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**AIC-B\_en**  
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## REPORTING INCIDENTS IN CIVIL AVIATION

### 1 — INTRODUCTION

This AIC-B provides an overview of the mandatory and voluntary reporting of incidents in civil aviation. On the basis of Directive 94/56 EC, all accidents and serious incidents in civil aviation occurring in the EU Member States must be the subject of independent investigation. In the Netherlands, this investigation has been assigned to the Dutch Safety Board (Onderzoeksraad voor Veiligheid) according the Dutch Safety Board Decree (Besluit Onderzoeksraad voor Veiligheid, article 3, paragraph 1). In the context of this obligation to investigate, there is an obligation to report for a number of parties involved in the event of an accident or serious incident.

Additionally, there are obligations to report with respect to operational interruptions, defects, faults, or other irregularities that have or could have an impact on flight safety without there being any question of an accident or serious incident in the sense meant above. These latter reports must be made to the Aviation Incident Occurrence Reporting Bureau (Analysebureau Luchtvaartvoorvallen) of the Transport and Water Management Inspectorate Netherlands.

Finally, a number of other national and international laws and regulations contain provisions pertaining to the reporting of specific occurrences. These could overlap with the more general obligations just referred to.

### 2 — REPORTING ACCIDENTS AND SERIOUS INCIDENTS TO THE DUTCH SAFETY BOARD

#### 2.1 Territorial demarcation

The main rule regarding the investigation of accidents and serious incidents is, that this will be conducted in the country where the event occurred. The Dutch Safety Board is obliged to investigate accidents and serious incidents involving:

- an aircraft within or above *Dutch territory*, including territorial waters,
- a Dutch aircraft above the *high seas*, or
- a Dutch aircraft in a *foreign country*, if the State involved does not instigate an investigation, if it delegates this investigation to the Dutch authorities, or if it cannot be established that the scene of the incident lies within the territory of any State and it is not agreed with another State that it will conduct the investigation.

#### 2.2 Definition of accident and serious incident

An **accident** refers to: an occurrence associated with the operation of an aircraft that takes place between the time any person boards the aircraft with the intention of taking part in a flight and the time at which all such persons have disembarked, and whereby:

1. a person has suffered fatal or serious injury as a consequence of their presence in the aircraft, their direct contact with part of the aircraft, including those parts that have become separated from the aircraft, or direct exposure to jet blast; except when the injuries have a natural cause, were inflicted by the person him/herself or by others, or if the injuries involve stowaways outside the areas normally reserved for passengers and crew,
2. the aircraft sustained structural failure, as a result of which its strength, performance or flight characteristics are compromised that would normally necessitate serious repairs or replacement of the component involved; except when it is a question of engine failure or engine damage and the damage is restricted to the engine, the engine cowling or engine parts, or damage that is restricted to the propellers, the wing tips, the antennae, the tyres, the brakes, the fairings, or to dents or holes in the skin of the aircraft,
3. the aircraft is missing or is completely inaccessible.

A **serious incident** refers to: an aviation incident that occurs under circumstances that suggest that an aviation accident almost occurred.

Below follows a summary of occurrences that often involve a serious aviation incident. The list does not aim to be complete and serves only as a guide in defining the term: serious aviation incident.

- A near-collision demanding an evasive manoeuvre in order to avoid a collision or an unsafe situation.
- A controlled flight into terrain (CFIT) that is only just prevented.
- A rejected take-off run (RTO) on a closed or occupied runway or taking off from such a runway with marginal separation from an obstacle or obstacles.
- A landing or attempted landing on a closed or occupied runway.
- Clearly remaining below the expected performance level during take-off or in the first phase of climbing.
- Fire or smoke in the cabin, in cargo holds, or fire in the engines; even if such fires are extinguished with fire-fighting equipment.
- All cases that call for the use of the cockpit crew's emergency oxygen system.
- Structural faults in the aircraft or engine failures that are not classed as an accident.
- Multiple failures in one or more aircraft systems, as a result of which it becomes very difficult to control the aircraft.
- All situations during the flight in which a member of the cockpit crew is unable to function.
- All fuel situations that require the pilot to report an emergency situation.
- Incidents during take-off or landing, such as undershooting or overshooting the runway on landing, or coming off the runway during take-off or landing.

- System errors, weather conditions, flying outside the approved flight zone or other occurrences that could have made it difficult to control the aircraft.
- The failure of more than one system in a redundant system that is compulsory for flight control and navigation.

### 2.3 Obligation to report

A serious incident or an accident must be reported as quickly as possible, by phone, to the Dutch Safety Board by:

1. the captain of the aircraft,
2. the owner of the aircraft,
3. the ATS unit involved, **and**
4. the airside operations manager involved.

In the case of an aviation accident or a serious aviation incident involving a Dutch aircraft above the high seas or in a foreign country, the report must be made by the captain **and** the owner of the aircraft.

The Dutch Safety Board can be contacted on the following number:

Tel: 0800 MELDOVV or 0800 6353 688 (H24).

For reports from abroad, the Dutch Safety Board can be contacted on the following number:

Tel: +31 70 333 7072 (H24).

The data below must be supplied in a telephone report:

- Date of the incident (day, month, year)
- Location of the incident
- Time of the incident
- Aircraft type
- Aircraft registration
- Name of operator/ owner/ flying club
- Name/ address/ telephone number of captain/ instructor
- Damage to aircraft (none/ slight/ serious/ destroyed)
- Third party damage (yes/no)
- Number of crew members
- Number of passengers
- Number of crew members fatally injured
- Number of crew members seriously injured
- Number of crew members slightly injured
- Number of passengers fatally injured
- Number of passengers seriously injured
- Number of passengers slightly injured
- Number of persons on the ground fatally injured
- Number of persons on the ground seriously injured
- Number of persons on the ground slightly injured
- Type of flight (private/ passenger/ cargo/ combi/ training/ ferry/ photo/ spraying/ gliding/ para/ display/ other)
- Phase of the flight (parked/ push-back/ taxiing/ start/ climb/ en route/ hover/ descent/ circuit/ approach/ landing)
- Brief summary.

The person passing on the report should preferably have this information at hand. However, if they do not (yet) have all the details, this may not lead to the report itself being delayed.

After an accident or serious incident has been reported, the person(s) involved will be sent a questionnaire. This questionnaire must be returned as quickly as possible, within 30 days at the latest, to the Dutch Safety Board.

The information provided comes under the protection of the Safety Investigation Board Act<sup>1)</sup> and is not supplied to third parties, unless the party (parties) involved has (have) given its (their) explicit permission.

The purpose of the investigation by the Safety Board is to make sure that lessons can be learned from the accident or serious incident investigated, in order to avoid its repetition. Wherever necessary, the Safety Board makes relevant recommendations to the appointed authority (authorities) or aircraft operator(s). The investigation by the Safety Board is definitely not designed to apportion blame or liability, as stated by law.

Information regarding the accidents and serious incidents investigated by the Safety Board is included in the database, which also contains the data from the Occurrence Reporting Bureau of the Transport and Water Management Inspectorate Netherlands (see paragraph 3.2). This database contains no names nor addresses of persons.

<sup>1)</sup> Pursuant to article 69 of this Act, data collected in the context of the investigation (including statements, recorded medical or private information, data recovered from a flight recorder or a cockpit voice recorder, documents drawn up by the Board) may not be used in criminal, disciplinary, or civil proceedings; nor can a disciplinary measure, an administrative sanction, or an administrative measure be based on these data. The full Act is available on the website of the Dutch Safety Board: [www.onderzoeksraad.nl](http://www.onderzoeksraad.nl).

## 3 — REPORT OF OCCURRENCES, NOT BEING ACCIDENTS OR SERIOUS INCIDENTS, TO THE OCCURRENCE REPORTING BUREAU

### 3.1 Definition

Operational interruptions, defects, faults or other irregularities that can have an impact on flight safety without there being any question of an accident or serious incident in the sense meant in chapter 2 must be reported to the Occurrence Reporting Bureau of the Transport and Water Management Inspectorate Netherlands. The Notification of Incidents in Civil Aviation Regulations, in which the obligation to report is elaborated, contains two appendices with lists of occurrences that must, in all events, be reported to the Aviation Incident Analysis Bureau<sup>1)</sup>. These appendices are too extensive to present in this AIC-B. They can be found in an integrated form on the website: [www.iwv.nl](http://www.iwv.nl) via the link "Luchtvaart voorval melden".

<sup>1)</sup> Although the legal system assumes a strict distinction between accidents and serious incidents that have to be reported to the Safety Board, on the one hand, and the occurrences that have to be reported to the Occurrence Reporting Bureau referred to here, on the other hand, the lists in the legal appendices overlap with the list presented in paragraph 2.2. In the case of such overlap, it is fair to assume that both reports have to be made.

### 3.2 Obligation to report

The legal definition of the functionaries with an obligation to report (the so-called mandatory reporter) is derived from Directive 2003/42 EC. Briefly summarised, the following persons, among others, are obliged to report occurrences as referred to in paragraph 3.1 to the Analysis Bureau:

1. the captain;
2. the air traffic controller involved;
3. the ground staff engineer;
4. the ground handler;
5. the aircraft designer;
6. the aircraft builder;
7. the airside operations manager;
8. the technician who fitted the air traffic controller's equipment.

The legal enumeration of mandatory reporters can be found in full on the website: [www.ivw.nl](http://www.ivw.nl) via the link "Luchtvaart voorval melden".

The report to the Occurrence Reporting Bureau should be made within 72 hours of the occurrence or the defect being ascertained. The report should be made by means of one of the following forms: the Air Safety Report, the Technical Safety Report, the Airport Safety Report, the Air Traffic Management Report, or the Airprox Report. These forms can be found on the website: [www.ivw.nl](http://www.ivw.nl) via the links "Luchtvaart voorval melden" > "Meldingsformulieren".

The report must, in all events, contain the following information:

- name, address and home or work address of the mandatory reporter;
- the function in the context of which the mandatory reporter is making the report;
- time and place of the occurrence;
- a brief description of the occurrence.

Reports can also be made by sending digital information electronically from a safety management system introduced by statutory provision.

The report must be addressed to:

Post: Inspectie Verkeer en Waterstaat  
Luchtvaartoperationale Bedrijven  
Analysebureau Luchtvaartvoorvallen  
P.O. Box 575  
2130 AN Hoofddorp  
The Netherlands  
Fax: +31 (0)70 456 3008  
Email: [ABL@IVW.nl](mailto:ABL@IVW.nl)

The Occurrence Reporting Bureau collects, evaluates and processes the reports. Data relating to the reports is stored in a database. This database contains no names and addresses of persons. The reports may not be used in criminal proceedings, unless there is evidence of intent, gross negligence or a crime.

### 3.3 Voluntary reports

On the grounds of the Notification of Incidents in Civil Aviation Regulations, anyone may report shortcomings in aviation, which they consider a real or potential hazard, to the Analysis Bureau. This can be done by means of the forms available on the website: [www.ivw.nl](http://www.ivw.nl). Personal or technical details, which could point to the identity of the reporter, are removed from these reports.

## 4 — AIRCRAFT PROXIMITIES

### 4.1 Definition

An aircraft proximity (AIRPROX) is a situation in which, in the opinion of a pilot or an air traffic controller, both the distance and the difference in height between two aircraft, or between an aircraft and a device that is not an aircraft in the sense referred to in the Aviation Act, as well as their direction and speed were such that the safety of the air traffic involved may have been compromised (ICAO Doc 4444-ATM/501, chapter 1).

### 4.2 Obligation to report

Until 1 January 2008, the Air Traffic Incident Commission (ATIC) received reports of aircraft proximities (AIRPROX), as of said date the ATIC was disbanded. Currently just the normal rules, as described in chapter 2 and 3, are being applied to AIRPROX situations. An AIRPROX must therefore, in accordance with the procedure described chapter 3, be reported to the Occurrence Reporting Bureau. For this purpose, a special AIRPROX report form is available, which is published in the AIP ENR 1.14 and on the website: [www.ivw.nl](http://www.ivw.nl) via the links "Luchtvaart voorval melden" > "Meldingsformulieren" > "Airprox Report".

As discussed in chapter 2, accidents and serious incidents must be investigated by the Dutch Safety Board. An AIRPROX is, in itself, never viewed as an accident (the two definitions are mutually exclusive), but can, under certain circumstances, produce a serious incident (see paragraph 2.2). It has been agreed that the Occurrence Reporting Bureau will pass on all reports of AIRPROX-situations that can be considered serious incidents to the Dutch Safety Board. It is pointed out that, as discussed in paragraph 2.3, the functionary involved is also obliged to report any serious incidents directly to the Dutch Safety Board.

## 5 — OTHER OBLIGATIONS TO REPORT

In addition to the general obligations to report as described above, a number of specific obligations to report, which arise from the two Directives 94/56 EC and 2003/42 EC and partly overlap with the general obligations, can be found in international and national regulations. A brief overview can be found below.

Who is obliged to report	What must be reported	Regulations
Anyone who performs actions in connection with the transport of dangerous goods by air	All incidents that occur during the performance of actions in connection with the transport of dangerous goods by air, in which danger to public safety has occurred or is feared, as well as the discovery of concealed or undeclared dangerous goods.	ICAO Annex 18 and the Technical Instructions for the Safe Transport of Dangerous Goods by Air; Aviation Act, article 6.51 paragraphs 1 and 3, and article 6.60 paragraph 1; Regulations on the Obligation to Report and Disclose Information regarding the Transport of Dangerous Goods by Air, articles 1, 3, 4, and 5.
	All administrative irregularities that relate to, or are connected to, the actions referred to in article 6.51 paragraph 1 of the Aviation Act.	
Airport managers	If the landing area is or becomes unsafe for aircraft.	Aviation (Supervision) Regulations, article 141.
Airport operators	Aviation accidents or accidents in which an aircraft is involved, serious incidents on airfields, as well as serious defects or deficiencies.	General Airport Regulations, article 9, paragraph 3.
	All incidents involving an aircraft on or in the vicinity of the airfield, for which the fire brigade is actually called out.	Fire Regulations Civil Airfields, article 17.
Holders and owners of Dutch aircraft	Known and suspected deficiencies of the aircraft, as well as defects and damage incurred or discovered in equipment or parts of the aircraft that have a negative impact on the airworthiness or the capacity to meet the noise emission requirements.	Aircraft Maintenance Regulations, article 13.
Approved companies	Abnormalities of products and the condition of a product or part that could seriously compromise the safety of the aircraft.	EASA PART 21A.3 and subpart G, Production Organisation Approval; EASA PART-145, Maintenance Organisation Approval.
Dutch air transport companies and/or the captains who work for such companies	All incidents that compromised the safety of the flight or could have done so.	EU-OPS 1.420 and JAR-OPS 3.420.
Registered glider technician	A (serious) defect or deficiency of an aircraft, a part or a piece of its equipment.	Recognition of Airworthiness Regulations, article 67.

The above mentioned reports must be made in writing to the Occurrence Reporting Bureau at the address stated in paragraph 3.2, and in the way stipulated in the provisions referred to or as stipulated in the approved manuals of the company making the report. The Analysis Bureau sends the reports to the relevant supervisory units of the Transport and Water Management Inspectorate Netherlands.

Reports relating to the carriage of dangerous goods form an exception. These reports should be submitted directly to the Dangerous Goods Inspection Unit (Unit Inspectie Gevaarlijke Stoffen), in accordance with the standard report form. This can be done electronically, by fax or in writing to the address below:

Post: Inspectie Verkeer en Waterstaat  
Luchthavens en Luchtruim  
Unit Inspectie Gevaarlijke Stoffen  
P.O. Box 575  
2130 AN Hoofddorp  
The Netherlands  
Tel: +31 (0)88 489 0000  
Fax: +31 (0)20 653 2261  
Email: dgmelding@ivw.nl

## 6 — DOCUMENT CONTROL

This AIC-B replaces AIC-B 05/02 and AIC-B 12/07.

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