

Basic Regulation (EU) 2018/1139


Transposition of Annex 19 on SSPs

1. Chapter II – Aviation Safety Management
2. Article 5: European Aviation Safety Programme
3. Article 6: European Plan for Aviation Safety (EPAS)
 - a. Feeds ICAO EUR/NAT (GASP Europe, RASG EUR)
4. Article 7: Each EU MS shall establish a SSP
5. Article 8: SSPs shall include a State Plan for Aviation Safety
6. EASA monitors EU MS compliance

Definition of “positive safety culture”

- A (positive) safety culture is a fundamental element of an effective SMS.
- No ICAO definition; however in Doc.9859, positive safety culture is built upon five elements:
 - **Just and fair:** a non-punitive culture in case of errors (enhancing the willingness to report without fear of retribution)
 - **Information-based:** there is information and knowledge available and accessible, to make decisions and take appropriate actions
 - **Reporting & Communication:** employees feel safe enough to report without fear of retribution and are provided appropriate feedback
 - **Learning:** willingness to adapt and improve, through incorporation of retrospective and pro-active analysis
 - **Flexibility:** in the face of impactful change or risks, the ability to adapt the organization or systems and make use of effective change management / implementation
- Each of these elements aims at the empowerment of all members of the organization as active participants to the enduring safety of its products.

Safety Culture in Europe: Reg (EU) 376/2014

L 122/18  Official Journal of the European Union 24.4.2014

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 996/2010 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

(Text with EEA relevance)

THE EUROPEAN PARLIAMENT AND THE COUNCIL OF THE EUROPEAN UNION,

Having regard to the Treaty on the Functioning of the European Union, and in particular Article 100(2) thereof,

Having regard to the proposal from the European Commission,

After transmission of the draft legislative act to the national parliaments,

Having regard to the opinion of the European Economic and Social Committee (1),

After consulting the Committee of the Regions,

Acting in accordance with the ordinary legislative procedure (2),

Whereas:

- (1) A high general level of safety should be ensured in civil aviation in the Union and every effort should be made to reduce the number of accidents and incidents with a view to ensuring public confidence in aviation transport.
- (2) The rate of fatal accidents in civil aviation has remained fairly constant over the last decade. Nevertheless, the number of accidents could rise over the decades to come, due to an increase in air traffic and an increase in the technical complexity of aircraft.
- (3) Regulation (EU) No 996/2010 of the European Parliament and of the Council (3) aims to prevent accidents by facilitating the prompt holding of efficient and high-quality safety investigations. This Regulation should not interfere with the process of accident and incident investigations managed by national safety investigation authorities as defined in Regulation (EU) No 996/2010. In the event of an accident or a serious incident, notification of the occurrence is also subject to Regulation (EU) No 996/2010.
- (4) Existing legislative acts of the Union, in particular Regulation (EC) No 216/2008 of the European Parliament and of the Council (4) and its implementing regulations, impose obligations on certain organisations to establish occurrence reporting systems in the context of their safety management systems. Compliance with Regulation (EC) No 216/2008 and its implementing regulations should not exempt organisations from compliance with this Regulation. Likewise, compliance with this Regulation should not exempt organisations from compliance with Regulation (EC) No 216/2008 and its implementing regulations. However, this should not give rise to two parallel reporting systems, and Regulation (EC) No 216/2008, its implementing regulations, and this Regulation should be seen as complementary.
- (5) Experience has shown that accidents are often preceded by safety-related incidents and deficiencies revealing the existence of safety hazards. Safety information is therefore an important resource for the detection of potential safety hazards. In addition, while the ability to learn from an accident is crucial, purely reactive systems have been found to be of limited use in continuing to bring forward improvements. Reactive systems should therefore

(1) OJ C 196, 10.7.2013, p. 72.

(2) Position of the European Parliament of 26 February 2014 (not yet published in the Official Journal) and decision of the Council of 14 March 2014.

(3) Regulation (EU) No 996/2010 of the European Parliament and of the Council of 20 October 2010 on the investigation and prevention of accidents and incidents in civil aviation and repealing Directive 94/56/EC (OJ L 295, 12.11.2010, p. 35).

(4) Regulation (EC) No 216/2008 of the European Parliament and of the Council of 20 February 2008 on common rules in the field of civil aviation and establishing a European Aviation Safety Agency, and repealing Council Directive 91/670/EEC, Regulation (EC) No 1592/2002 and Directive 2004/36/EC (OJ L 79, 19.3.2008, p. 1).

Reporting, analysis and follow-up of civil aviation accidents and incidents`

Mandatory Reporting

Voluntary Reporting

Information Collection, Storage

Occurrence Reports

European Central Repository

Protection of the reporter

[...]

KEY VOLUNTARY REPORTING PRINCIPLES

Non-Punitive

TRUST

Policy and commitment

Confidentiality

Ease of Reporting

Acknowledgement

Independence

Promotion

Reg.376/2014 – relevant articles (reporting culture)

Article 4
Mandatory reporting

Article 5
Voluntary reporting

Article 6
Collection and storage of
information

Article 7
Quality and content of
occurrence reports

Article 8
European Central Repository

Article 9
Exchange of information

Article 10
Dissemination of information
stored in the ECR

Article 11
Processing of requests and
decisions

Article 12
Record of requests and
exchange of information

Article 13
Occurrence analysis and
follow-up at national level

Article 14
Occurrence analysis and
follow-up at Union level

Article 15
Confidentiality and
appropriate use of information

Article 16
Protection of the information
sources

Article 21
Penalties

Reporting culture & just culture

→ [ECCAIRS2 https://aviationreporting.eu/](https://aviationreporting.eu/)

→ Regulation [\(EU\) 376/2014](#)

→ Regulation [\(EU\) 2018/1139](#)



Reason, 2009

“Just Culture” and the Law

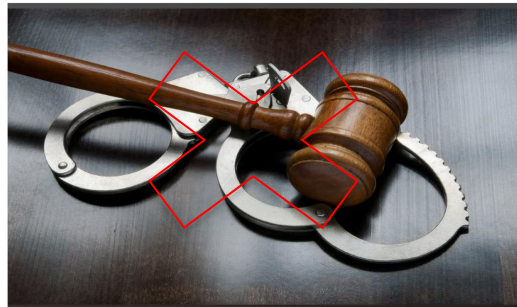
Just culture is crucial to confidence in occurrence reporting –
[Regulation \(EU\) 376/2014](#) discusses just culture at length - Provides a definition in Article 2

- A culture in which front-line operators or other persons are not punished for actions, omissions or decisions taken by them that are commensurate with their experience and training, but in which gross negligence, wilful violations and destructive acts are not tolerated.



However it is important to delineate “unacceptable behaviours”, otherwise this is an open door for “deviation” or deliberate “non-compliance”

The handling of the reports shall be done with a view to preventing the use of information for purposes other than safety, and shall appropriately safeguard the confidentiality of the identity of the reporter and of the persons mentioned in occurrence reports, with a view to promoting a ‘just culture’.



Protection of safety information

→ Video



→ Protection of safety data and safety information (de-identification is an enabler to SMS and “Just culture”

→ See [Regulation \(EU\) 376/2014](#), Articles 15 and 16

→ See also chapter 5 of ICAO Annex 19

Article 15 — Confidentiality and appropriate use of information

Regulation (EU) No 376/2014

1. Member States and organisations, in accordance with their national law, and the Agency shall take the necessary measures to ensure the appropriate confidentiality of the details of occurrences received by them pursuant to [Articles 4, 5 and 10](#).
Each Member State, each organisation established in a Member State, or the Agency shall process personal data only to the extent necessary for the purposes of this Regulation and without prejudice to national legal acts implementing Directive 95/46/EC.
2. Without prejudice to the provisions relating to the protection of safety information in Articles 12, 14 and 15 of Regulation (EU) No 996/2010, information derived from occurrence reports shall be used only for the purpose for which it has been collected.
Member States, the Agency and organisations shall not make available or use the information on occurrences:
 - (a) in order to attribute blame or liability; or
 - (b) for any purpose other than the maintenance or improvement of aviation safety.
3. The Commission, the Agency and the competent authorities of the Member States, when discharging their obligations under [Article 14](#) in relation to the information contained in the European Central Repository, shall:
 - (a) ensure the confidentiality of the information; and
 - (b) limit the use of the information to what is strictly necessary in order to discharge their safety-related obligations without attributing blame or liability; in this respect, the information shall be used in particular for risk management and for analysis of safety trends which may lead to safety recommendations or actions, addressing actual or potential safety deficiencies.
4. Member States shall ensure that their competent authorities referred to in [Article 6\(3\)](#) and their competent authorities for the administration of justice cooperate with each other through advance administrative arrangements. These advance administrative arrangements shall seek to ensure the correct balance between the need for proper administration of justice, on the one hand, and the necessary continued availability of safety information, on the other.

Article 16 — Protection of the information source

Regulation (EU) No 376/2014

1. For the purposes of this Article, ‘personal details’ includes in particular names or addresses of natural persons.
2. **Each organisation established in a Member State shall ensure that all personal details are made available to staff of that organisation other than persons designated in accordance with**

Developed by the EC and the following international associations:

EUROPEAN CORPORATE JUST CULTURE DECLARATION¹



Safety is of paramount importance to the public but also to the aviation industry.

Safety is not only a legal requirement but also a key contributor to sustainable business. Any entity in aviation has therefore a responsibility to maintain and improve safety.

Staff working in the aviation industry, at all levels, have a safety responsibility and are key to a safe system.

A safe aviation system requires events that affect or could affect aviation safety to be reported fully, freely and in a timely manner as needed to facilitate their investigation and the implementation of lessons learnt.

Just Culture lies at the heart of an effective reporting system and such a system is needed in all aviation organisations to maintain and improve aviation safety.

This Declaration supports existing legislation, in particular Regulation (EU) No 376/2014 on the reporting, analysis and follow-up of occurrences in civil aviation, and is fully consistent with applicable rules.

Each organisation should, after consultation with their staff representatives, implement internal rules² that are best suited to its internal and external specificities. These internal rules should be supported by documented processes and applied consistently through the organisation.

This Declaration constitutes a set of key principles that each organisation is encouraged to implement in the context of its Just Culture internal rules.

We, the signatories to this Declaration, will encourage our respective members to implement a Just Culture on the basis of the following key principles referred to in this Declaration.

The signatories agree to continue to work together to develop guidance and industry best practices material to assist Just Culture implementation by organisations in the various aviation sectors.

¹ This non-legally binding Declaration only considers Just Culture within the context of an organisation and does not address or overrule the judicial rules or proceedings applicable in individual Member States.

² Article 16 (11) of Regulation (EU) No 376/2014 prescribes the presence of 'Just Culture internal rules', supported by internal processes that need to be adopted after consulting the organisation's staff representatives, and implemented in European aviation organisations.

European corporate Just Culture declaration

KEY PRINCIPLES OF A JUST CULTURE

1. Acting safely is a top priority.
2. Staff, at all levels, should be, as a starting point, considered to act in the interest of safety, in a manner commensurate with the training, experience and professional standards that fit their position or function. To achieve this organisations are responsible for providing their staff with the appropriate environment, tools, training and procedures.
3. It is acknowledged that, in an operational aviation industry environment, individuals, despite their training, expertise, experience, abilities and good will, may be faced with situations where the limits of human performance combined with unwanted and unpredictable systemic influences may lead to an undesirable outcome.
4. Analysis of reported occurrences by organisations should focus on system performance and contributing factors first and not on apportioning blame and/or focus on individual responsibilities, except in the cases foreseen under Regulation (EU) No 376/2014 and other applicable legislation.
5. When assessing individual responsibility, organisations should focus on determining if actions, omissions or decisions taken were commensurate with experience and training, and not on the outcome of an event.
6. Reporters of safety information, and any other person mentioned in the report, are protected from adverse consequences, in accordance with Regulation (EU) No 376/2014.
7. Whilst acknowledging that adverse events can frequently be the driver for analysis, positive behaviour and actions should be captured and encouraged.
8. Organisations should promote effective implementation of Just Culture principles within the organisation at all levels and with all parties, including their representatives. All should actively foster mutual trust and respect, and promote support and cooperation to build the necessary trust across the organisation. Staff should be educated in Just Culture principles and all relevant documentation should be made available.
9. Just Culture internal rules should include, amongst others, the definition of a process, including the actors involved, to determine an unacceptable behaviour, in accordance with its description in Regulation No 376/2014.
10. Just Culture internal rules should document how safety data is managed, stored, protected and disclosed. It should also document to what extent the organisation intends to share de-identified data for safety learning purposes.
11. Support provided by organisations, in cases where staff are subject to external procedures on the basis of an occurrence they have reported or been involved in, reinforces the mutual trust that is necessary to ensure an effective Just Culture.
12. A consistent and effective Just Culture environment requires going beyond publication of Just Culture internal rules.
13. To effectively implement a Just Culture staff at all levels, as well as top management, should understand and accept their responsibility with regards to Just Culture principles and internal rules and their promotion.
14. Organisations, in cooperation with involved parties, including their competent authority, should define how they intend to continuously promote and stimulate the implementation of Just Culture principles and practices throughout the organisation.
15. Organisations should regularly review and assess the maturity of their Just Culture internal rules and compare it to the Just Culture perception within the organisation. Benchmarking may also be of benefit and may be considered.

Two proposals

→ A LAC Just Culture Resolution/Declaration

→ LACAC?

→ Participation to ECCAIRS2

→ In coordination with ICAO



Safety culture tools

- [ICAO doc 9859](#), 4th Ed. Chapter 3 Table 5, Enablers and Disablers
 - (6 elements: Commitment to safety; Adaptability; Awareness; Behaviour with respect to safety; Information; Trust)
- SKYBRARY
[https://www.skybrary.aero/index.php/Toolkit:Safety_Culture_Enhancement_Toolbox_for_ATM module 1](https://www.skybrary.aero/index.php/Toolkit:Safety_Culture_Enhancement_Toolbox_for_ATM_module_1)
- <https://www.skybrary.aero/enhancing-safety/sm-icg-safety-management-products/all-products> for State & Organisations
 - <https://www.skybrary.aero/articles/safety-culture>
 - https://www.skybrary.aero/index.php/Toolkit:Safety_and_Justice
- <https://airlines.iata.org/news/safety-leadership-and-just-culture-vital-to-aviation>
 - Just culture definition in [\(EU\) 376/2014](#) article 2
- [AESA survey on “safety culture”](#) under construction



Safety culture and leadership

→ [Safety leadership and just culture vital to aviation | Airlines. \(iata.org\)](#)

→ [EASA Safety Week 2022 - Session 9 Culture, Leadership– YouTube](#)

→ [EASA Safety week 2021 - Session 7 - Safety Leadership – YouTube](#)

→ Podcasts about:

- Safety leadership: [The Aviation Safety Community Podcast - AVIATION SAFETY COMMUNITY](#)
- Just culture: [The Aviation Safety Community Podcast - AVIATION SAFETY COMMUNITY](#) supported by Just culture Company



Thank you for your attention!
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Your safety is our mission.

An Agency of the European Union 