responsibilities independently of the authorities referred to in paragraph 1 and should be able to obtain sufficient resources to do so.</p>	<p>Procedures/arrangements for reporting and assessment of safety occurrences:</p> <ul style="list-style-type: none"> • Identification of ANSP personnel involved in the investigation of occurrences, • Criteria to be met to be involved in an investigation/assessment, • Responsibilities to initiate assessment of such occurrences immediately, • Arrangements related to necessary remedial actions, • Identification of occurrences that are considered to have "significant implications". 	<p>Wherever the national framework allocates tasks and responsibilities to the ANSP as regards the investigation and/or assessment of safety occurrences, check that:</p> <ul style="list-style-type: none"> • ANSP procedures/arrangements cover all the actions and responsibilities allocated to the ANSP in national rules, and include: <ul style="list-style-type: none"> ○ An identification of person(s) in the ANSP involved in the investigation/assessment of occurrences, ○ Criteria exist regarding the experience of ANSP personnel involved in investigation/assessment, ○ An identification of responsibilities and decision-making arrangements within the ANSP with regard to the immediate investigation/assessment of occurrences, ○ Means to ensure that occurrences with "significant implications" include those with severity C or above, ○ A process established to identify remedial actions wherever necessary and implement them, consistently with the relevant provisions of the national framework. 	<p>In ESARR2, investigation and/or assessment is not limited to accidents and serious incidents. However, in the EC directive States are not obliged to take measures to enable (when useful) investigation of occurrences others than accidents and serious incidents.</p> <p>EC directive is less precise: the team expertise is not explicitly addressed (except by "sufficient" resources, if "sufficient" is understood as "sufficient in quantity and quality").</p> <p>To note that: the EC directive does not require that the investigation takes place immediately.</p> <p>Regarding the term "significant implications" in 5.1.5, its interpretation should include the situations with severity C or above defined in the EUROCONTROL Guidance Material "Severity-Classification scheme for safety occurrences in ATM", Released Issue 1.0.</p> <p>To note that ESARR 3, 5.2.7, establishes that, within the operation of the SMS, the ATM service-provider shall ensure that occurrences which are considered to have significant safety implications are investigated immediately.</p>

ESARR 2 Reference	ESARR 2 provision	EC provisions intended to transpose the ESARR provision	Evidence(s)	How could the evidence be assessed	Comments/Notes
			Records documenting the results of the processes implemented by the ANSP.	<p>Within the sample of occurrences selected in 5.1 above, wherever the national framework allocates responsibilities and tasks to the ANSP as regards investigation and/or assessment, check that:</p> <ul style="list-style-type: none"> • The ANSP personnel involved in investigations/assessments are identified and met (at the time of the investigation/assessment) the criteria established to be involved in these activities; • The investigation/assessment started immediately if the situation involved a severity C or above; • Arrangements in relation to remedial action took place in accordance with the relevant procedures. <p>for each occurrence in the sample investigated/assessed by the ANSP in accordance with its responsibilities.</p>	
5.1.6	The severity of each such occurrence is determined, the risk posed by each such occurrence classified, and the results recorded.	-	<p>Procedures/arrangements for reporting and assessment of safety occurrences:</p> <ul style="list-style-type: none"> • Arrangements for determination of severity of such occurrences, • Arrangements for classification of risk posed by such occurrences, • Recording of the results of the determination of severity and the classification of risk posed by occurrences. 	<p>Wherever the national framework allocates tasks and responsibilities to the ANSP as regards the determination of severity of occurrences, check that:</p> <ul style="list-style-type: none"> • ANSP procedures/arrangements exist in relation to these tasks and cover all the actions and responsibilities allocated to the ANSP in national rules, • The procedures/arrangements establish that: <ul style="list-style-type: none"> ◦ Risk posed is classified and provide the means for such classification, ◦ The results are recorded. 	<p>ESARR 2 Guidance Material “Severity Classification scheme for safety occurrences in ATM”, Released issue 1.0 gives guidelines for determination of the severity of occurrences in ATM.</p> <p>The EC Directives do not explicitly address the severity classification of occurrences.</p>

ESARR 2 Reference	ESARR 2 provision	EC provisions intended to transpose the ESARR provision	Evidence(s)	How could the evidence be assessed	Comments/Notes
			Records documenting the results of the processes implemented by the ANSP.	<p>Within the sample of occurrences selected in 5.1 above, wherever the national framework allocates responsibilities and tasks to the ANSP as regards investigation and/or assessment, check that:</p> <ul style="list-style-type: none"> Severity has been determined and the risk posed classified in accordance with the ANSP procedures concerned, Records exist and are properly to document the results. <p>for each occurrence in the sample whose severity had to be allocated by the ANSP in accordance with its responsibilities.</p>	
5.1.7	The causes of such occurrences are analysed, to the utmost degree of objectivity, to identify the extent to which the ATM system helped, or could have helped, to reduce the risk incurred, with the results recorded.	-	<p>Procedures/arrangements for reporting and assessment of safety occurrences:</p> <ul style="list-style-type: none"> Analysis of causes of occurrences. 	<p>Wherever the national framework allocates tasks and responsibilities to the ANSP as regards the analysis of causes of occurrences, check that:</p> <ul style="list-style-type: none"> ANSP procedures/arrangements exist in relation to these tasks and cover all the actions and responsibilities allocated to the ANSP in national rules, The procedures/arrangements include means: <ul style="list-style-type: none"> To identify the extent to which the ATM system helps or can help to reduce the risk, To record the results of the analysis. 	The EC Directives does not explicitly address the analysis of the involvement of the ATM system and the analysis of causal factors.

ESARR 2 Reference	ESARR 2 provision	EC provisions intended to transpose the ESARR provision	Evidence(s)	How could the evidence be assessed	Comments/Notes
			Records documenting the results of the processes implemented by the ANSP.	<p>Within the sample of occurrences selected in 5.1 above, wherever the national framework allocates responsibilities and tasks to the ANSP as regards the analysis of causes of occurrences, check that:</p> <ul style="list-style-type: none"> • Analysis of causes took place according with the relevant procedures, • The analysis considered the extent to which the ATM system helped or could have helped to reduce the risk, and • The results of the analysis were recorded. <p>for each occurrence in the sample whose severity had to be allocated by the ANSP in accordance with its responsibilities.</p>	

ESARR 2 Reference	ESARR 2 provision	EC provisions intended to transpose the ESARR provision	Evidence(s)	How could the evidence be assessed	Comments/Notes
5.1.8	<p>Safety recommendations, interventions and corrective actions are developed, recorded where necessary, and their implementation monitored;</p>	<p>56/1994/EC Article 7/1 Any investigation into an accident shall be the subject of a report [...] The report shall [...] contain, where appropriate, safety recommendations.</p> <p>56/1994/EC Art. 8/1 Any investigation into an incident shall be the subject of a report [...] The report shall, where appropriate, contain relevant safety recommendations.</p> <p>56/1994/EC Art. 9. Safety recommendations.</p> <p>Member States shall take the necessary measures to ensure that the safety recommendations made by the investigating bodies or entities are duly taken into consideration, and, where appropriate, acted upon without prejudice to Community law.</p>	<p>Procedures/arrangements for reporting and assessment of safety occurrences:</p> <ul style="list-style-type: none"> • Arrangements regarding safety recommendations, interventions and corrective actions, • Recording of safety recommendations, interventions and corrective actions, • Arrangements regarding the monitoring of the implementation of safety recommendations, interventions and corrective actions. 	<p>Wherever the national framework allocates tasks and responsibilities to the ANSP as regards the development, recording and monitoring of safety recommendations, interventions and corrective actions, check that:</p> <ul style="list-style-type: none"> • ANSP procedures/arrangements exist in relation to these tasks and cover all the actions and responsibilities allocated to the ANSP in national rules, • The procedures/arrangements include an allocation of responsibilities within the ANSP to: <ul style="list-style-type: none"> ◦ Address and act upon the safety recommendations, interventions and corrective actions as applicable, ◦ Monitor the implementation of safety recommendations, interventions and corrective actions, as applicable. 	<p>As regards actions further to analysis of occurrences, the EC directives only address those occurrences under the control of the accident and serious incident investigation bodies. There is no requirement for actions further to incidents or other occurrences.</p> <p>Therefore the directive only addresses the case of safety recommendations and does not address the other kinds of actions. Furthermore, the EC directives do not require that these actions be recorded and their implementation monitored.</p> <p>To note that ESARR 3, 5.2.7, establishes that, within the operation of the SMS, the ATM service-provider shall ensure that ATM operational or technical occurrences which are considered to have significant safety implications are investigated immediately, and any necessary corrective action is taken.</p>

ESARR 2 Reference	ESARR 2 provision	EC provisions intended to transpose the ESARR provision	Evidence(s)	How could the evidence be assessed	Comments/Notes
			Records documenting the results of the processes implemented by the ANSP.	<p>Within the sample of occurrences selected in 5.1 above, wherever the national framework allocates responsibilities and tasks to the ANSP as regards the analysis of causes of occurrences, check that:</p> <ul style="list-style-type: none"> • Safety recommendations, interventions and corrective actions were developed as applicable, • Safety recommendations, interventions and corrective actions were implemented as applicable, • The implementation of safety recommendations, interventions and corrective actions is monitored as applicable, • All actions conformed the relevant procedures. <p>for each occurrence in the sample for which safety recommendations, interventions or corrective actions had to be determined, implemented or monitored by the ANSP in accordance with its responsibilities.</p>	

ESARR 2 Reference	ESARR 2 provision	EC provisions intended to transpose the ESARR provision	Evidence(s)	How could the evidence be assessed	Comments/Notes
5.1.9	<p>To the extent possible, safety experience, based upon collected safety occurrence data and assessment, is exchanged between States in order to develop a more representative and common awareness of typical hazards and related causes, as well as safety trends and areas where changes to the ATM system could improve safety.</p>	<p>42/2003/ EC Article 6</p> <p>Member States shall participate in an exchange of information by making all relevant safety-related information stored in the databases [...] available to the competent authorities of the other Member States [...] The competent authority [...] receiving an occurrence report shall enter it into the databases and notify, whenever necessary, the competent authority of the Member State where (see the list in the directive) [...] The Commission shall take appropriate measures to facilitate the exchange of information [...].</p> <p>56/1994/EC Article 9</p> <p>[...] The reports and the safety recommendations referred to in Articles 7 and 8 shall be communicated to the undertakings or national aviation authorities concerned and copies forwarded to the Commission.</p>	<p>Procedures/arrangements for reporting and assessment of safety occurrences:</p> <ul style="list-style-type: none"> • Arrangements to contribute to the exchange of safety experience, • Coordination arrangements with entities concerned (NSA, AIB, Military, other ANSPs, etc.). 	<p>Wherever the national framework allocates tasks and responsibilities to the ANSP as regards the development, recording and monitoring of safety recommendations, interventions and corrective actions, check that:</p> <ul style="list-style-type: none"> • ANSP procedures/arrangements exist in relation to these tasks and cover all the actions and responsibilities allocated to the ANSP in national rules, • The procedures/arrangements include: <ul style="list-style-type: none"> ◦ An identification or responsibilities to contribute to the exchange of safety experience, as applicable, ◦ Coordination arrangements with entities concerned (NSA, AIB, Military, other ANSPs, etc) as applicable. 	<p>The 42/2003/EC directive actually requires an exchange of safety occurrence data. However, exchange of safety occurrence assessment is not explicit in this directive; while in the 56/1994/EC Directive it is stated that:</p> <ol style="list-style-type: none"> 1) Exchange of safety assessment is only based on accident and incident reports (with no requirements on the corresponding data); 2) These reports are forwarded only to the States involved in the occurrence and not to all the States.

ESARR 2 Reference	ESARR 2 provision	EC provisions intended to transpose the ESARR provision	Evidence(s)	How could the evidence be assessed	Comments/Notes
			Records documenting the results of the processes implemented by the ANSP.	<p>Within the sample of occurrences selected in 5.1 above, wherever the national framework allocates responsibilities and tasks to the ANSP as regards the analysis of causes of occurrences, check that:</p> <ul style="list-style-type: none"> • Safety experience was exchanged as applicable, • All actions conformed the relevant procedures. <p>for each occurrence in the sample for which safety experience had to be exchanged by the ANSP in accordance with its responsibilities.</p>	
5.2	Each State shall ensure that: [...]	-	<p>Evidences provided by an ANSP will depend on the allocation of tasks and responsibilities established by the State in its national regulatory framework.</p> <p>In that context, consider the evidences related to 5.2.1 below.</p>	see 5.2.1 below.	see 5.2.1 below.
5.2.1	All appropriate safety data are collated and reported to EUROCONTROL in terms of high level safety indicators, which as a minimum comply with Appendix B of ESARR 2.	-	<p>Procedures/arrangements for reporting and assessment of safety occurrences:</p> <ul style="list-style-type: none"> • Arrangements for the collation and reporting to EUROCONTROL, at State level, of all appropriate safety data, • Coordination with all entities concerned (NSA, AIB, Military, etc) at national level with regard to the collation and reporting of safety data to EUROCONTROL. 	<p>Wherever the national framework allocates tasks and responsibilities to the ANSP as regards the collation and reporting of safety data to EUROCONTROL, check that:</p> <ul style="list-style-type: none"> • ANSP procedures/arrangements exist in relation to these tasks and cover all the actions and responsibilities allocated to the ANSP in national rules, • The procedures/arrangements include: <ul style="list-style-type: none"> ○ An identification or responsibilities to contribute to the exchange of safety experience, as applicable, ○ Coordination arrangements with entities concerned (NSA, AIB, Military, other ANSPs, etc) as applicable. 	<p>This ESARR2 provision is addressing the reporting mechanism to EUROCONTROL and is not addressed by the EC Directives 56/1994 and 42/2003.</p>