



International Civil Aviation Organization

**The Sixth Meeting of the APANPIRG ATM Sub-Group
(ATM SG/6)**

Hong Kong, China, 30 July – 03 August 2018

Agenda Item 2: Review of Related High Level Meetings

RASG AND APRAST MEETING OUTCOMES

(Presented by ICAO)

SUMMARY

This paper provides information on the outcomes of the Regional Aviation Safety Group – Asia and Pacific Regions (RASG) and the Asia Pacific Regional Aviation Safety Team (APRAST) meetings which may be of interest to the ATM/SG.

1. INTRODUCTION

1.1 The Seventh Meeting of the Regional Aviation Safety Group – Asia and Pacific Regions (RASG-APAC/7) was held at Bangkok, Thailand from 03 – 05 July 2017. The Meeting was attended by 88 participants from 20 States/Administrations and nine International Organizations (IOs) and ‘Industry Partners’ namely, the Association of Asia Pacific Airlines (AAPA), Airports Council International (ACI), Civil Air Navigation Services Organization (CANSO), International Air Transport Association (IATA), International Federation of Air Line Pilots' Associations (IFALPA), Airbus, and European Aviation Safety Agency (EASA).

1.2 The Eleventh Meeting of the Asia Pacific Regional Aviation Safety Team (APRAST/11) took place at Bangkok, Thailand, from 20 – 24 November 2017. APRAST/11 was attended by 105 participants from 21 States/Administrations and seven IOs and ‘Industry Partners’.

1.3 The Twelfth Meeting of the Asia Pacific Regional Aviation Safety Team (APRAST/12) was held in Bangkok, Thailand, from 28 May – 01 June 2018. The APRAST/12 was attended by 102 participants from 23 States/Administrations and nine IOs and ‘Industry Partners’.

2. DISCUSSION

APRAST and RASG Meetings

2.1 At APRAST/11, the Secretariat presented WP/10, highlighting the discussion/outcomes of 4th APANPIRG/RASG-APAC Coordination Meeting and the 54th DGCA Conference. The RASMAG Secretariat also presented WP/12 on the issues and challenges on airspace safety reporting and results from a survey to States on safety reporting at APRAST/11.

2.2 APRAST/11 adopted six Decisions and eight Conclusions, of which four Conclusions were related to APANPIRG/ATM and airspace safety reporting. The four APANPIRG/ATM-related conclusions including its status are summarized in **Attachment A**.

2.3 Regarding Conclusion APRAST 11/2 and the request for RASG-APAC to consider developing a performance-based safety oversight manual for oversight of Air Navigation Service Providers (ANSPs), this Conclusion was adopted from the Fifty-Fourth Conference of Asia/Pacific Directors General of Civil Aviation (DGCA/54) Action Item 54/8 (safety oversight matters usually fell under the purview of RASG-APAC).

2.4 However, except for AEROTHAI, not many other ANSPs attend RASG-APAC/APRAST meetings. As such, it was recognized that RASG-APAC/APRAST may not have the necessary expertise to develop a performance-based safety oversight manual for oversight of ANSPs. That being the case, APRAST decided to submit this conclusion to RASG-APAC for their consideration and advice, but before this, RASMAG and APANPIRG needed to be consulted.

2.5 For the remaining three APANPIRG/ATM-related conclusions, APRAST followed up by conducting a survey and issuance of State Letters. The results of the airspace safety reporting survey mentioned in APRAST Conclusion 11/4, as merged with the RASMAG survey on the same subject, are at **Attachment B**.

Airspace Safety Reporting Survey

2.6 A total of 21 States and Administrations responded to the airspace safety reporting survey (RASMAG and APRAST responses combined). The following States did not respond to the survey:

Afghanistan, Bangladesh, Brunei Darussalam, Cambodia, China, Democratic People's Republic of Korea (DPRK), Indonesia, Lao People's Democratic Republic (PDR), Malaysia, Maldives, Marshall Islands, Micronesia, Mongolia, Myanmar, Nauru, Palau, Papua New Guinea, Samoa, Timor-Leste, Tonga, Vanuatu and Viet Nam.

2.7 **Table 1** provides a summary of the airspace safety reporting survey results.

Safety Reporting Issue	Result
1. Protection for Personnel Reporting Safety Incidents or Concerns	79.4%
2. Punitive Action for Personnel <u>Not</u> Reporting Safety Incidents or Concerns	76.2%
3. Written policies and rules to ensure that managers are not rewarded specifically for the level of reported incidents	9.5%

Table 1: Airspace Safety Reporting Survey Summary

2.8 Notably, for **Question 1**, four of the five States that did not have a policy in place to protect safety personnel reporting incidents advised that they were either reviewing this requirement or were yet to develop this policy. However, given that 22 States did not respond to the survey, it was likely that together, more than half of APAC States had not paid sufficient attention to this critical

‘Just Culture’ function, and as a result were likely to be deficient in their safety reporting system required under Annex 19.

2.9 For **Question 2**, it was encouraging that a similar level of compliance to Question 1 was evident. However, in drilling down to actual response comments, some States such as Australia which answered ‘no’ did so because the regulator was not taking the highest levels of punitive action – this was left to the ANSP. Australia’s comments were very clear that non-reporting did not fall within the protection of a ‘Just Culture’ environment:

CASA’s Regulatory Philosophy (Principle 8) also notes that gross negligence, recklessness, wilful violations and destructive acts are not tolerated – this is relevant to Question 2 to the extent that serious omissions in safety reporting could be characterised involving one the four kinds of conduct that removes the matter from the protections of a just culture regime. Preventive, corrective or remedial action taken by CASA or a service provider in the demonstrable interests of safety, which may involve the suspension or limitation of privileges, is not punitive or disciplinary action. CASA has a legitimate, but measured, role in the pursuit of punitive action against a person for alleged breaches of civil aviation legislation. Where action is necessary, CASA utilises its Enforcement Manual which clearly outlines when, how and to what extent certain actions are undertaken – the Enforcement Manual aligns with CASA’s Regulatory Philosophy.

2.10 For Question 2, two States (Singapore and Sri Lanka) provided two different answers to the two surveys. For the purpose of the summary, these were assumed to be a ‘yes’ response, as some personnel may not have been aware of the policies in place (although this was a potential issue in itself).

2.11 Regarding **Question 3**, only two States (Republic of Korea and Pakistan) had addressed this area. As ANSPs were increasingly operating within ‘performance-based’ environments, this was concerning. Choosing the rate of incident reports was likely as a Key Performance Indicator (KPI), unless managers understood that using the number of reported incidents in isolation may discourage managers [and as a result] their staff from reporting incidents.

2.12 The meeting is invited to note the comments on airspace safety reporting from the 2017 European and Eurasian Reduced Vertical Separation Minimum (RVSM) Safety Monitoring Report:

3.5.2 The EUROCONTROL EUR RMA and the RMA EURASIA presented the Meeting with the 2017 Safety Monitoring Reports (SMR) (covering the 2016 calendar year). The Meeting noted that the results of monitoring for safety objectives 1 and 2 related to Technical and Overall Risks for 2016 satisfied the Technical Risk Target Level of Safety and Target Level of Safety respectively. The data collected and processed for January to September 2017 by the RMA EUR and RMA EURASIA indicated that there was reason to believe that the technical and operational risk in 2017 would also meet the target values.

3.5.3 Nevertheless, the Meeting was informed that the low number and poor level of detail of altitude deviation and other operational reports received by the EUR RMA, in conjunction with regional variation did not support sufficient degree of confidence in the accuracy of the estimate of risk. Despite repeated efforts on the part of ICAO and the planning group to improve reporting levels, the number of reports remained extremely low and significantly below levels reported in other RVSM regions. Without additional efforts on the part of States, to ensure accurate reporting levels to the EUR RMA would be improved, the RMA questioned whether it was feasible to continue to provide an estimate of total collision risk in future reports.

3. ACTION BY THE MEETING

3.1 The meeting is invited to:

- a) note the information contained in this paper;
- b) note the Conclusions adopted by APRAST related to APANPIRG/ATM and airspace safety reporting and follow-up actions taken by RASG-APAC/APRAST (**Attachment A**);
- c) discuss the request from APRAST for RASMAG and/or ATM/SG volunteers to develop a performance-based safety oversight manual to oversight ANSPs;
- d) discuss the results of the safety reporting survey (**Attachment B**); and
- e) discuss any relevant matters as appropriate.

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APRAST/11 Conclusion Ref.	Description of Decision	Status
Conclusion APRAST 11/2 – Update of Outcome of 4 th APANPIRG/RASG-APAC Coordination Meeting / 54 th DGCA Conference (WP/10)	That, the RASG-APAC consider developing a performance-based safety oversight manual for oversight of ANSPs, taking into consideration availability of expertise.	Pending discussion and instruction at RASG-APAC/8 (Sep 2018).
Conclusion APRAST 11/4 – Airspace Safety Reporting – WP/12	That, with assistance from Secretariat, to conduct a survey, using similar survey questionnaire from the RASMAG survey, to gauge the safety reporting culture practices of RASG-APAC member States/Administrations and provide feedback to RASMAG.	SL survey Ref.: T 6/8.2.1 – AP151/17 (FS) dated 12 December 2017 issued. 15 States responded and provided to RASGMAG Secretariat.
Conclusion APRAST 11/5 – Airspace Safety Reporting – WP/12	That, APAC States/Administrations are urged to review the APAC Seamless ATM Plan’s Human Performance Elements at Attachment C to this Paper for use if suitable.	SL Ref.: T 6/8.2.1 – AP152/17 (FS) dated 12 December 2017 issued urging APAC States/Administrations to review the APAC Seamless ATM Plan’s Human Performance Elements for use if suitable
Conclusion APRAST 11/6 – Airspace Safety Reporting – WP/12	That, APAC States/Administrations are urged to review applicable national regulations, policies and safety promotion material to ensure a clear commitment to ‘just culture’, i.e. supporting open reporting as part of a more effective safety reporting practice.	SL Ref.: T 6/8.2.1 – AP153/17 (FS) dated 13 December 2017 issued urging States/Administrations to review applicable national regulations, policies and safety promotion material to ensure a clear commitment to ‘just culture’, i.e. supporting open reporting as part of a more effective safety reporting practice.

State/Administration	Point of Contact	E-mail	1. Protection for Personnel Reporting Safety Incidents or Concerns: <i>Does your State/ Administration have in place written policies and rules to ensure that personnel who report safety incidents are not subjected to punitive action, except in the case of Q2?</i>		2. Punitive Action for Personnel Not Reporting Safety Incidents or Concerns: <i>Does your State/ Administration have in place written policies and rules to ensure that personnel who do not report safety incidents that they are aware of or whose wilful actions negatively impacted or had the potential to negatively impact on safety, are subjected to appropriate corrective action?</i>		3. Management of Safety Incidents and Key Performance Indicators: <i>Does your State/ Administration have in place written policies and rules to ensure that managers are not rewarded specifically for the level of reported incidents (or for performance indicators or targets using reported incidents as a metric)?</i>	
			Y/N	Remarks	Y/N	Remarks	Y/N	Remarks
Australia	Mr. Leighton Gallagher	InternationalCAO@infrastructure.gov.au ;	Y	See Australia Comments	N	See Australia Comments	N	See Australia Comments
Bhutan	Mr. Pema Tashi	ptashi@bcaa.gov.bt ;	N	-	N	-	N	-
Hong Kong, China	Ms. Susanna Lui	snslui@cad.gov.hk ;	Y	Just Policy is contained in the CAD Guidance Document CAD382 on Mandatory Occurrence Reporting Scheme. (See Hong Kong Comments - Attachment A) The Hong Kong Safety Programme and the Safety Management Exposition stipulated that both mandatory and voluntary incident reporting are non-punitive.	Y	Primary legislation in place. (See Hong Kong Comments - Attachment B). All personnel are made aware of such requirement during SMS training. Penalty for not reporting a mandatory occurrence is stipulated in Article 91 (5) of the Air Navigation (Hong Kong) Order .	N	Under the government salary structure, there is no provision for rewards to the management for the safety performance. Under the government salary structure, there is no provision for rewards to the management of safety performance.
	Mr. Julian Ng, Operations Officer (Legal & International Relations)	lcynng@cad.gov.hk ;						
Macao, China	Mr. Bryan Chiu	bryanchiu@aacm.gov.mo ;	Y	See Macao Comments The rules provided only have Chinese and Portuguese version.	Y	See Macao Comments	N	See Macao Comments
	Mr. PUN Wa Kin (Stanley)	stanleypun@aacm.gov.mo ;						
Cook Islands	Mr. John Hosking	john.hosking@cookislands.gov.ck ;	N	Currently reviewing Safety Oversight Policy and this issue will be included in the review	Y	See Cook Islands Comments	N	Currently reviewing Safety Oversight Policy and this issue will be included in the review
Fiji	Ms. Theresa Levestam, Controller Ground Safety	cgs@caa.fj ;	Y	Civil Aviation (Occurrence Reporting and Investigations) Regulations 2009; section 33, and State's Safety Programme Fiji; section 1.1 (c) See Fiji Comments	Y	Air Navigation Regulation 71 mandates the reporting of air safety incidents to the CAA. Furthermore, Air Navigation Regulation 157 provides that any person who contravenes Regulation 71 (i.e. not submitting a mandated report) is considered to have contravened the Regulation and is liable to a fine or conviction (or both). See Fiji Comments	N	See Fiji Comments
France	Helene Bastianelli, Deputy Head of Safety Management Coordination Office, DGAC/DSAC/MEAS	helene.bastianelli@aviation-civile.gouv.fr ;	Y	Regulation (EU) 376/2014 of the European Parliament and of the Council of 3 April 2014 on the reporting, analysis and follow-up of occurrences in civile aviation (...)	Y	Decret n°2015-197 du 20 fevrier 2015 relatif a certaines sanctions administratives en matiere d'aviation civile.	N	
France / French Polynesia	Joel Laulan	joel.laulan@aviation-civile.gouv.fr	Y	UE 376/2014 Articles 16-4, 16-5 and 16-6.	Y	UE 376/2014 Article 16-10	N	
India		maneesh.dgca@nic.in ; lalit.dgca@nic.in ;	Y	1. Rule 19 of Aircraft (Investigation of Accident and Incident) Rules 2017 2. DGCA, CAR- Section 5 - Air Safety, Series 'C' Part I 3. AAI, Manual of Air traffic Services (MATS), Part -1, Para 3.19 4. AAI, ATMC 05 of 2015 Voluntary Reporting of Communication Errors 5. AAI, ATMC 07 of 2014 Voluntary and Confidential Reporting System. 6. AAI, C-SMS Manual, Version-3, Issue-3, Chapter-1, Para 1.4.1. 7. AAI, C-SMS Manual, Version-3, Issue-3, Chapter-8, Para 8.4.4	Y	1. DGCA, CAR- Section 5 - Air Safety, Series 'C' Part I 2. DGCA Enforcement Policy and Procedures Manual 3. AAI, Manual of Air traffic Services (MATS), Part -1, Para 3.19	N	
Japan	Mr. Masaki Kobayashi (ATC Div.)	kobayashi-m46z5@mlit.go.jp	Y	See Japan Comments	Y	The SSP document stipulates that a person who conceals an occurrence that is subject to mandatory report is not covered by the special provision of SSP (cf. Q1). Thus, the person is subject to administrative or adverse disposition for the occurrence that was revealed. Excerpt from the SSP document: (2) Special provisions for service providers 1. Omitted. 2. Exceptions In the cases where the service provider falls under any of the following, special provisions shall not be applied. (A) In the case where it committed the said violations intentionally. (B) In the case where it concealed the said violations. (C) In the case where it repeated the said violations.	N	There is no such scheme that rewards managers for the level of reported incidents and no written policies and rules for it.
Kiribati	Mr. Tiamwa Teaiwa	icao_ncc@mcttd.gov.ki ;	Y	Stated in the Civil Aviation Act 2004 and in SSP (in draft)	Y	Stated in the Civil Aviation Act 2004, supported in SSP (in draft)	Y	Civil Aviation Act 2004 but clearly stated in SSP which is in draft now.
Nepal	Mr. Rajan Pokhrel	rpokhrel@caanepal.org.np ;	Y	Civil Aviation Regulation, 2002 Rule 83c.	N		N	
New Zealand	Mr. Alister Buckingham	Alister.buckingham@caa.govt.nz ;	Y	Civil Aviation Rule 12.63 Non-prosecution (see also 12.61 re confidentiality)	Y	Civil Aviation Act 1990 s52B (see also s26 re reporting)	N	

State/Administration	Point of Contact	E-mail	1. Protection for Personnel Reporting Safety Incidents or Concerns: <i>Does your State/ Administration have in place written policies and rules to ensure that personnel who report safety incidents are not subjected to punitive action, except in the case of Q2?</i>		2. Punitive Action for Personnel Not Reporting Safety Incidents or Concerns: <i>Does your State/ Administration have in place written policies and rules to ensure that personnel who do not report safety incidents that they are aware of or whose wilful actions negatively impacted or had the potential to negatively impact on safety, are subjected to appropriate corrective action?</i>		3. Management of Safety Incidents and Key Performance Indicators: <i>Does your State/ Administration have in place written policies and rules to ensure that managers are not rewarded specifically for the level of reported incidents (or for performance indicators or targets using reported incidents as a metric)?</i>	
			Y/N	Remarks	Y/N	Remarks	Y/N	Remarks
Pakistan	Mr. Nawaz Ahmed Khan Sipra	AdiD.icao-cell@caanpakistan.com.pk	Y	See Pakistan Comments a) SSP Policy bullet No. 10 (highlighted),attached as Appendix-A. b) IMS Policy bullet No. 12 (highlighted), attached as Appendix -B. c) Para 1.15 & Para 8.11.5.14 of MNL-001- MSAA-2.0 (highlighted), attached as Appendix- C. d) Para D4.2 of CAA0-015-MSXX-2.0 (highlighted) attached as Appendix-D.	Y	See Pakistan Comments a) SSP Policy bullet No. 7(highlighted), attached as Appendix-A. b) IMS Policy bullet No.8 (highlighted), attached as Appendix-B. c) Para 8.11.5.14 of MNL-001-MSAA-2.0 (highlighted),attached as Appendix-C. d) Para D4.1.5 of CAA0-015-MSXX-2.0 (highlighted), attached as Appendix-D. e) Para D3 of AN0-002-SBXX-1.0 (highlighted),attached as Appendix-E.	Y	See Pakistan Comments a) SSP Policy bullet No. 10 (highlighted), attached as Appendix-A. b) IMS Policy bullet No. 12 (highlighted), attached as Appendix-B. c) Para D4.1.5 of CAA0-015-MSXX-2.0 (highlighted), attached as Appendix-D.
Philippines	Capt. Nestor D. Pasano	ndpasano@yahoo.com	N	Philippines has yet to develop policies and rules to ensure protection of personnel reporting safety.	N	Philippines has no written policies and rules to ensure that personnel who do not report safety incident are subject to appropriate corrective action.	N	Philippines has not establish written policy to ensure that managers are not rewarded specifically for the level of reported incident.
Republic of Korea			Y	The State Safety Program of the Republic of Korea (ROK) has a written statement which includes "Just culture" principle. - The aviation safety act in ROK ensures safe reporting under Just Culture for Voluntary safety reporting system. For mandatory safety reporting system, ROK is drafting an amendment for aviation safety act to ensure Just Culture principle for mandatory safety reporting in accordance to the amendment 1 of Annex 19.(applicable date 7th November 2019)	Y	The State Safety Program of the Republic of Korea (ROK) has a written statement which includes "Just culture" principle. - The aviation safety act in ROK ensures safe reporting under Just Culture for Voluntary safety reporting system. For mandatory safety reporting system, ROK is drafting an amendment for aviation safety act to ensure Just Culture principle for mandatory safety reporting in accordance to the amendment 1 of Annex 19.(applicable date 7th November 2019)	Y	The State Safety Program of the Republic of Korea (ROK) has a written statement which includes "Just culture" principle. - The aviation safety act in ROK ensures safe reporting under Just Culture for Voluntary safety reporting system. For mandatory safety reporting system, ROK is drafting an amendment for aviation safety act to ensure Just Culture principle for mandatory safety reporting in accordance to the amendment 1 of Annex 19.(applicable date 7th November 2019)
Singapore	Mr. Ying Weng Kit Mr. Ang Ruiyi	ying_weng_kit@caas.gov.sg ang_ruiyi@caas.gov.sg	Y	Extract from ANS Group Safety Policy:"Staff will not be subjected to punitive actions unless there was unacceptable behavior such as gross negligence, wilful violation or recklessness". See attached Singapore Comments - "ANS Group Safety Policy" Air Navigation Act Part IIA (Accidents and Incidents Investigation) Division 2 Para 13G - Procedures for reporting aviation Safety issues.	N* Y	Nil 1. Air Navigation Act Part II (Regulatory Framework for Safety in Aviation) Section 4O - Obligation to notify reportable safety matters. 2. Air Navigation Act Part IIA (Accidents and Incidents Investigation) Section 13E - Compulsory reporting of accidents and serious incidents.	N	The organization does not reward in any form to managers for any level of reported incidents.
Solomon Islands	Mr. Brian Halisanau	halisanau_b@caasi.com.sb	N	CAASI yet to develop	N	CAASI yet to develop	N	CAASI yet to develop
Sri Lanka	Mr. M.A.K. Prasanna,Director – Air Navigation Services, Direct Line: +94 11 2358910	dans@caa.lk	Y	IS006- Aviation Occurrence Reporting System 1. IS 006 – Aviation Occurrence Reporting System Refer Page A–3 under "Possible Action by Employers" Page A-10 under "Possible Action by Employers", Section 2.7.3 (B) 2. Regulations on Civil Aviation Safety Management No. 01 of 2014 Refer Page 3A, Section 11 (B)	N* Y	- 1. Civil Aviation Act No. 14 Of 2010 Refer - Section 103 2. Regulations on Civil Aviation Safety Management No. 01 of 2014 Refer - Page 3A, Section 12	N	
Thailand	Mr. Buntoeng Megchai	Buntoeng.m@caat.or.th	N	-	N	-	N	-
United States	Ms. Ann Moore	Ann.Moore@faa.gov	Y	See United States Comments FAA Orders JO 7210.632 and JO 7200.20	Y	See United States Comments FAA Orders JO 7210.632 and JO 7200.20	N	See United States Comments