



EUROPEAN AVIATION SAFETY AGENCY
AGENCE EUROPÉENNE DE LA SÉCURITÉ AÉRIENNE
EUROPÄISCHE AGENTUR FÜR FLUGSICHERHEIT

10TH ANNIVERSARY

Feedback from Just Culture measurements

Clarisse RIBEIRO
Legal Adviser

21 & 22 November 2013

Your safety is our mission.
easa.europa.eu



Overview

- Legal basis for JC measurement
- Role of EASA in the measurement of JC
- Verification exercise for JC SKPI (2012)
- Feedback - lessons learnt



Overview

- **Legal basis for JC measurement**
 - **Performance Scheme Regulation**
 - **JC as a Safety Key Performance Indicator**
- Role of EASA in the measurement of JC
- Verification exercise for JC SKPI (2012)
- Feedback - lessons learnt



Legal basis for JC measurement

➤ Performance Scheme

- SES 2: introduction of ANS performance targets

- IRs: Regulation (EU) 691/2010

- Regulation (EU) 390/2013

- Performance measurement:

- 4 Key Performance Areas, each with KP indicators

- over set Reference Periods (RP1: 2012-2014,...)

➤ Just Culture

- Safety KPI – level of Just Culture

- Definition of Just Culture



Legal basis for JC measurement

➤ Performance Scheme

- SES 2: introduction of ANS performance targets

- IRs: Regulation (EU) 601/2006

'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;

... level of Just Culture

- Definition of Just Culture



Safety KPI – Just Culture

Just Culture as a Safety KPI

- no European Union-wide targets: RP1 data used to validate the key performance indicators
- National/FAB Safety KPI: *"(...)the reporting by the Member States and their air navigation service providers through a questionnaire (...), which measures the level of presence and (...) absence of just culture."*



Overview

- Legal basis for JC measurement
- **Role of EASA in the measurement of JC**
 - **Development of AMC/GM**
 - **Structure of AMC/GM**
- Verification exercise for JC SKPI (2012)
- Feedback - lessons learnt



Role of EASA in JC measurement

- Key Performance Area: Safety
 - Develop and adopt AMC/GM ("*Questionnaires*") in consultation with PRB
 - Monitoring of implementation/measurement – using Standardisation inspection working methods
- AMC/GM
 - AMC/GM: non-binding standards; guidance material
 - Article 52 BR - EASA rulemaking procedure
- Agency Decision N° 2011/017/R (16.12.11)
 - Implementation and measurement of safety KPIs
 - JC safety KPI: reporting and verification at State level and at ANSP level



Structure of the AMC/GM

AMC/GM + appendices (Questionnaires)

- Questionnaires divided into three sections:
 - Policy and its implementation
 - Legal & Judiciary
 - Occurrence reporting and investigation
- State and ANSP level:
 - State level focus: primary legislation, distribution of responsibilities, agreement with judicial/police authorities,...
 - ANSP level focus: internal procedures, support to staff, investigation procedure, training, handling of occurrence reports,...



Appendices to AMC (Questionnaires)

Appendix 1 to AMC 9 SKPI — Just Culture Questionnaire — State level

Name	
Organization	
State	
Job Title	

Just Culture Questionnaire

Policy and its implementation

Policy elements related questions

ST.P.1	Is there an explicit Just Culture policy, which is endorsed at appropriate State level and made public?	<input type="checkbox"/> Y <input type="checkbox"/> N
<i>Justification and remarks for selected answer</i>		
ST.P.2	Does it contain a description of what is considered to be unacceptable behaviour?	<input type="checkbox"/> Y <input type="checkbox"/> N
<i>Justification and remarks for selected answer</i>		



Appendices to GM

Appendix 1 to GM 12 SKPI — Just Culture — State level — possible justification

ID	Area	Question	Possible evidences
Policy and its implementation			
ST.P.1	Policy elements related questions	Is there an explicit Just Culture policy, which is endorsed at appropriate State level and made public?	a law which regulates the treatment of aviation safety related incidents as well as related regulations. Written statement in policy at State level.
ST.P.2	Policy elements related questions	Does it contain a description of what is considered to be unacceptable behaviour?	In accordance with the definition in Article 2, (k) of Commission Regulation (EU) No 691/2010 “unacceptable behaviour” should be considered as gross negligence, wilful violations and destructive acts. Besides this definition, it is realised that it is difficult to implement a hard line between acceptable and unacceptable behaviour. Therefore, there is a link between this question and question ST.L.4.
ST.P.3	Policy elements related questions	Does it refer to legal provisions which guarantee no punishment for self-reported occurrences (except for the cases defined above in question ST.P.2)?	legal provisions.
ST.P.4	Policy elements related questions	Does it provide for legal support (e.g. counselling, court expertise etc.) for its own staff in case of prosecution / legal action related to a reported safety event?	communications to staff advising that legal support is available and indicating the procedure how to access such support
ST.P.5	Policy elements related questions	Does the State require a Just Culture policy in Air Navigation Service Providers?	legal provisions
ST.P.6	Roles and Responsibilities clearly defined and implemented	Is the role of different State authorities and Air Navigation Service Providers in handling safety reports and the flow of information clearly defined in the State?	description of a reporting system which would include the rights of access / limitation of the rights of access by the stakeholders as well as obligations to safeguard the information
			The safety investigation referred to is the one

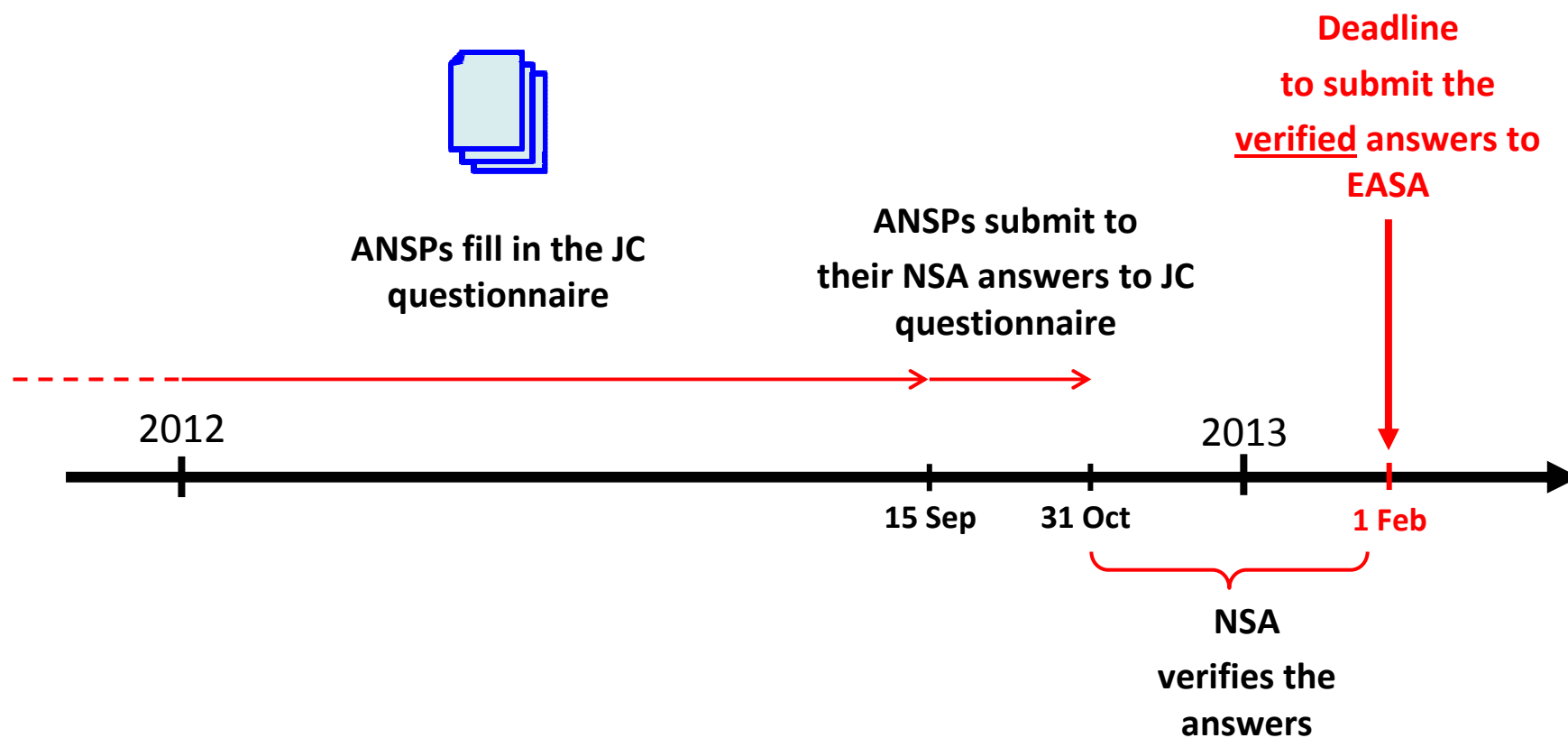


Overview

- Legal basis for JC measurement
- Role of EASA in the measurement of JC
- **Verification exercise for JC SKPI (2012)**
 - **Timeline, objective and methodology**
 - **Outcome of verification exercise**
- Feedback - lessons learnt

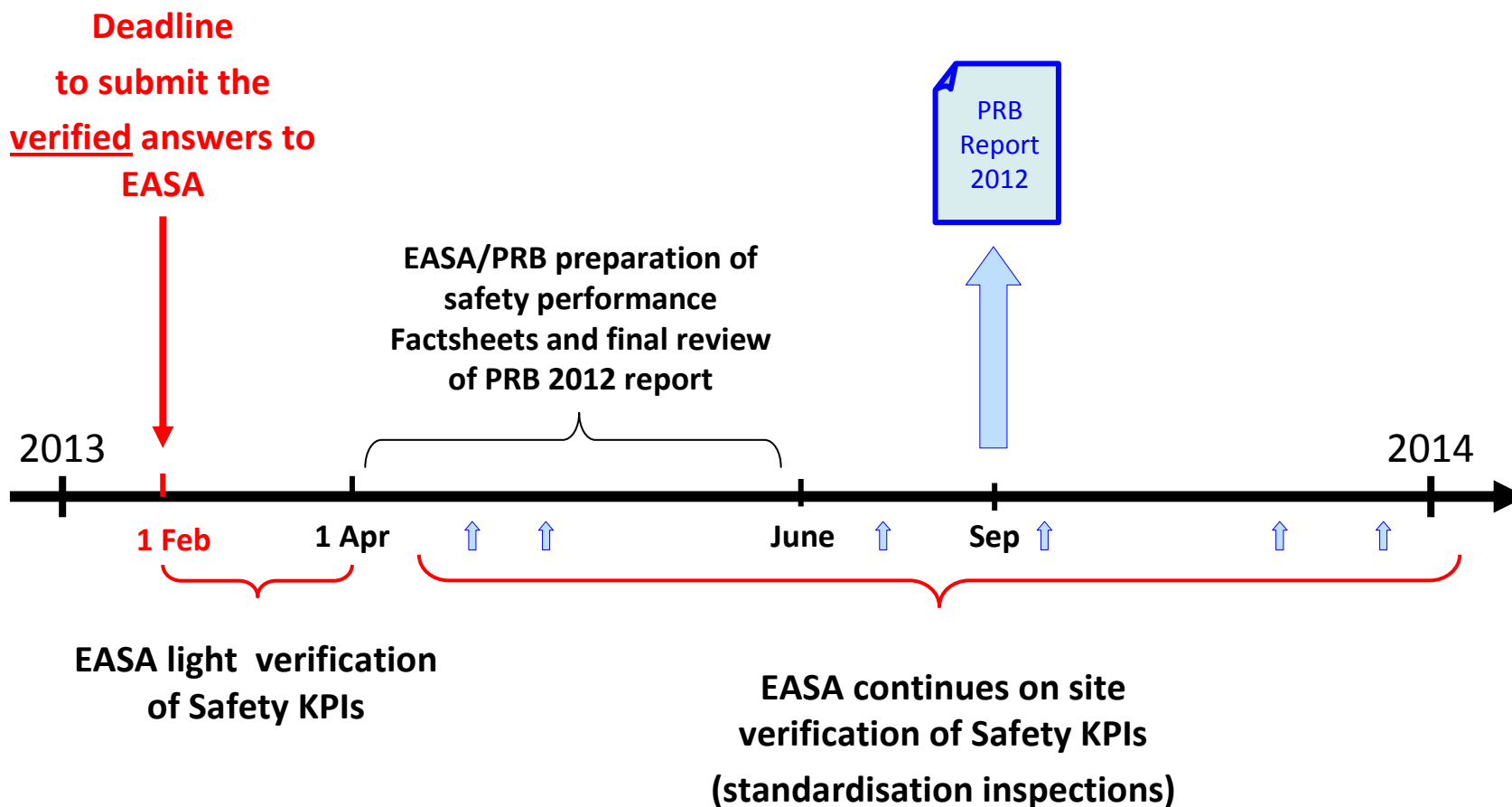


Just Culture verification by NSAs





Just Culture verification by EASA





JC verification for RP1 - Y1 (2012)

- Review: 29 States and 36 ANSPs
- No sampling but a complete review of information provided
- Aim:
 - identify tendencies, 'best practices', common approaches to JC
 - identify effective measures (or possible obstacles) to the application of JC at State and ANSP level



JC verification for RP1, Y1 (2012)

Methodology

- Analytical approach
 - Review of the legislative and document reference
 - Assessment of level of implementation
 - Summary
- Numerical approach
 - Yes/No responses for each question
 - Yes/No responses for each section
 - % of YES responses for each question

(e.g. "x % of States have indicated that that there is an explicit Just Culture policy, which is endorsed at appropriate State level and made public.")



Reporting of the verification

PRB monitoring report (4 volumes)



- EU overview & PRB recommendations
- National overview
- Capital expenditure
- Safety



Overview

- Legal basis for JC measurement
- Role of EASA in the measurement of JC
- Verification exercise for JC SKPI (2012)
- **Feedback - lessons learnt**
 - **Feedback from 2012 monitoring**
 - **Next steps**



Feedback from RP1 year 1

State level

- Policy and its implementation
 - Policy elements
 - Definition of roles and responsibilities
 - Training
- Legal & judiciary
 - Primary legislation
 - Judicial procedure and specific aviation legislation
 - Formal agreements
- Occurrence reporting and investigation



Feedback from RP1 year 1

ANSP level

- Policy and its implementation
 - Policy elements
 - Definition of roles and responsibilities
 - Training
- Legal & judiciary
(Primary legislation)
 - Judicial procedure and specific aviation legislation
 - Formal agreements
- Occurrence reporting and investigation



Current situation

RP1 feedback

- Revision of the AMC/GM for JC
 - Rulemaking task: publication of NPA 2013-14
 - RMG: 5 NSAs, 4 ANSPs, 1 ETF & 1 ATCEUC
- Outcome:
 - improvement of JC questions based on experience of 1st verification
 - additional guidance to States/ANSPs
- Agency decision to be published by year end



Current situation

RP2 preparation

- NPA 2013-xx: Development of AMC/GM for RP2
 - Rulemaking task: NPA to be published next few months
 - RMG: same group
 - Following NPA publication: 3 months consultation (stakeholder comments)
 - Publication of the Agency Decision by Q.2 2014
- JC: target at local level only, not EU-wide target



EUROPEAN AVIATION SAFETY AGENCY
AGENCE EUROPÉENNE DE LA SÉCURITÉ AÉRIENNE
EUROPÄISCHE AGENTUR FÜR FLUGSICHERHEIT

10TH
ANNIVERSARY

Thank you !
Questions?

Clarisse.Ribeiro@easa.europa.eu

Your safety is our mission.
easa.europa.eu