

Decision in case 1311/2016/TM on how the European Aviation Safety Agency dealt with a safety report

Decision

Case 1311/2016/TM - Opened on 15/11/2016 - Recommendation on 14/02/2018 - Decision on 12/06/2018 - Institution concerned European Union Aviation Safety Agency (Recommendation agreed by the institution) |

The case concerned how the European Aviation Safety Agency (EASA) dealt with a 'safety report' submitted by an aircraft maintenance mechanic working at a maintenance base at an airport in the EU. The complainant was unhappy that the EASA had failed to inform him about the follow-up to his report.

The complainant's report was handled under the EASA's Confidential Safety Reporting (CSR) rules. Under the rules then in place, people making reports were informed that they would not be notified of the follow-up to their report.

The Ombudsman inquired into the issue and found *that the EASA's practice, of not providing follow-up information on the reports it receives, constituted maladministration. The Ombudsman recommended to the EASA that it amend the CSR procedure to ensure that those who report safety concerns receive feedback to the extent that this is possible without compromising the integrity of the EASA's actions.*

The EASA accepted the Ombudsman's recommendation and changed its practice regarding feedback to those reporting safety concerns. The Ombudsman welcomes the immediate steps taken by the EASA and closes the inquiry.

Background to the complaint

1. The complainant worked at an aircraft maintenance base at an airport in an EU Member State and reported to the EASA safety issues concerning the maintenance of aircrafts.
2. The EASA informed the complainant that the information he had provided would be treated under the EASA's 'Confidential Safety Reporting' (CSR) procedure and informed him that, in accordance with the applicable rules, it would not provide any follow-up information.



The Ombudsman's recommendation

3. The Ombudsman noted that principles of good administration require that, regardless of what decision an EU institution or body may take, it should inform the individual who raised the matter about the outcome.

4. In the light of the above, the Ombudsman made the following recommendation [1] :

The European Aviation Safety Agency should amend its Confidential Safety Reporting procedure to ensure that those who report safety concerns receive feedback to the extent that this is possible without compromising the integrity of the EASA's actions.

5. In reply to the Ombudsman's recommendation, the EASA informed her that it had changed its policy. In its acknowledgment of receipt, sent to a person reporting safety concerns, , the EASA now informs that person of whether it has the power to investigate, and if so, that the person will be informed of the outcome of the investigation within 30 days of its conclusion, provided this does not compromise the integrity of the EASA's actions.

6. In addition, the EASA said that clearer information on the procedure and possible outcome is provided on its dedicated CSR reporting webpage [2] .

7. The EASA stated that the CSR procedure was in the process of being reviewed and that the new rules will refer to the improved practice already put into place.

The Ombudsman's assessment after the recommendation

8. The Ombudsman welcomes the EASA's acceptance of her recommendation and is pleased to note that it has taken action to implement it.

Conclusion

Based on the inquiry, the Ombudsman closes this case with the following conclusion:

The European Aviation Safety Agency has accepted and implemented the Ombudsman's recommendation.

The complainant and the European Aviation Safety Agency will be informed of this decision .

Emily O'Reilly



European Ombudsman

Strasbourg, 12/06/2018

[1] The full text of the recommendation and the arguments that led to it are available at:
<https://www.ombudsman.europa.eu/et/cases/recommendation.faces/en/89733/html.bookmark>
[Link]

[2] <https://www.easa.europa.eu/confidential-safety-reporting> [Link]