



THE PROTECTION OF SAFETY DATA, SAFETY INFORMATION AND RELATED SOURCES

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WHY PROTECTING SAFETY DATA AND INFORMATION, AND RELATED SOURCES ?

Sources

Data/ information

Safety Management Systems

Safety intelligence

Prevention of accidents



Safety occurrence? Report it to your organisation!



We feel confident to report because we are protected



THE PROTECTION IN THE MEMBER STATES OF THE EUROPEAN UNION



European Commission



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 198, 10.7.2013, p. 73.
(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 94/54/EC (OJ L 285, 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).

Mandatory

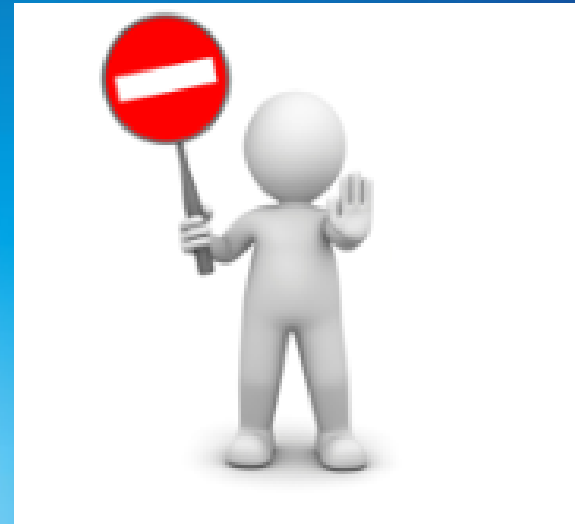


Voluntary

Use for safety purposes



Record names in States databases







BEYOND RULES

GUIDANCE MATERIAL

REGULATION (EU) No 376/2014

ON THE REPORTING, ANALYSIS AND FOLLOW-UP
OF OCCURRENCES IN CIVIL AVIATION

COMMISSION IMPLEMENTING REGULATION (EU) 2015/1018

LAYING DOWN A LIST CLASSIFYING OCCURRENCES
IN CIVIL AVIATION TO BE MANDATORILY REPORTED

Version 1 - December 2015



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THE LAW PROTECTS YOU!

When reporting an occurrence, you and any person mentioned in your report are protected from adverse consequences that may come from your report

- Your identity and the identity of anyone mentioned in your report will be protected
- Your report will not be disclosed unless necessary for safety
- Your report will not be used, inside and outside your organisation, to blame you or any person mentioned in it
- Exceptions are wilful misconduct and unacceptable behaviour¹
- You will have the possibility to report to a special entity in your State if you consider that you have not been adequately protected

More information on www.aviationreporting.eu/justculture

¹ Unacceptable behaviour is defined as: a) a wilful or negligent act or omission which has caused or could have caused damage to persons or property or which would compromise the level of an airline's safety

Safety occurrence? Report it to your organisation!

[Pilots]



Pilots are mandated to report the following occurrences

AIR OPERATIONS

- Use of incorrect data or erroneous entries into equipment used for navigation, or performance calculations which has or could have endangered the aircraft, its occupants or any other person.
- Carriage or attempted carriage of dangerous goods in contravention of applicable legislation including correct labeling, packaging and handling of dangerous goods.
- Incorrect fuel type or contaminated fuel.
- Misuse, incorrect or inadequate De-icing/ Anti-icing treatment.
- Taxiway or runway incursion.
- Actual or potential taxiway or runway incursion.
- RATD incursion.
- Any rejected take-off.
- Inability to achieve required or expected performance during take-off, go-around or landing.
- Actual or attempted take-off, approach or landing with incorrect configuration setting.
- Tail, fuselage or engine strike during take-off or landing.
- Approach conflict against an operator established approach criteria.
- Continuation of an instrument approach below published minimums with inadequate visual references.
- Precautionary or forced landing.
- Short and long landing.
- Hard landing.
- Loss of control.
- Aircrew upset, exceeding normal g-forces, bank angle or assigned inappropriate for the conditions.
- Activation of any flight envelope protector, including stall warning, stick shaker, stick pusher and automatic protections.
- Unintentional deviation from intended or assigned track of the lowest of twice the required navigation performance or 50 radial miles.
- Exceedance of aircraft flight manual limitation.
- Operation with incorrect altimeter setting.
- Jet thrust or rotor and prop wash occurrences which have or could have endangered the aircraft, its occupants or any other person.

TECHNICAL OCCURRENCES

- Loss of any part of the aircraft structure in flight.
- Loss of a system.
- Loss of redundancy of a system.
- Leakage of any fluid which resulted in a fire hazard or possible hazardous contamination of aircraft structure, systems or equipment, or which has or could have endangered the aircraft, its occupants or any other person.
- Fuel system malfunctions or defects, which had an effect on fuel supply and/or distribution.
- Malfunction or defect of any indication system when this results in misleading indications to the crew.
- Abnormal functioning of flight controls such as asymmetric or stuck/locked flight controls (for example JTF, flap/slats), wing spoilers, aileron control tabs, elevators, rudders/rudders).
- Failure or significant malfunction of any part or component of a propeller, rotor or powerplant.
- Damage to or failure of main/alt rotor or transmission and/or equivalent systems.
- Flamout, in-flight shutdown of any engine or APU when required (for example ETOPE, MELLS).
- Engine operating limitation exceedance, including overspeed or inability to control the speed of any high speed rotating component (for example APU, air starter air cycle machine, air turbine motor, propeller or rotor).
- Failure or malfunction of any part of an engine, powerplant, APU or transmission resulting in any one or more of the following:
 - Structural failure/fatigue leading to complete or partial failure.
 - Inability to control power, thrust or rpm.
 - Non-compliance with component tolerances.

INTERACTION WITH ANS AND ATM

- Unlawful ATC clearance.
- Proximal loss of communication with ATIS or ATM Unit.
- Conflicting instructions from different ATIS Units potentially leading to loss of separation.
- Misinterpretation of radio communication which has or could have endangered the aircraft, its occupants or any other person.
- Intentional deviation from ATIS instruction which has or could have endangered the aircraft, its occupants or any other person.

EXTERNAL ENVIRONMENT AND METEOROLOGY

- A collision or near collision on the ground or in the air with another aircraft, terrain, or obstacle.
- ACAS RA.
- Activation of genuine ground collision system such as EDWS (EWS) warning.
- Wildlife strike including bird strike.
- FOO.
- Unexpected encounter of poor runway surface conditions.
- Wave turbulence or encounters.
- Interference with the aircraft by firearms, fireworks, flying kites, laser illumination, high powered lights, lasers, secondary flared Aircraft Systems, model aircraft or by similar means.
- A lightning strike which resulted in damage to the aircraft or loss or malfunction of any aircraft system.

EMERGENCIES AND OTHER CRITICAL SITUATIONS

- Any event leading to the declaration of an emergency (MAYDAY or PAN call).
- Any burning, melting, smoke, fumes, icing, de-icing, fire or explosion.
- Contaminated air in the cockpit or in the passenger compartment which has or could have endangered the aircraft, its occupants or any other person.
- Failure to apply the correct non-normal or emergency procedure by the flight or cabin crew to deal with an emergency.
- Use of any emergency equipment or non-normal procedure affecting in-flight or landing performance.
- Failure of any emergency or rescue system or equipment which has or could have endangered the aircraft, its occupants or any other person.
- Uncontrolled cabin pressure.
- Criticality low fuel quantity or fuel quantity at destination below required fuel reserve fuel.
- Any use of crew oxygen system by the crew.
- Incapsulation of any member of the flight or cabin crew that results in the reduction below the minimum certified crew complement.
- Crew fatigue impacting or potentially impacting their ability to perform safety critical flight duties.

ALWAYS REPORT ANY OTHER OCCURRENCE THAT YOU CONSIDER SAFETY RELEVANT!

More information on www.aviationreporting.eu

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Material prepared by



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European Commission

Safety occurrence? Report it to your organisation!



Your report can save lives!



Reporting makes our industry safer

More information on
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Make flying safer!

Report your incidents on

 www.aviationreporting.eu 



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EUROPE**



I report on my personal behalf *

* If you are employed by an organisation, or if your services are contracted by an organisation, then you are encouraged to report via the internal reporting system of that organisation or via the link below.



I report on behalf of my organisation **

** If your organisation runs its own internal reporting system then you are encouraged to report via that system and not via this site.

Related sites

[European Aviation Safety Policy](#)

[EASA website](#)

[ECCAIRS Portal](#)

Related information

[Why Safety Reporting?](#)

[More about Just Culture](#)

[Applicable Legislation](#)





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.

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.

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.



Saving lives with safety information

*The impact of implementing
a Just Culture in aviation*

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Brussels
1st October 2015
Charlemagne Building



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THANK YOU FOR YOUR ATTENTION!

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