



Isle of Man
CIVIL AVIATION ADMINISTRATION

CIVIL AVIATION (REPORTING, ANALYSIS AND FOLLOW-UP OF OCCURRENCES) ORDER

Consultation Response

October 2019



1. Background

The Civil Aviation Administration, part of the Department for Enterprise, is the aviation safety and security regulator for the Isle of Man (IOM CAA).

The consultation proposals for the future legislation governing the reporting, analysis and follow-up of occurrences which is part of a wider package covering all aspects of aviation in the Isle of Man.

The aim of the consultation was to invite comment on the draft Civil Aviation (Reporting, Analysis and Follow-up of Occurrences) Order which provides for the reporting, analysis and follow-up of occurrences may represent a significant risk to the safety of aviation in the Isle of Man and for Isle of Man registered aircraft.

The consultation was open for a period of four weeks from 5 August 2019 to 30 August 2019.

It was considered that the proposals would be of particular interest to Isle of Man air traffic services personnel, persons employed by the Isle of Man Airport and others involved in the aviation industry.

2. Summary of responses and outcome

We received four responses to the consultation who were generally supportive of the legislation however a couple of concerns were raised.

After considering the responses, it was decided not to make any fundamental changes to the draft order. However two of the article had been redrafted during the course of the consultation which had already resolved some of the concerns raised. Some other minor changes were made to take account of comments received which we concurred with. Please see the summary of responses below.

We are grateful for the responses received and value the views expressed.

In case of query please email caa@gov.im.

Summary of responses and outcome

Article 5 Applicability	
Response received	IOM CAA
Should this state in the Isle of Man and Isle of Man Controlled Airspace, and where an occurrence takes place relating to any aircraft being provided with an ATS by an Air Traffic control unit on the Isle of Man (or words to this effect?)	During the consultation period this article was deleted. Applicability is appropriately covered under Schedule 2 which clarifies the scope of applicability.

Article 6 Objective of occurrence reporting	
Response received	IOM CAA
Should there be a proviso in this article relating to - however the evidence contained in the report may be used in connection with the purposes stated in articles 12 & 14?	<p>No, the sole objective of occurrence reporting is the prevention of accidents and incidents without the apportionment of blame or liability as specified by ICAO.</p> <p>However, it is important to ensure that any potential inappropriate use of the report is appropriately controlled as a result of its existence and that such inappropriate use doesn't compromise the objective.</p>

Article 7 Mandatory reporting	
Response received	IOM CAA
Very good, remain compatible with EASA MOR requirements	Noted.

Article 8 Occurrence analysis and follow-up	
Response received	IOM CAA
Very good, remain compatible with EASA MOR requirements, but bear in mind that an investigation will often take more than 30 days for its completion. So the term investigated seems to be in conflict with a typical investigation process. Consider to include the wording within 30 days investigated or a preliminary investigation report (status)	The order already includes wording to allow a report to take more than 30 days to be submitted, where the Department permits.
Should there not be an onus (as is the case in the UK) for the IOM CAA to play a part in this process, for instance in investigating where a crew has made an error? in such cases, the employer of the reporting person may not be able to establish what the actual cause was and should not, through the act of reporting the occurrence have	As per EU process responsibility for investigating occurrences sits primarily with the organisation of the reporter. Where an organisation is unable to gain details or information from another organisation that has played a role in the occurrence, the Department would continue to support that

to try to establish this. My view is that the Department should provide this function where the employers organisation has reported the event, but is clearly not responsible for the root cause.	organisation in gathering the information.
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Article 12 Release of safety related information	
Response received	IOM CAA
Should this be reciprocal - ie that if the department wishes to use the data for any other reason, it should obtain the permission of the employer (and reporter ??)	This is outside the requirements of ICAO. Using data for any other reason will only be possible where principles of exception apply and the Department would always apply these principles for use on both itself and others.

Article 13 Freedom of Information	
Response received	IOM CAA
I applaud this provision	Noted.

Article 14 Safety related information sharing and exchange	
Response received	IOM CAA
I applaud this provision	Noted.
Does the article mandate that any reports relating to an incident which took place in the airspace of a different Authority will necessarily be shared with that Authority? Currently there is a feeling that 2 reports must be made (one to IOMAR and one to the authority controlling the airspace in which the incident happened), on order for the incident to be investigated and acted upon quickly.	ICAO require that the State of Aircraft Registration must receive occurrence reports. States of Operation may impose requirements for occurrences that happen in their airspace. The IOM CAA recognise the duplication that this creates and seeks to enhance data sharing between authorities which is enabled by the order subject to appropriate safeguards.

Article 15 Exemptions	
Response received	IOM CAA
Is this not a bit open ended???	During the consultation period this article was redrafted to ensure that the exemptions only relate to certain articles.

Article 17 Offences and penalties	
Response received	IOM CAA
Very critical, care should be taken with penalties for reporting. As long as not wilfully neglected, no penalties should be issued. Reasons: inability to receive data within 72 hours involved persons do not realize a mandatory report has to be filed.	Following consultation and further review of the order it was agreed that in some circumstances offences and their relating penalties were not justified and may discourage occurrence reporting.
Why is the fine for an individual not submitting	

<p>MOR information so much more severe than the one for an employer not forwarding voluntarily submitted reports? Companies should be encouraged to submit such reports with a heavier penalty for not doing so.</p>	<p>Offences and penalties now only exist for contravention of the sharing of information and false reporting requirements.</p>
<p>Who would pay the fine for provision 3? I hope it would not fall upon an individual.</p>	