



"[air navigation control, [...] is a task involving the exercise of public authority and is not of an economic nature, since that activity constitutes a service in the public interest which is intended to protect both the users of air transport and the populations affected by aircraft flying over them".  
(Extract of decision C.364/92 of the European Court of Justice).

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## **ATCEUC comment to ICB's "Just Culture: Problem statement"**

Brussels, 13 October 2020

Since 2010 ATCEUC, together with the other ATM Social Partners, has been working on a common effort to promote Just Culture in Air Traffic Management, in Aviation and in all the "High Consequence Industries".

ATCEUC agrees that while the Just Culture seems have permeated the whole of the European Aviation domain, there remain problems in how the different National Judiciary Systems interpreted behave in the Just Culture environment.

ATCEUC disagrees with EU Regulation 376 when it states that it is not necessary to interfere with National Sovereignty with regards to Judicial autonomy.

Overcoming different and sometime conflicting National Laws is the primary reason EU Regulations are issued in the interest of the entire EU population.

The aim of Just Culture is the same, to raise the level of Safety in Aviation across the European continent, in the interest of the entire population, both those flying and those who are overflown, regardless of the country they live in, with Just Culture there is a strong mandate for the EU to do just that.

For this reason ATCEUC is asking the European Commission and the European Parliament to jointly issue a Regulation with binding specific

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rules on the introduction of Aviation Just Culture Principles in the 27 National Legislative Systems so as to be seen as a model for the remaining European countries.

Finally, ATCEUC supports the list of actions/ recommendations reported in the ICB's "Just Culture problem statement" of 25/09/2020 and in particular stresses the importance to unequivocally and homogeneously define the Legal system that will be applied to ATM Operators in case of Cross-border operations, of any kind.