



EU Safety Investigation Regulation and Just Culture

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Content

- Regulation on Accident investigation
- Directive on Occurrence reporting
- Just Culture elements in Performance scheme in ATM





Regulation EU 996/2010 on the investigation and prevention of accidents and incidents in civil aviation and repealing Directive 94/56/EC



Transport



Principles

- Sole objective of the investigation: accident prevention
- Not apportioning blame or liability
- Mandatory investigation of each accident and serious incident
- National Independent Civil Aviation Safety Investigation Authority
- European Network: ENCASIA
- Status of investigators
- Just Culture elements



ENCASIA

- Heads of National ASIAs
- Quality of investigations
- Advise EU institutions
- Sharing of information
- Peer reviews
- Common training
- Inventory of best practices
- Mutual assistance
- Framework for sharing resources
- Analysis of EU relevant safety recommendations
- Supported by the Commission





Status of Investigators

The investigator-in-charge shall have

- The authority to take the necessary measures to satisfy the requirements of the safety investigation
- Immediate unhampered access to the site
- Control of the removal of the debris
- Access and control of the recorders
- Access to results of autopsy and tests of samples
- Access to records held by operator, manufacturer, authority, ANSP, EASA, etc



Relations with Judicial Authorities

- Coordination with other investigations
- Obligation of an open cooperation through the establishment of advance arrangements between safety investigation authorities and other authorities involved such as judiciary





Protection of Information

- Identity of persons involved, their statements taken by investigators, personal information
- Notes, drafts, opinions of investigators, draft reports,
- CVRs, VRs in ATC units, image recordings,
- Other communications or recordings,
- Occurrence reports
- Covering letters for safety recommendations
- FDRs



Protection of Information

The administration of justice or the authority competent to decide on the disclosure of records according to national law may decide that the benefits of the disclosure of the records ... for any other purposes permitted by law outweigh the adverse domestic and international impact that such action may have on any future safety investigation.



More Principles

- The ASIA is responsible to communicate the information derived from the investigation to relevant people and entities
- Final report made publicly available within one year (if possible)
- Safety recommendations, follow-up procedure, recommendations data base
- List of persons on board and dangerous goods to be available within two hours of the accident
- National emergency plan & assistance to victims
- MS to lay down rules on penalties



Directive 2003/42 of the EP and of the Council on occurrence reporting in civil aviation

**+ two implementing regulations
(to be replaced soon by a new Regulation)**





Principles

- Sole objective of the directive: accident and incident prevention
- Not apportioning blame or liability
- MS to set up mandatory occurrence reporting system
- Occurrences to be stored in a data base and exchanged with all other MS
- ECCAIRS & European Central Repository
- MS may set up voluntary reporting system
- Just Culture elements

Dissemination of Information

- Civil aviation safety regulator and civil aviation investigating bodies have direct access to the data base
- Interested parties may receive information
 - When needed to improve safety
 - Limited to what is strictly necessary
 - Verification procedure (genuine interested parties)
 - Confidentiality commitment





Protection of Information

- Member States shall ensure ... appropriate confidentiality of the information received
- Names or addresses of individual persons shall never be recorded in the database
- MS ensure that employees who report incidents ... are not subjected to any prejudice by their employer



Protection of Information

Without prejudice to the applicable rules of penal law, Member States shall refrain from instituting proceedings in respect of unpremeditated or inadvertent infringements of the law which come to their attention only because they have been reported under the national mandatory occurrence-reporting scheme, except in cases of gross negligence

Future Regulation on Occurrence

Should be adopted first half 2014

**Builds on Directive 2003/42
and reinforces it**

- Reporting systems in organisations
- Improvement of data quality
- Requirement to analyse and follow up at national level
- EU level analysis – setting up of a Network of Safety Analysts
- Introduction of a Common European risk classification scheme
- Clarify and complement the existing provisions on JC issue





Just Culture Progress

- Each organisation shall have a Just Culture policy
- Extension of the protection of the reporter to all those mentioned in the report
- Protection of staff dealing with reports
- Definition of gross negligence replaced by a description in an article
- Setting up of national body to report violations of JC related protections



Regulation 691/2010 laying down a performance scheme for air navigation services and network functions

- provides for Key Performance Indicators in 4 areas (Safety, Environment, Capacity, Cost-efficiency)
- 3rd Safety KPI:
measurement of the level of Just Culture
- Contains a definition of JC





Definition of JC

"Just culture" means a culture in which front line operators or others are not punished for actions, omissions or decisions taken by them that are commensurate with their experience and training, but where gross negligence, wilful violations and destructive acts are not tolerated



Regulation 1216/2011 amending Regulation 691/2010

- Specifies the process and roles of MSs, EC, EASA, PRB and EUROCONTROL
- Acceptable Means of Compliance and Guidance Material developed by EASA (December 2011) contains two questionnaires for the measurement of JC at State and ANSP level.





Thank you for your attention

