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Just Culture Updates

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JC ESSENTIAL ASPECTS

OCCURENCE REPORTING INCIDENTS PROTECTING THE REPORTER



BALANCING

Two equal goals:

- Enhancing Safety and Administration of Justice



No extremes:

- No immunities from Prosecution
- No misuse of Prosecution/Judicial Powers

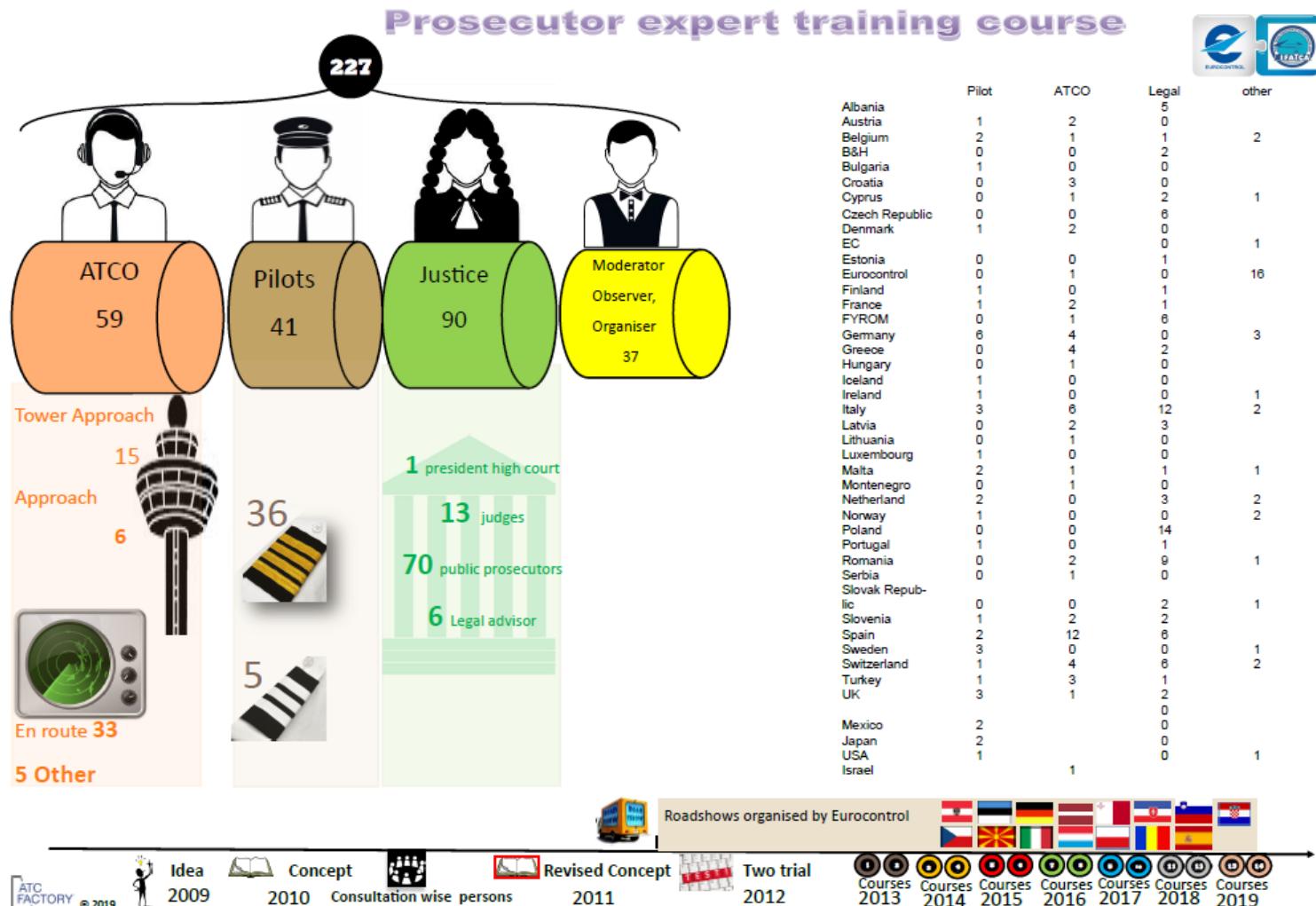
Resolve at the roots:

- Protect reporting/investigation process
 - Establish prosecution



EUROCONTROL AND JUST CULTURE ACTIVITIES

Just Culture – Prosecutor Expert Courses and Events



EUROCONTROL JUST CULTURE TASK FORCE

Soon to become Working Group



Is committed to:

- Promote debate and discussion on the legal issues that relate to safety and justice, in particular Just Culture;
- Foster and support dialogue between safety and judicial experts;
- Develop guidance material and policies in order to support the implementation and dissemination of Just Culture;
- Develop proposals for consideration by relevant bodies (EUROCONTROL Permanent Commission, European Commission and its relevant agencies, and within relevant Member States Ministries);
- Any other tasks considered necessary to meet the above objectives.



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Criteria for Prosecutor Expert List of EUROCONTROL

- Experience
- Independence
- Training
- Knowledge
- Technical and communication skills
- List to be Published by the end of 2020





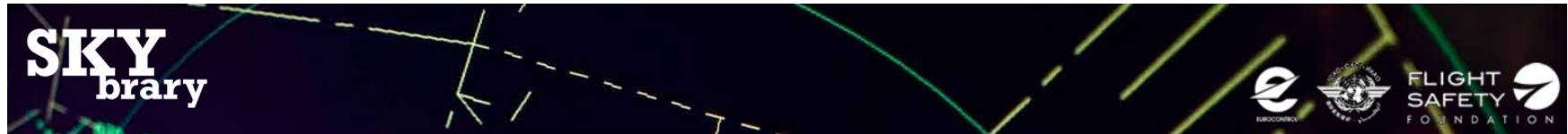
JUST CULTURE ACROSS INDUSTRIES



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JUST CULTURE REPOSITORY CENTER



If you wish to contribute or participate in the discussions about articles you are invited to [join SKYbrary](#) as a registered user

Category

Actions ▾

Repository/Just Culture

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The Repository

The repository provides an insight on the status and progress of the application of Just Culture across both State and Corporate levels. This is important for a realistic assessment what tasks lies ahead to attain a common application of Just Culture in Europe and beyond. It will also provide

https://www.skybrary.aero/index.php/Category:Repository/Just_Culture



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JUST CULTURE REPOSITORY CENTER

Latest update



Instruction with regard to criminal investigation and prosecution of civil aviation occurrences

This is an English informal translation of the original document prepared by the Eurocontrol Just Culture Task Force.

Instruction with regard to criminal investigation and prosecution of civil aviation occurrences

Legal character: Instructions within the meaning of Article 130.6 of the Judiciary Organisation Act

From: Board of Prosecutors General

To: Heads of the departments of the Public Prosecution Service

Registration number: 2020A001

Date of entry into force: 1.3.20

Publication in Government Gazette: For the record

Lapsed: Instruction with regard to criminal investigation and prosecution in case of reporting of civil aviation occurrences (2006A015)

Relevant Public Prosecutor's Office policy rules: Directive on criminal proceedings in aviation legislation (2018R011)

Legal provisions: Articles 1.1, 7.1, and 11.25 of the Aviation Act

Annex(es): –

SUMMARY

This instruction contains rules for the criminal investigation and prosecution of criminal offences in the event of a civil aviation occurrence.

1. BACKGROUND

EU Regulation 376/2014 is applicable with effect from 15 November 2015.¹ The purpose of this Regulation is to improve aviation safety by ensuring that relevant safety information relating to civil aviation is reported, collected, stored, protected, exchanged, disseminated and analysed. The Regulation replaces Directive 2003/42/EC on occurrence reporting in civil aviation. The Regulation largely has direct effect and has been further implemented in national laws and regulations. The new regulation has been incorporated in this instruction. Specifically, this means that, unlike in the past, the instruction applies to the entire aviation sector, is based on a broader reporting obligation (which now also includes accidents and serious incidents), and thereby brings the level of protection in line with this obligation and further increases it by also protecting voluntary reports made in accordance with the Regulation. The opportunity has been taken to clarify the conditions for indemnity under criminal law. In essence, however, this has not changed the prosecution policy of the Public Prosecution Service.

¹ Regulation (EU) No 376/2014 of the European Parliament and of the Council of 3 April 2014 on the reporting, analysis and follow-up of occurrences in civil aviation, amending Regulation (EU) No 998/2010 of the European Parliament and of the Council and repealing Directive 2003/42/EC of the European Parliament and of the Council and Commission Regulations (EC) No 1321/2007 and (EC) No 1330/2007, OJEC 2014 L, 122/18.

<https://www.skybrary.aero/bookshelf/books/5855.pdf>



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JUST CULTURE “EFFECTS”

- COOPERATION AGREEMENTS



- COOPERATION AGREEMENTS WITH NATIONAL JUR SCHOOL
- JC AT CORPORATE LEVEL



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JUST CULTURE AND MEDIA

Communication management

Media Training



Addressing communication with external audiences (communication policy, awareness about media relations, people around and social media)



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JUST CULTURE AND JUDICIARY: THE WAY FORWARD

DEVELOPING AND SUPPORT JUST CULTURE

ESTABLISHING A JUST CULTURE ENVIRONMENT

SUPPORT NATIONAL JUST CULTURE MODEL POLICY



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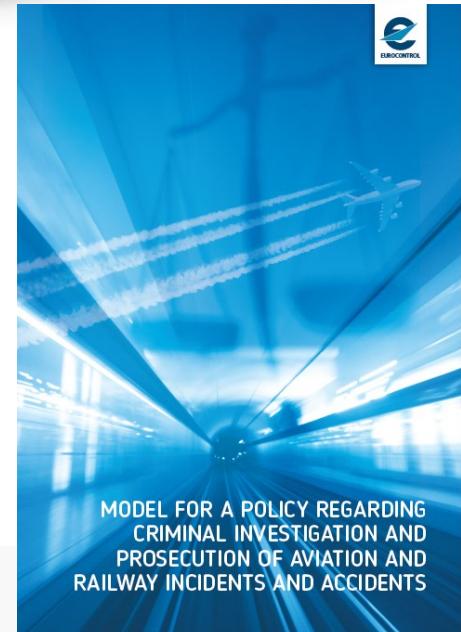
JUST CULTURE MODEL POLICY

*Coordination between safety investigators
and judiciary authorities*

*Recognises the need to protect accidents
and incidents reports; not to be used by a
prosecutor as evidence*

*Criminal prosecution limited to cases of
“gross negligence” and “wilful misconduct”*

*No prosecution for actions, omissions or
decisions of a reasonable person, even in
the case of an unpremeditated or
inadvertent infringement of the law*



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JUST CULTURE DELIVERABLES

- 1. Understanding Biases of Judgment for Members of Judiciary**
- 2. Just Culture Manifesto**
- 3. Implementation of the Just Culture at Corporate Level (Eurocontrol)**
- 4. Support and Development of MoU across European Countries between Judiciary and ANSP (Luxembourg, Slovenia, etc.)**



SOME NOTES ON JC AT CORPORATE LEVEL

+++ JUST CULTURE COMMITTEE +++

1. Awareness
2. Training
3. Legal Protection
4. Sanctions



JUST CULTURE AND COORDINATION WITH OTHER AVIATION “LEGAL TOOLS”

EU Reg. 255/2010

EU Reg. 1139/2018



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JUST CULTURE AND PROPOSAL FOR SINGLE EUROPEAN SKY REGULATION (Sep 2020)

Acknowledgement of the Just Culture Principles

Recital 6 (EC proposal 22 Sep 2020)

*'The simultaneous pursuit of the goals of augmentation of air traffic safety standards and improvement of the overall performance of ATM and air navigation services (ANS) for general air traffic in Europe requires that the human factor be taken into account. **Therefore, the Member States should uphold 'just culture' principles. The opinions and recommendations of the Expert Group on the **Human Dimension of the Single European Sky** should be considered and taken into account.'***



EU REG. 376/2014 REVIEW IS UNDERWAY

STEPS

1. Adoption of the delegated act by the European Commission (EC)
2. Scrutiny by the European Parliament (EP)
3. Publication of the delegated act in the Official Journal of the EU
4. Entry in force and applicability



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THANK YOU FOR YOUR KIND
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