



ASSEMBLY — 38TH SESSION

TECHNICAL COMMISSION

Agenda Item 30: Aviation Safety – Implementation Support

**CHALLENGES AND DIRECTIONS FOR IMPLEMENTATION
OF STATE SAFETY PROGRAMME IN JAPAN**

(Presented by Japan)

EXECUTIVE SUMMARY

In compliance with Annex 19, other related documents and the Global Aviation Safety Plan, JCAB is now considering the introduction of a State Safety Programme by April 2014. As the implementation of an SSP is a distinct paradigm shift from the compliance-based approach in Japan, we are faced with resolving the formidable challenges listed below.

- Separation of regulators and service providers
- Establishment of a voluntary reporting system
- Implementation of safety performance indicators and target values
- Non-punitive environment

With consistent efforts, we are addressing and resolving these challenges.

Action: The Assembly is invited to:

- a) urge States to share the information contained in this paper; and
- b) facilitate the implementation of SSPs by sharing advanced know-how and information of States where SSPs are already implemented through regional cooperation and collaboration with RASG/RAST.

<i>Strategic Objectives:</i>	This working paper relates to the Strategic Objectives of Safety, and Environmental Protection and Sustainable Development of Air Transport.
<i>Financial implications:</i>	It is expected that this is covered by the draft regular budget.
<i>References:</i>	Annex 19 — <i>Safety Management</i> A38-WP/92 Doc 9734, <i>Safety Oversight Manual, Part A— The Establishment and Management of a State's Safety Oversight System</i> Doc 9859, <i>Safety Management Manual</i> Doc 10004, <i>Global Aviation Safety Plan</i>

1. INTRODUCTION

1.1. In the field of civil aviation, ensuring safety is a basic premise which should be given top priority. The Japan Civil Aviation Bureau (JCAB) has taken various safety measures to ensure aviation safety to the maximum since the JAL123 fatal accident in 1985.

1.2. JCAB was the first to introduce SMS for aircraft operators before any other country in October 2006, which was 3 years earlier than ICAO SARPs which was established in 2009.

1.3. The Contracting States where had achieved over 60 percent EI on USOAP have requested the full implementation of SSPs by 2017 with GASP. JCAB is considering the introduction of an SSP from April 2014.

2. CHALLENGES FOR IMPLEMENTATION OF SSP

2.1 Separation of regulators and service providers

2.1.1 Although regulators and service providers are separated in the areas of aircraft and aerodrome operations, JCAB used to be the regulator as well as the service provider that carried out Air Navigation Services in Japan. The headquarters of JCAB generally played the role of regulator, whereas the regional offices of JCAB played the role of service providers which carried out ANS.

2.1.2 For the purposes of establishing an even safer and more transparent system, JCAB established a new oversight division in the safety and security department, which derived the role of regulator from the ANS department as required to comply with the Safety Oversight Manual (DOC 9734)¹.

2.1.3 In spite of the co-existence of the two departments in JCAB, a single bureau, we decided to achieve separation by clarifying the responsibilities and authority of the two departments. For example, the oversight division in the safety and security department establishes regulatory requirements for the ANS department, and the ANS department is required to receive approval from the oversight division when it amends its manuals.

2.2 Establishment of a voluntary reporting system

2.2.1 As the collection of safety information is fundamental to safety oversight activities, JCAB collects safety information through a mandatory reporting system, conducting safety audits and voluntary reporting from service providers to regulators.

2.2.2 With regard to voluntary reporting, JCAB has not yet established any systems for aircraft operators, aerodrome operators and ANS service providers. However, a system only for pilots has been established and is operated by an industry group.

¹ Doc 9734 — *Safety Oversight Manual*, Part A

2.4.9 In those States where the State is both the regulatory authority and an air traffic service provider, aerodrome operator, air operator, manufacturer or maintenance organization, the requirements of the Convention will be met, and public interest be best served, by clear separation of authority and responsibility between the State operating agency and the State regulatory authority. The approval, certification and continued surveillance procedures should be followed as though the operating agency were a non-governmental entity.

2.2.3 In order to collect extensive amounts of safety information from service providers, JCAB has decided to establish a brand-new voluntary reporting system for all areas of civil aviation in conformity to the establishment of an SSP. For the protection of safety information and the improvement of the non-punitive environment, JCAB prescribes that regulators should be kept from accessing anonymous information in the system database in addition to assigning an independent third-party other than regulators and service providers to operate the system.

2.3 Implementation of safety performance indicators and target values

2.3.1 Regulator's safety performance indicators and target values — Due to a lack of safety information, JCAB is on track to adopt a significant event rate such as the aviation accident rate and the serious incident rate as indicators at the beginning of the SSP. We are considering adopting detailed indicators after the collection and analysis of sufficient safety information.

2.3.2 Service provider's safety performance indicators and target values — At the present time, it is a great challenge for service providers to implement precise safety performance indicators and target values in the same way as verifications of regulator indicators and target values due to a lack of appropriate know-how. For this reason, we are considering leaving the indicators and target values to the discretion of service providers to some extent at first.

2.3.3 However, JCAB plans to obligate service providers to report these to JCAB every year in order to make it possible for JCAB to find compliance with the following requirements regarding the establishment of safety performance indicators and target values.

- The safety performance indicator reflects the characteristics of the service it provides;
- The safety performance indicator is measurable; and,
- The established safety target is better than the current status compared to performance in the past or the business plan etc., or the status quo only when the highest safety performance is achieved and it is impractical to improve the current status.

2.3.4 JCAB will, when found inappropriate, require the service providers to make corrective actions.

2.4 Non-punitive environment

2.4.1. It is certain that the main mission of Aviation Safety oversight activities is to ensure aviation safety. For this purpose, regulators make rules and implement compliance-based oversight in their daily tasks. However, this method has limitations in enhancing aviation safety. We will adopt 'Risk based / Performance based Oversight' and 'autonomy / self-initiative of service providers'.

2.4.2. Therefore, even if service providers commit specific non-compliance, JCAB has decided not to take administrative measures against service providers that have an obligation to implement SMS, where regulators find that corrective action plans and measures are appropriate through close dialogue, except for aviation accidents and severe incidents. These would be special cases because regulators can confirm that the acceptable level of safety is achieved without taking administrative measures only if service providers have implemented SMS which are acceptable for regulators. The main purpose of safety oversight is not taking administrative measures, but ensuring safety.

2.4.3. After cautious discussions about whether ‘criminal punishments should be commuted or not’ and whether ‘aviation accidents should be excluded or not’, we reached the following conclusions when we set up the special exceptions.

- In the case of criminal punishment, because the case is severe and flagrant, it is prescribed as criminal punishment, instead of administrative measures. Therefore, it should not be commuted.
- In the case of aviation accidents and serious incidents, since a single service provider cannot respond sufficiently to the case, it should not be treated as a special case but should be treated as a normal case addressed by regulators.

3. **IMPLEMENTATION SCHEDULE**

October 2013:	Promulgate the SSP of Japan
Around March 2014:	Decide safety performance indicators and target values
April 2014:	Start voluntary incident reporting system under the SSP of Japan

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