



*"[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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## Press Release

The Air Traffic Controllers European Unions' Coordination (ATCEUC) strongly condemns the "criminalisation" of aviation accidents or incidents. ATCEUC expresses concerns regarding the public pressures that accompany any crash or serious incident with the associated "search" for a guilty party.

For ATCEUC, criminal authorities that hold jurisdiction should first have to assess the actions leading to the accident/incident. Air Traffic Controllers' behaviour shall be first analysed: was it a mistake, made by a qualified professional acting in a responsible manner or was it a clear case of wilful misconduct or was there, quoting EU Regulation N°376/2014, Art. 16, §10, "a manifest, severe and serious disregard of an obvious risk and profound failure of professional responsibility to take such care as is evidently required in the circumstances, causing foreseeable damage to a person or property, or which seriously compromises the level of aviation safety"?

ATCEUC supports "A Culture where front line operators 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".

Following the accident of October 20<sup>th</sup>, 2014 at Moscow's Vnukovo airport, the Russian prosecutors' first decision was to charge air traffic controllers with "causing multiple deaths through negligence by breaching air safety rules".

*"Today, an Air Traffic Controller has been charged with violation of safety regulations and rules of aircraft operation that caused the death of two or more people by inadvertence (article 263, part 3 of the Russian Penal Code). The Air Traffic Controller has been questioned as the accused. At the moment, he is in custody"* said Russian Investigation Committee spokesperson, Vladimir Markin. The same decision was also taken for the trainee Air Traffic Controller.

As the accident is still under investigation, with no formal conclusions at this stage, ATCEUC condemns the decision to publicly identify and already charge the Air Traffic Controllers with criminal offense.

As the MAK (Russian Interstate Aviation Committee) report indicates that there was no suggestion of intent to do wrong from the Air Traffic Controllers, the decision to prosecute at this time is not consistent with, nor respecting the commitment that Russia made in 2010 to ICAO to create "Just Culture" in aviation.

By doing so, prosecutors are putting in danger the establishment of equilibrium between two equally relevant goals: aviation safety and the administration of justice. What is also at stake is the future improvement of aviation safety in Russia!

At European Level, ATCEUC reiterates the importance of a "Just Culture" and the need for more action to ensure that all Member States really implement Just Culture in a harmonized way. ATCEUC will keep a critical eye on future developments regarding "Just Culture" in Europe and will continue to work hard for its appropriate implementation.

The Air Traffic Controllers European Unions' Coordination (ATCEUC) represents 28 unions and is the voice of 14'000 Air Traffic Controllers across Europe.

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