

BL 8-10

Regulations on mandatory reporting of flight safety occurrences*

Edition 3, 10 February 2009

In pursuance of § 89 b and § 149 (10), of the Air Navigation Act, cf. Consolidation Act no. 731 of 21 June 2007, the Civil Aviation Administration - Denmark hereby stipulates as follows on the authority of the Ministry of Transport, cf. Order no. 1597 of 18 December 2007 of on delegation of authorities to the Civil Aviation Administration - Denmark and on publication of the Regulations issued by the Administration:

1. Reference documents

1.1 BL 2-1, Authorisation of organisations to manufacture and maintain aircraft or aircraft equipment, latest edition.

1.2 BL 2-4, Regulations on JAR-145 authorisation, latest edition.

1.3 BL 3-18, Regulations on establishment of aerodrome management at approved aerodromes etc., latest edition.

1.4 BL 5-40, Order on the duty to report aircraft accidents and incidents, latest edition.

1.5 BL 5-50, Regulations on approval of air operators to carry out commercial air traffic in accordance with JAR-OPS 1 and/or JAR-OPS 3, latest edition.

1.6 BL 6-09, Regulations on implementation of JAR-FCL (pilot licences, aeroplane and helicopter), latest edition.

1.7 BL 7-8, Regulations on operations of air traffic service units, latest edition.

1.8 Regulation (EC) of the European Parliament and the Council No. 1899/2006 of 12 December 2006, Commission Regulation (EC) No. 8/2008 of 11 December 2007 and Commission Regulation (EC) no. 859/2008 amending Council Regulation (EEC) No. 3922/91 as regards common technical requirements and administrative procedures applicable to commercial transportation by aeroplane (EU-OPS).

1.9 Commission Regulation (EC) No. of 24 September 2007 laying down implementing rules for the dissemination to interested parties of information on civil aviation occurrences referred to in Article 7(2) of Directive 2003/42/EC of the European Parliament and of the Council (Text with EEA relevance).

1.10 The documents mentioned in paragraphs 1.1-1.7 can be found on Retsinformation's (Legal Information's) homepage www.retsinformation.dk and on the Civil Aviation Administration - Denmark's homepage www.slv.dk. The documents may further be bought on application to

* The BL contains provisions implementing parts of Directive 2003/42/EC of the European Parliament and of the Council of 13 June 2003 on occurrence reporting in civil aviation (Official Journal of the European Union L 167 of 4 July 2003).

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1.11 The documents mentioned in 1.8 and 1.9 can be found on the European Union's homepage www.eur-lex.europa.eu and on the Civil Aviation Administration - Denmark's homepage www.slv.dk,

2. Definitions

Disidentification:

Removing from reports submitted all personal details pertaining to the reporter and technical details which might lead to the identity of the reporter, or of third parties, being inferred from the information.

Flight safety occurrence (occurrence):

Any 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, cf. § 135 of the Air Navigation Act and BL 5-40.

Note: The circumstances mentioned in Appendices 5-8 are covered by the definition.

Urgent Flight Safety Report - UFSR:

A short report to the Civil Aviation Administration - Denmark via telex, fax or e-mail of an occurrence of substantial importance to flight safety, including of fleet, type or system related importance.

3. Applicability

3.1 This BL lays down regulations on reporting of occurrences to the Civil Aviation Administration - Denmark.

3.2 This BL applies to

- a. air traffic with aircraft entered on the Register of Danish Aircraft, cf. Chapter 2 of the Air Navigation Act, and to foreign aircraft operated in accordance with a Danish operating permit, cf. § 4 (2) of the Danish Air Navigation Act,
- b. establishments/organisations whose principal place of business is situated within Danish territory, and
- c. exercise of air traffic service within Danish territory and within territories in which Denmark according to international agreements is committed to exercise air traffic service.

3.2.1 An aircraft is considered to be Danish when registered in Denmark or operated in accordance with a Danish operating permit, cf. § 4 (2) of the Danish Air Navigation Act.

4. General

4.1 The occurrences stated in Appendices 5-8 to this BL shall be reported to the Civil Aviation Administration - Denmark who files the reports on a database.

4.1.1 No names or addresses of individuals may be registered on the database in a searchable form.

Note 1: A copy of the original report is kept in the database for 5 years after which it is deleted. There is no possibility to make cross searches in these copies.

Note 2: The personnel of the Civil Aviation Administration - Denmark, employees in other parts of the public administration and any experts called in shall be under the obligation, under § 152 and § 152 a-e of the Danish Criminal Code, to keep secret the reported information, cf. § 89 b (2) of the Air Navigation Act.

4.2 The duty to report lies with the persons and establishments/organisations mentioned in Parts 5-8.

4.3 Reporting shall be made not later than 72 hours after the occurrence having been found and shall be made on the form that is relevant for the occurrence in question, cf. 5.4, 6.6, 7.2 and 8.4.

4.4 The Civil Aviation Administration - Denmark may at any time request supplementary information about a reported occurrence.

4.5 Establishments/organisations that are under the obligation to report, cf. 5.2, 6.1, 6.2, 6.3, 7.1 and 8.2, shall

- a. appoint a person or a unit in the establishment/organisation who may be contacted by the Civil Aviation Administration - Denmark regarding reporting, and
- b. draw up a reporting system which can be approved by the Civil Aviation Administration - Denmark and which shall be described in the quality assurance/operational manual of the establishment/organisation.

4.5.1 If the establishment/organisation that is under the obligation to report occurrences, in pursuance of its approval is under the obligation to investigate and clear up an occurrence, it shall submit a statement to the Civil Aviation Administration - Denmark about the investigation/clearing up when it is completed.

4.6 The Civil Aviation Administration - Denmark shall regularly, normally once a year, issue reports based on the reported occurrences.

4.6.1 The reports shall be disidentified.

5. Operational reporting

5.1 The pilot-in-command shall report the occurrences regarding operational circumstances that are mentioned in Appendix 5 to this BL.

5.1.1 For private aviation, except for corporate aviation and flights with turbine-powered aircraft, reporting shall only be made for the occurrences highlighted in bold letters in Ap-

pendix 5 and relevant for the aviation type in question.

5.2 For airlines which according to existing regulations shall have a reporting system, the duty to report according to 5.1 also lies with the operator. The pilot-in-command's report, cf. 5.1, shall in these cases be made to the operator. The operator's Nominated Postholder Operations is responsible for having the report sent on to the Civil Aviation Administration - Denmark.

Note: The requirement of a reporting system is laid down in the EU-OPS and the regulations to which reference is made in BL 5-50. The EU-OPS is applicable from 16 July 2008 for operators domiciled in Denmark and operating aeroplanes, and BL 5-50 is applicable from 16 July 2008 for operators operating helicopters and for operators domiciled in the Faeroe Islands or in Greenland operating aeroplanes.

5.3 For school flying carried out in accordance with BL 6-09 (JAR-FCL) the duty to report according to 5.1 also lies with the training organisation in question. The pilot-in-command's report shall be made to the training organisation. The training organisation's Head of Training/person signing for a Registered Facility is responsible for having the report sent on to the Civil Aviation Administration - Denmark.

5.4 Reporting shall be made on the form Flight Safety Report included as Appendix 1 to this BL, or on another form with equivalent information.

5.4.1 The reporting shall furthermore be made as UFSR immediately after the occurrence has been found if it is an occurrence of substantial importance to flight safety.

5.5 The report shall be registered in the aircraft log.

5.6 A person performing duties in connection with operation of an aircraft on the ground, including fuel tanking, clearing, preparation of loadsheet, loading, de-icing and towing at public aerodromes or approved private aerodromes, shall report the occurrences re-

garding ground handling mentioned in Appendix 5 to this BL.

5.6.1 If the occurrence concerns an aircraft operated on a Danish operational permit by an operator that according to the existing rules shall have a reporting system, the reporting according to 5.6 shall be made to the operator. The carrier's Nominated Postholder Operations shall be responsible for having the report sent on to the Civil Aviation Administration - Denmark.

Note: See the note to 5.2.

5.6.2 In other cases than the one mentioned in 5.6.1, the reporting according to 5.6 shall be made directly to the Civil Aviation Administration - Denmark.

6. Technical reporting (repair and maintenance)

6.1 Operators that according to existing rules shall have a reporting system, shall report the occurrences stated in the sections on "Aircraft Maintenance and Repair" and "MEL" in Appendix 6 to this BL, unless the occurrence in question has been found by a maintenance organisation as mentioned in 6.2. The reporting shall be made by the Nominated Postholder Maintenance.

Note: Se the note to 5.2.

6.2 Maintenance organisations that are authorised in accordance with BL 2-1, Part 145 or Part MF shall report the occurrences stated in the section on "Maintenance and Repair" in Appendix 6 to this BL, unless the occurrence in question has been found by an operator as mentioned in 6.1. The duty to report lies with both the certified engineer/technician and the maintenance organisation. The certified engineer/technician shall report to the maintenance organisation. The Base Manager, Line Manager or Workshop Manager of the maintenance organisation shall be responsible for having the report sent on to the Civil Aviation Administration - Denmark.

6.2.1 Occurrences as mentioned in 6.2 that are found by maintenance organisations which are JAR-145 authorised abroad, shall be reported by the owner, user or operator of the aircraft.

6.3 Manufacturers approved in accordance with Part 21 shall report the occurrences stated in the section on "Manufacturing Part 21" in Appendix 6 to this BL. The reporting shall be made by the technical manager.

6.4 The holder of a Danish supplemental type certificate shall report the occurrences stated in the section on "Manufacturing/Danish Supplemental Type Certificate" in Appendix 6 to this BL.

6.5 A person performing duties in connection with aeronautical installations for which Denmark is responsible, including installation, modification, maintenance, repair, inspection, control during flight or inspection of aeronautical facilities, shall report the relevant occurrences stated in Appendix 7 to this BL.

6.6 Reporting according to 6.1 - 6.4 shall be made on the form Technical Safety Report included as Appendix 2 to this BL, or on another form with equivalent information.

6.7 Reporting according to 6.5 shall be made on the form Airport and CNS/ATM Safety Report included as Appendix 3 to this BL, or on another form with equivalent information.

7. Aerodromes, reporting

7.1 Public aerodromes and approved private aerodromes shall report the occurrences regarding aerodromes etc. stated in Appendix 7 to this BL. The reporting shall be made by the aerodrome manager, cf. BL 3-18.

Note: The requirement on reporting applies to both IMC and VMC aerodromes. However, for VMC aerodromes there is no requirement on establishment of a reporting system as part of the quality assurance system, cf. BL 3-18, 6.1.1.

7.2 Reporting shall be made on the form Airport Safety Report included as Appendix 3 to this BL, or on another form with equivalent information.

8. Air Traffic Service, reporting

8.1 Air traffic controllers and FIS operators shall report the occurrences regarding air traffic service mentioned in Appendix 8 to this BL if they are involved in the occurrence in question.

8.2 Any person regulating driving with aircraft and vehicles on the apron, but who is not covered by 8.1, shall report the occurrences concerning apron service mentioned in Appendix 8.

8.3 For air traffic service units having a reporting system which is approved in accordance with BL 7-8, the duty to report according to 8.1 and 8.2 also lies with the air traffic service unit. The air traffic controller's and FIS operator's reports, cf. 8.1, shall in these cases be made to the air traffic service unit. The daily manager of the air traffic service unit is responsible for having the report sent on to the Civil Aviation Administration - Denmark.

8.4 Reporting shall be made on the form Air Traffic Safety Report included as Appendix 4 to this BL, or on another form with equivalent information.

8.5 A report shall be registered in the air traffic service unit's log.

9. Exemption

The Civil Aviation Administration - Denmark may in quite exceptional cases grant exemption from the regulations in this BL when it is deemed compatible with the considerations on which the regulations in question are based.

10. Punishment

10.1 Violation of the regulations in Parts 4 - 8 is punishable with fine.

10.2 Criminal liability may be imposed on companies etc. (legal persons) under the rules of Chapter 5 of the Danish Criminal Code, cf. § 149 (14) of the Danish Air Navigation Act.

Note: Any person who according to the regulations in this BL has reported an occurrence, cannot be punished for the occurrence in question for violation of § 42 of the Air Navigation Act, regulations laid down in pursuance of §§ 31, 52, 54, 82 or 83 or regulations in EU Regulations in areas that are covered by the Air Navigation Act, cf. § 149 a of the Air Navigation Act.

11. Implementation

11.1 This BL comes into force on 1 May 2009.

11.2 At the same time BL 8-10, 2 edition of 13 June 2005 is repealed.

Civil Aviation Administration - Denmark, 10 February 2009

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