

Occurrence Reporting

**Information and Guidance on Mandatory and Voluntary Occurrence Reporting to
the Transport Malta Civil Aviation Directorate**

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Foreword

This document has been prepared in order 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 Article 81 of the [Air Navigation Order \(S.L.499.09\)](#).

In accordance with Article 81 (6)(a) of the Air Navigation Order (ANO), 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 (TM-CAD) has had such a mechanism in place for a number of years. Furthermore, in accordance with Regulation (EU) [376/2014](#) and Article 81 (6)(b) of the ANO, occurrences reported in accordance with Regulation (EU) [376/2014](#) and Article 81 (1) of the ANO, 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. The project is managed by the Joint Research Centre of the European Commission. The TM-CAD has been using the ECCAIRS database since 2005.

1. Introduction

1.1 Just Culture

In the interest of the ongoing development of flight safety, the TM-CAD supports the development of a 'Just Culture' which means that, within all areas of the aviation community, the TM-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 TM-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 TM-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 TM-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.

Article 81 (10) of the ANO provides that, 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 TM-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 TM-CAD will, accordingly, make it known to employers that, except to the extent that action is needed in order to ensure safety and except in flagrant circumstances where there is evidence of wilful misconduct or where there has been manifest, severe and serious disregard with respect to an obvious risk and profound failure of professional responsibility to take such care as is evidently required in the circumstances, causing foreseeable damage to a person or to property, or seriously compromising the level of aviation safety, it expects them to refrain from disciplinary or punitive action which might inhibit their staff from duly reporting incidents of which they may have knowledge, Article 81 (10) of the ANO refers.

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 Article 81 of the Air Navigation Order (S.L.499.09).

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,

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- (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, willful 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) [2018/1139](#) regulation as 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.

TM-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 factual information on accidents and serious incidents during the course of 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 TM-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 TM-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 TM-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;

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- (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;
- b) 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;
- c) 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 (1) applies;

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- 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](#).

Article 81 (1) of the ANO also specifies the categories of persons (or organisations) who are required to report occurrences. These 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 or not 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 TM-CAD. When appropriate, such

systems also provide the necessary records for statistical purposes. In order 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 TM-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. Particular 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 Applicable categories of aircraft

The ANO does not specify any particular category of aircraft covered by Mandatory Occurrence Reporting. This implies that the MOR is applicable to all categories of aircraft as defined in the Third Schedule of the ANO as well as to Remotely Piloted Aircraft Systems (previously known as Unmanned Aircraft Systems).

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.

Nothing in Article 81 of the ANO requires a person to report any occurrence which is believed to have been or will be reported by another person.

It should be understood that, while the legislation defines those who have to report, anyone may report, should they consider it necessary by means of the voluntary reporting system. On the other hand, a person shall not make any report if there is reason to believe that the report is false, Article 81 (4) of the ANO refers.

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 TM-CAD can be contacted (see Section 4.2).

3.3.1 National legislation

Legislation on the TM-CAD occurrence reporting is contained in Article 81 of the [ANO](#).

The legislation concerning the release of information supplied by the TM-CAD is contained in Article 81 (6)(c) and Article 81 (7) of the ANO.

The legislation concerning reporting is contained in Regulation 4 of the Fourteenth Schedule of the ANO.

3.3.2 European legislation

There are a number of 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.

[Commission Implementing Regulation \(EU\) No 2015/1018](#) 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

3.4 Time 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 TM-CAD. The report of the final results of the analysis should be made available to TM-CAD by no later than 3 months from the date of notification of the occurrence. When the organisation fails to transmit the preliminary or final results of the analysis of any occurrence which has been submitted to TM-CAD, the authority reserves the right to request the transmission of the subject reports.

3.5 Reporting procedure

The ANO places the primary responsibility for reporting with individuals. However, in the interests of flight safety, the full participation in the investigation by the organisation involved is encouraged. Therefore, wherever possible, the TM-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 TM-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.

Usually the reporting level within an organisation is set at a lower level than the TM-CAD requirement, in order to provide wider monitoring of the organisation's activities. However, when the employee making such a report is a person having a duty to report to the TM-CAD, in accordance with the ANO and Regulation (EU) [376/2014](#), the organisation must tell the reporter if the report has not been passed to the TM-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 TM-CAD or to report it directly to the TM-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 TM-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 TM-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 TM-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](#) and ANO, a further report containing this information

must be made within 72 hours of the information becoming available. Prompt advice to the TM-CAD on the results of investigations and the actions taken to control the situation will minimise, or may render unnecessary, direct TM-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 TM-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 final results of the analysis to TM-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

In order to facilitate consistent reporting and subsequent storage and analysis of data, TM-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 TM-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 an .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 TM-CAD oversight through specific guidance material.

- a. [CAD-OR.01](#) – This guide is aimed only at individuals/organisations/operators that do not have a dedicated Safety/Occurrence reporting system software and are currently making use of the Aviation Reporting portal <http://www.aviationreporting.eu/AviationReporting/> to submit events.

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- b. [CAD-OR.02](#) – This guide is aimed at individuals/organisations/operators that have a dedicated Safety/Occurrence reporting system software (which is mapped with TM-CAD Centrik software) on how to upload the .e5x generated files by their respective software.

Screenshots of the web-portal can be found in Appendix A, which depicts the steps of submitting a report under the FLT domain. The report flow is similar for other domains and for Voluntary reports.

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 TM-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: volcano@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, toes or nose); or
- (c) involves lacerations which cause severe haemorrhage, nerve, muscle or tendon damage; or

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- (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 web-link, and ticked accordingly.

3.8 Retention of data from recording instruments

The TM-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 are capable of providing valuable data on a wider range of occurrences and the TM-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 TM-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 TM-CAD, or a longer period if the TM-CAD so requests (Articles 81 (5) and 81 (6) of the ANO refer). 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 TM-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 TM-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 TM-CAD will:

- (a) evaluate each occurrence report received;
- (b) decide which occurrences require follow-up by the TM-CAD in order to discharge the TM-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 ANO, European Commission civil aviation regulations;
- (j) ensure that effective communication is maintained between BAAI and TM-CAD in respect of accident and serious incident investigation and follow up, and that all appropriate areas of TM-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](#).

TM-CAD publishes a safety review at least once a year in order 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 TM-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 TM-CAD in order to ensure that the best evaluation and safety outcomes are taken into account.

3.11 Occurrences closed on receipt

Certain occurrences reported to the TM-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 TM-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 TM-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 TM-CAD will liaise with the reporter and/or seek advice from appropriate TM-CAD staff in making this decision. The ability of the TM-CAD to close an occurrence on receipt and thus avoid the need for further TM-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 TM-CAD via a company system, any reports that do 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 TM-CAD is judged to fall outside the MOR criteria, the report will be evaluated as 'Non-MOR'. The report will be stored in TM-CAD database and classified as 'Voluntary (Not-MOR) Report'. This classification by the TM-CAD does not mean that it is considered insignificant or unimportant.

Accordingly, the TM-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 TM-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 general public can be made aware of this link via TM website. This reporting tool is intended to give the possibility to the general public using air transport to report any occurrence or event which may jeopardize safety of aircraft.

4.2 Contact details

While reports will be primarily submitted via the Centrik portal web-link, TM-CAD will still allow receipt of reports which are submitted by third parties via the aviation reporting website tool. This EC portal is linked to a designated email address occrespmu.tm@transport.gov.mt which is accessed by the SCU officer. Reports received via this email are uploaded on the Centrik software by the designated SCU officer.

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 TM-CAD, even when submitting a 'Voluntary Report' type.

TM-CAD cannot, of course, guarantee confidentiality when an occurrence is reported separately by another party or where Article 81 of the ANO applies in respect of gross negligence. Reporters submitting a Confidential Report must accept that effective investigation may be inhibited, however, TM-CAD would rather have a Confidential Report than no report at all. Use of information is limited to what is strictly necessary in order to discharge 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 TM-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 TM-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 TM-CAD.

In accordance with Article 81 (2) of the ANO, the TM-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 TM-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 authorizes disclosure.

5 Dissemination of Information

TM-CAD has full 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: occrepsmu.tm@transport.gov.mt

address: Director General for Civil Aviation
 Malta Transport Centre
 Pantar Road,
 Lija, LJA 2021
 Malta

TM-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 by 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:

1. 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 used on 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 fire fighting, 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 following enlisted interested parties will only be supplied with information relating to their own equipment, operations of field of activity:

1. Pilots (on a personal basis)
2. Air traffic controllers (on a personal basis) and other ATM/ANS staff carrying out safety-related tasks
3. Engineers/technicians/air traffic safety electronics staff/aviation (or aerodrome) managers (on a personal basis)
4. Professional representative bodies of staff carrying out safety-related tasks

Each request received and the action taken pursuant to that request is recorded and the collected data transmitted to the Commission.

Appendix A

Occurrence Report Portal - Centrik

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

Step 1 – Homepage

| File a Report | |
|---------------------|--|
| Introduction | <p>Welcome to the Transport Malta Civil Aviation Directorate occurrence reporting portal.</p> <p>Please complete your information in the fields below then choose from the Mandatory or Voluntary reporting forms available.</p> <ul style="list-style-type: none">If you wish to make a Voluntary report, you may leave this information blank. <i>Note: If you do not provide your email address or telephone number, no follow up will be possible.</i>For Mandatory reports, this information is <u>required</u>. <p><i>If you are reporting on behalf of an organisation, please specify below so that we can attribute your report to their safety reporting culture.</i></p> <p>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.</p> |
| Step 1 | <p>Do you wish to submit a new report or an update to a previous report?</p> <p><input type="radio"/> Submit a new report <input type="radio"/> Submit an update to a previous report</p> <p>Next</p> |

Step 2:

| File a Report | |
|---------------------|--|
| Introduction | <p>Welcome to the Transport Malta Civil Aviation Directorate occurrence reporting portal.</p> <p>Please complete your information in the fields below then choose from the Mandatory or Voluntary reporting forms available.</p> <ul style="list-style-type: none">If you wish to make a Voluntary report, you may leave this information blank. <i>Note: If you do not provide your email address or telephone number, no follow up will be possible.</i>For Mandatory reports, this information is <u>required</u>. <p><i>If you are reporting on behalf of an organisation, please specify below so that we can attribute your report to their safety reporting culture.</i></p> <p>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.</p> |
| Step 2 | <p>Are you reporting as an individual or on behalf of an organisation?</p> <p><input type="radio"/> As an individual <input type="radio"/> On behalf of an Organisation</p> <p>Back Next</p> |

Step 3:

| File a Report | | | | | | | | | | | | | |
|---|--|-------------------------|----------------|------------------|---|---|----------------------|--|-------------------------|--|--|---|--|
| Introduction | <p>Welcome to the Transport Malta Civil Aviation Directorate occurrence reporting portal.</p> <p>Please complete your information in the fields below then choose from the Mandatory or Voluntary reporting forms available.</p> <ul style="list-style-type: none">If you wish to make a Voluntary report, you may leave this information blank. <i>Note: If you do not provide your email address or telephone number, no follow up will be possible.</i>For Mandatory reports, this information is <u>required</u>. <p><i>If you are reporting on behalf of an organisation, please specify below so that we can attribute your report to their safety reporting culture.</i></p> <p>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.</p> | | | | | | | | | | | | |
| Step 3 | <p>Provide your details below:</p> <table border="0"><tr><td>Reported By (your name)</td><td>E-Mail Address</td><td>Telephone Number</td></tr><tr><td><input type="text" value="name surname"/></td><td><input type="text" value="name@email.com"/></td><td><input type="text"/></td></tr><tr><td></td><td>Re-Enter E-Mail Address</td><td></td></tr><tr><td></td><td><input type="text" value="name@email.com"/></td><td></td></tr></table> <p><input type="checkbox"/> Add additional email addresses to notify when report is submitted?</p> <p>Back Next</p> | Reported By (your name) | E-Mail Address | Telephone Number | <input type="text" value="name surname"/> | <input type="text" value="name@email.com"/> | <input type="text"/> | | Re-Enter E-Mail Address | | | <input type="text" value="name@email.com"/> | |
| Reported By (your name) | E-Mail Address | Telephone Number | | | | | | | | | | | |
| <input type="text" value="name surname"/> | <input type="text" value="name@email.com"/> | <input type="text"/> | | | | | | | | | | | |
| | Re-Enter E-Mail Address | | | | | | | | | | | | |
| | <input type="text" value="name@email.com"/> | | | | | | | | | | | | |

Step 4: Selecting type of report

File a 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 or Voluntary 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.

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.

Step 4

Select most appropriate type of report:

Mandatory Reports

☐ Flight Operations

☐ Aerodrome & Ground Handling

☐ ATM/ANS

☐ Technical

☐ General Aviation

Voluntary Reports

☐ Voluntary Report

Back

Start Report

Report page for FLT type report (similar for other domains):

New FLT - Flight Operations

File a Report

Capture

Assess

Act

Monitor

Close

Save Draft

General Information

Report Number

000351

Occurrence Form

FLT - Flight Operations

Report Title

Enter report title (required)

Confidentiality

Not confidential

Description

Enter description (required)

Event Date

Enter event date (required)

Event Time (UTC, hh:mm)

Enter event time (utc, hh:mm)

Event Location

Enter event location (required)

State/area of occurrence

Loading...

Reported By (your name)

name surname

E-Mail Address

name@email.com

Telephone Number

Organisation

Position/Job

Report Status

(not specified)

Check the options that apply to this report:

☐ If this didn't occur in Malta, was this reported to the relevant state?

☐ Was an aircraft involved in the occurrence?

☐ 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 there an ATM contribution?

☐ Did the occurrence result in damage and/or injuries?

☐ Was the aircraft hit by a bird or other animal?

☐ Did the occurrence involve dangerous goods?

☐ Were the weather conditions relevant?

Reporting organisation

Event(s) and occurrence

Classify Risk

Finish and Submit

Attachments

Appendix B

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 of the Council of 3 April 2014 on the reporting, analysis and follow-up of occurrences in civil aviation) |
| 2. 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: | occrepsmu.tm@transport.gov.mt |
| 7. Access to information | <p>TM-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.</p> <p>The requestor is not allowed to disclose information provided to it to anyone without the written consent of the point of contact.</p> <p>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.</p> |
| 8. Date: | Place: |
| Signature: | |