



CAR SMS

SAFETY MANAGEMENT REGULATIONS

FOREWORD

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REVISION RECORD

LIST of EFFECTIVE PAGES



FOREWORD

1. The Civil Aviation and Maritime Navigation Authority (L'Autorità per l'Aviazione Civile e la Navigazione Marittima) of the Republic of San Marino is known in these regulations as the “Authority”.
2. CAR SMS addresses Safety Management and includes Standards and Recommended Practices up to and including ICAO Annex 19, Third Edition.
3. The editing practices used in this document are as follows:
 - (a) ‘Shall’ is used to indicate a mandatory requirement.
 - (b) ‘Should’ is used to indicate a recommendation.
 - (c) ‘May’ is used to indicate discretion by the Authority, the industry or the applicant, as appropriate.
 - (d) ‘Will’ indicates a mandatory requirement.

Note: The use of the male gender implies the female gender and vice versa.

4. Paragraphs and sub-paragraphs with new, amended and corrected text will be enclosed within square brackets until a subsequent amendment is issued.



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CHAPTER 1

DEFINITIONS

Note: Refer to CAR DEF for all definitions used in CAR SMS.



CHAPTER 2

APPLICABILITY

SMS.021 Applicability

These regulations shall be applicable to safety management functions related to, or in direct support of, the safe operation of aircraft.

Note 1: Safety management provisions for the Authority are contained in Chapter 3 and relate to the State Safety Programme.

Note 2: Safety management provisions for specified service providers are in Chapter 4 and relate to safety management systems (SMSs).

Note 3: No provision of these regulations is intended to transfer to the Authority the responsibilities of the service provider addressed in CAR SMS.033(b). This includes functions related to, or in direct support of, the safe operation of aircraft.

Note 4: In the context of these regulations, “responsibility” (singular) refers to “the Authority responsibility” with respect to international obligations under the Convention on International Civil Aviation, while “responsibilities” (plural) should be given its ordinary meaning (i.e., when referring to functions and activities that may be delegated).



CHAPTER 3

STATE SAFETY PROGRAMME (SSP)

SMS.031 General

- (a) The Authority shall establish and manage a SSP in accordance with the four components detailed in CAR SMS.032 to CAR SMS.035 inclusively, supported by a system description.
- (b) In the establishment and management of a SSP, specific consideration should be given to human performance implications.

SMS.032 State safety policy, objectives and resources (SSP Component 1)

- (a) Primary aviation legislation
 - (1) The Authority shall establish primary aviation legislation in accordance with Section 1 of Appendix 1.
- (b) Specific operating regulations
 - (1) The Authority shall establish specific operating regulations in accordance with section 2 of Appendix 1.
 - (2) The Authority shall periodically review specific operating regulations, guidance material and implementation policies to ensure they remain relevant and appropriate.
- (c) State system and functions
 - (1) The Authority shall establish the system and functions in accordance with Section 3 of Appendix 1.
 - (2) The Authority shall establish their SSP functions and activities but may delegate them to another State, Regional Safety Oversight Organisation (RSOO) or Regional Accident and Incident Investigation Organisation (RAIO), where appropriate..
 - (3) The Authority shall establish a safety policy and safety objectives that reflect their commitment regarding safety and facilitate the promotion of a positive safety culture in the aviation community.
 - (4) The SSP functions, safety policy and safety objectives shall be documented and periodically reviewed to ensure that they remain relevant and appropriate to San Marino.
 - (5) The Authority shall ensure that the role of civil aviation authorities is appropriately reflected in Emergency Response Planning and Crisis Management at the State level.
- (d) Qualified technical personnel

The Authority shall establish requirements for the qualification of technical personnel in accordance with Section 4 of Appendix 1.

Note: The term “technical personnel” refers to those persons performing safety-related functions for or on behalf of the Authority.



- (e) Technical guidance, tools and provision of safety-critical information

The Authority shall establish technical guidance and tools and provide safety-critical information in accordance with Section 5 of Appendix 1.

SMS.033 State safety risk management (SSP Component 2)

- (a) Licensing, certification, authorisation and approval obligations

The Authority shall meet the licensing, certification, authorisation and approval obligations in accordance with Section 6 of Appendix 1.

- (b) Safety management system obligations

Note: The regulations in this sub-section are not intended to promote duplication in the oversight of service providers holding approvals from more than one State.

- (1) The Authority shall require that the following service providers under their authority implement an SMS:

- (i) approved training organisations in accordance with CAR LIC that are exposed to safety risks related to aircraft operations during the provision of their services;
- (ii) operators of aeroplanes or helicopters authorised to conduct international commercial air transport, in accordance with CAR OPS 1 or CAR OPS 3, respectively;

Note: When maintenance activities are not conducted by an approved maintenance organisation in accordance with CAR 145, but under CAR OPS 1 or CAR OPS 3, they are included in the scope of the operator's SMS.

- (iii) operators holding a remotely piloted aircraft system (RPAS) operator certificate and authorised to conduct international operations in accordance with CAR OPS 4A;

Note: When maintenance activities are not conducted by an approved maintenance organisation in accordance with CAR OPS 4A, they are included in the scope of the operator's SMS.

- (iv) approved maintenance organisations providing services to operators of aeroplanes or helicopters;
- (v) approved maintenance organisations providing services to operators authorised to conduct international RPAS operations in accordance with CAR OPS 4A.
- (vi) organisations responsible for the type design or manufacture of aircraft, engines or propellers;
- (vii) air traffic services (ATS) providers; and
- (viii) operators of certified aerodromes or certified heliports in accordance with CAR AGA Volume 1 or II, as applicable.

- (2) The Authority shall establish criteria for international general aviation operators of large or turbojet aeroplanes in accordance with CAR OPS 2A, to implement an SMS.



- (3) The criteria established by the Authority in accordance with paragraph (2) above shall address the SMS framework and elements contained in Appendix 2.

(c) Accident and incident investigation

The Authority shall establish a process for its role in the event of an accident or serious incident including protocols for the cooperation with aircraft accident investigation authorities in support of the management of safety in San Marino.

(d) Hazard identification and safety risk assessment

- (1) The Authority shall establish and maintain a process to identify hazards at the State level from collected safety data and safety information.

Note: Additional information to identify hazards and safety issues on which to base preventive actions may be contained in the Final Reports of accidents and incidents.

- (2) The Authority shall develop and maintain a process that ensures the assessment of safety risks associated with hazards identified at the State level.

Note: Additional provisions related to safety intelligence that support the identification of hazards at the Authority level and the assessment of associated safety risks can be found in CAR SMS.051 and CAR SMS.052.

- (3) The Authority should periodically review hazards and associated safety risks related to emerging issues across their civil aviation system.

(e) Management of safety risks

- (1) The Authority shall establish mechanisms for the resolution of safety issues in accordance with Section 8 in Appendix 1.

- (2) The Authority shall develop, maintain and document the processes to manage safety risks arising from hazards identified at the State level.

Note 1: Safety risk assessment results may be used to support the prioritization of actions to manage safety risks.

Note 2: In order to reduce the overall risk in the aviation system when managing safety risks, it is beneficial to consider the impact on aviation safety from risk management strategies implemented in other domains (for example, aviation security, facilitation, economics and environment) and vice versa.

- (3) The Authority should periodically review the need to extend the SMS applicability to additional aviation sectors beyond those covered under CAR SMS.033(b) in accordance with the SMS framework contained in Appendix 2, as a safety risk control.

SMS.034 State safety assurance (SSP Component 3)

(a) Surveillance obligations

Note: The regulations in this sub-section are not intended to promote duplication in the oversight of service providers holding approvals from more than one State.



- (1) The Authority shall meet the surveillance obligations in accordance with Section 7 of Appendix 1.
- (2) The Authority shall establish procedures to prioritise surveillance activities towards those areas of greater safety concern or need.

Note: Organisational risk profiles, including outcomes of hazard identification and safety risk assessment processes conducted under CAR SMS.033(d), surveillance activities, SMS assessments and safety performance monitoring, may provide information for the planning, prioritization and preparation surveillance activities.

- (3) States shall implement mechanisms to:
 - (i) periodically assess the SMS of service providers addressed under CAR SMS.033(b)(1); and
 - (ii) monitor the safety performance of service providers addressed under CAR SMS.033(b).
- (4) The Authority shall establish a surveillance policy that specifies the conditions and circumstances under which service providers with an SMS are allowed to deal with, and resolve, events involving certain safety issues, internally, within the context of their SMS and to the satisfaction of the Authority.

(b) State safety performance measurement and monitoring

- (1) The Authority shall establish safety performance indicators, supported by qualitative means as needed, and safety performance targets where appropriate, to measure and monitor the safety performance of their State's civil aviation system and the progress towards achieving its safety objectives..

Note: Additional provisions related to safety intelligence that support the establishment of safety performance indicators for State safety performance measurement and monitoring can be found in CAR SMS.052.

- (2) The Authority should ensure that the means of safety performance measurement established by service providers addressed in CAR SMS.033(b)(1) consider the safety performance measurement and monitoring at the State level, where appropriate..

Note: Collaboration between the Authority and service providers, and RSOOs where applicable, facilitates the development of effective safety performance measurement and monitoring across their State's civil aviation system.

(c) Management of change

The Authority should develop and maintain a process to proactively manage changes at the State level, to ensure that the safety risks incurred by the changes are properly controlled while the desired outcomes are achieved.

(d) Continual improvement of the SSP

- (1) The Authority shall develop and maintain a process to evaluate the effectiveness of actions taken to manage safety risks and resolve safety issues.



- (2) The Authority should periodically assess the effectiveness of their SSP processes and activities to support the continual improvement of their SSP.

SMS.035 State safety promotion (SSP Component 4)

- (a) The Authority shall communicate the SSP functions, safety policy and safety objectives across their aviation community and with other stakeholders impacting aviation safety.
- (b) The Authority shall implement means to promote safety in support of the achievement of its safety objectives and the development of a positive safety culture across their aviation community and with other stakeholders impacting aviation safety.

Note: Means for promoting safety may include, but are not limited to a safety communication plan, stakeholder engagement maps, social media campaigns, annual safety reports, collaborative forums with industry, and targeted initiatives.



CHAPTER 4

SAFETY MANAGEMENT SYSTEM (SMS)

Note 1: Compliance with safety regulations to obtain a licence, certificate, authorisation or approval provides the foundation for the implementation of an SMS.

Note 2: An organisation may elect to extend one SMS across multiple service provider activities. Service providers with multiple approvals requiring an SMS may choose to include them all under the scope of a single SMS.

Note 3: Service providers may choose to integrate their SMS with other management systems.

SMS.041 General

- (a) The SMS of each service provider addressed under CAR SMS.033(b)(1) shall;
- (1) be established and managed in accordance with the framework elements contained in Appendix 2;
 - (2) cover a defined scope of products and services; and
 - (3) be supported by a system description, including the identification of relevant organisational interfaces.

Note: The way in which an SMS is established and managed differs from one service provider to another and depends on many variables, including, but not limited to, size and complexity.

- (b) The Authority shall ensure that each service provider addressed under CAR SMS.033(b)(1) develops a plan to facilitate SMS implementation.
- (c) In the establishment and management of an SMS, specific consideration should be given to human performance implications.

SMS.042 SMS Acceptability

- (a) The SMS of an approved training organisation, in accordance with CAR LIC, that is exposed to safety risks related to aircraft operations during the provision of its services shall be made acceptable to the Authority(s) responsible for the organisation's approval.
- (b) The SMS of a certified operator of aeroplanes or helicopters authorised to conduct international commercial air transport, in accordance with CAR OPS 1 or CAR OPS 3 respectively, shall be made acceptable to the Authority, as the State of the Operator.
- (c) The SMS of a certified remotely piloted aircraft system (RPAS) operator authorised to conduct international operations in accordance with CAR OPS 4A shall be made acceptable to the Authority, as the State of the Operator.
- (d) The SMS of an approved maintenance organisation providing services to operators of aeroplanes or helicopters shall be made acceptable to the Authority, if responsible for the organisation's approval.



- (e) The SMS of an approved maintenance organisation providing services to operators authorised to conduct international RPAS operations in accordance with CAR OPS 4A, shall be made acceptable to the Authority if responsible for the organisation's approval.
- (f) The SMS of an organisation responsible for the type design of aircraft, engines or propellers, in accordance with ICAO Annex 8, shall be made acceptable to the State of Design.
- (g) The SMS of an organisation responsible for the manufacture of aircraft, engines or propellers, in accordance with ICAO Annex 8, shall be made acceptable to the State of Manufacture.
- (h) The SMS of an ATS provider shall be made acceptable to the Authority, if responsible for the provider's designation.
- (i) The SMS of an operator of a certified aerodrome or a certified heliport, in accordance with CAR AGA Volume I and II respectively, shall be made acceptable to the Authority, if responsible for the aerodrome or heliports certification.

SMS.043 Other SMS regulatory approaches

The SMS of an international general aviation operator, conducting operations of large or turbojet aeroplanes in accordance with CAR OPS 2A shall be established and managed to meet the criteria established by the Authority, as the State of Registry.

Note: Further provisions related to the criteria to be established by the Authority can be found in Chapter 3.



CHAPTER 5

DEVELOPMENT OF SAFETY INTELLIGENCE

Note: The objective of this Chapter is to support the Authority in the development of safety intelligence to maintain or continually improve the effectiveness of their State Safety Programme (SSP).

SMS.051 General

The Authority should establish a strategy for the development of safety intelligence that supports the management of safety and decision-making.

SMS.052 Safety data collection and processing systems

- (a) The Authority shall establish a safety data collection and processing system (SDCPS) consisting of a series of integrated processes and schemes to capture, store, aggregate, process and enable the analysis of safety data and safety information.

Note: The SDCPS may also include some analysis functions.

- (b) The Authority shall ensure that the SDCPS is based on both proactive and reactive methods of safety data and safety information collection.

Note: A SDCPS may include inputs from State, industry and public sources.

- (c) The Authority shall ensure that the safety data and safety information collected through mandatory safety reporting systems are incorporated into the SDCPS.
- (d) The Authority shall establish a voluntary safety reporting system to collect safety data and safety information not captured by mandatory safety reporting systems.
- (e) The authorities responsible for the implementation of the SSP, shall contribute and have access to safety data and safety information in the SDCPS to support their safety responsibilities.

Note: The authorities responsible for the implementation of the SSP include accident investigation authorities.

- (f) The Authority shall use a taxonomy for safety reporting that is aligned with standardized taxonomies and that facilitates the;
 - (1) identification of hazards at the State level as referenced in CAR SMS.033(d);
 - (2) consistent comparison of safety data and safety information; and
 - (3) sharing and exchange of safety information as referenced in CAR SMS.054.
- (g) The Authority should establish a means for the governance of safety data and safety information

SMS.053 Safety data and safety information analysis

- (a) The Authority shall establish and maintain processes to analyse safety data and safety information from the SDCPS. The processes shall include a variety of analysis methods to support the;



- (1) development of safety performance indicators, as referenced in CAR SMS.034(b)(1);
- (2) identification of hazards at the State level, as referenced in CAR SMS.033(d);
- (3) identification of existing practices and operational strategies that resulted in positive safety outcomes; and
- (4) development of safety intelligence.

Note: Data and information from non-safety sources (for example, weather, terrain or security) may be included in the processes to support a more integrated analysis at the State level.

SMS.054 Safety data and safety information protection

- (a) The Authority shall accord protection to safety data captured by, and safety information derived from, voluntary safety reporting systems and related sources in accordance with Appendix 3.

Note: For the purposes of CAR SMS.054 and Appendix 3, sources include individuals and organisations.

- (b) The Authority should extend the protection referred to in paragraph (a) to safety data captured by, and safety information derived from, mandatory safety reporting systems and related sources.

Note: A reporting environment where employees and operational personnel may trust that their actions or omissions that are commensurate with their training and experience will not be punished is fundamental to safety reporting.

- (c) Subject to SMS.053(a) and (b), the Authority shall not make available or use safety data or safety information collected, stored or analysed in accordance with SMS.052 or SMS.053 for purposes other than maintaining or improving safety, unless the competent authority determines, in accordance with Appendix 3, that a principle of exception applies.
- (d) Notwithstanding SMS.054(c), the Authority shall not be prevented from using safety data or safety information to take any preventive, corrective or remedial action that is necessary to maintain or improve aviation safety.

Note: Specific provision aimed at ensuring that there is no overlap with the protection of accident investigation records is contained in Appendix 3, para 1.2.

- (e) The Authority shall take necessary measures, including the promotion of a positive safety culture, to encourage safety reporting through the systems referred to in SMS.052(c) and (d).
- (f) The Authority should facilitate and promote safety reporting by adjusting their applicable laws, regulations and policies, as necessary.
- (g) In support of the determination referred to in SMS.054(c), the Authority should institute and make use of appropriate advance arrangements between the appropriate authorities and those Authority bodies entrusted with aviation safety and those entrusted with the administration of justice. Such arrangements should take into account the principles specified in Appendix 3.

Note: These arrangements may be formalized through legislation, protocols, agreements or memoranda of understanding.

**SMS.055 Safety information sharing and exchange**

Note: Sharing refers to giving, while exchange refers to giving and receiving in return.

- (a) If the Authority, in the analysis of the information contained in its SDCPS, identifies safety matters considered to be of interest to States, the Authority shall forward such safety information to them as soon as possible. Prior to sharing such information, the Authority shall agree on the level of protection and conditions on which safety information will be shared. The level of protection and conditions shall be in line with Appendix 3.
- (b) The Authority shall facilitate the establishment of means for timely safety information sharing or exchange to promote collaboration within the aviation community provided that the proper measures are taken to ensure that safety information is only used for maintaining and improving safety.

Note: Means for timely safety information sharing or exchange may include agreements, partnerships, collaborative safety teams, forums and digital/physical platforms.

- (c) The Authority should promote the sharing and exchange of relevant safety information and safety intelligence amongst service providers, provided that the proper measures are taken to ensure that safety information and safety intelligence are only used for maintaining and improving safety.



APPENDIX 1

STATE SAFETY OVERSIGHT (SSO) SYSTEM CRITICAL ELEMENTS (CEs)

Note 1: The term “relevant authorities or agencies” is used in a generic sense to include all authorities with aviation safety management and oversight responsibility which may be established by the Authority as separate entities, such as Airport Authorities, ATS Authorities and Meteorological Authorities.

Note 2: The SSO system CEs are applied, as appropriate, to authorities performing safety oversight functions as well as authorities performing investigation of accidents and incidents or other safety management activities.

1. Primary aviation legislation (CE-1)

- 1.1 The Authority shall promulgate a comprehensive and effective aviation law consistent with the requirements contained in the Convention on International Civil Aviation, to enable the oversight and management of civil aviation safety and the enforcement of regulations through the relevant authorities or agencies established for that purpose.

Note: This includes ensuring that the aviation law remains relevant and appropriate to the Authority.

- 1.2 The aviation law shall provide personnel performing safety oversight functions access to the aircraft, operations, facilities, personnel and associated records, as applicable, of individuals and organisations performing an aviation activity.

2. Specific operating regulations (CE-2)

The Authority shall promulgate regulations to address, at a minimum, national requirements emanating from the primary aviation legislation, for standardized operational procedures, products, services, equipment and infrastructures in conformity with the Annexes to the Convention on International Civil Aviation.

Note: The term “regulations” is used in a generic sense and includes but is not limited to instructions, rules, edicts, directives, sets of laws, requirements, policies and orders.

3. State system and functions (CE-3)

- 3.1 The Authority shall establish relevant authorities or agencies, as appropriate, supported by sufficient and qualified personnel and provided with adequate financial resources for the management of safety.
- 3.2 The Authority authorities or agencies shall have the stated safety functions and objectives to fulfil their safety management responsibility.

Note: This includes the participation of the Authority aviation organisations in specific activities related to the management of safety in the Authority, and the establishment of the roles, responsibilities and relationships of such organisations.

- 3.3 The Authority should take necessary measures, such as remuneration and conditions of service, to ensure that qualified personnel performing safety oversight functions are recruited and retained.



3.4 The Authority shall ensure that personnel performing safety oversight functions are provided with guidance that addresses ethics, personal conduct and the avoidance of actual or perceived conflicts of interest in the performance of official duties.

3.5 The Authority shall use a methodology to determine their staffing requirements for personnel performing safety oversight functions.

4. Qualified technical personnel (CE-4)

4.1 The Authority shall establish minimum qualification requirements for the technical personnel performing safety-related functions and provide for appropriate initial and recurrent training to maintain and enhance their competence at the desired level.

4.2 The Authority shall implement a system for the maintenance of training records for technical personnel.

5. Technical guidance, tools and provision of safety-critical information (CE-5)

5.1 The Authority shall provide appropriate facilities, comprehensive and up-to-date technical guidance material and procedures, safety-critical information, tools and equipment, and transportation means, as applicable, to the technical personnel to enable them to perform their safety oversight functions effectively and in accordance with established procedures in a standardized manner.

5.2 The Authority shall provide technical guidance to the aviation industry on the implementation of relevant regulations.

6. Licensing, certification, authorisation and approval obligations (CE-6)

The Authority shall implement documented processes and procedures to ensure that individuals and organisations performing an aviation activity meet the established requirements before they are allowed to exercise the privileges of a licence, certificate, authorisation or approval to conduct the relevant aviation activity.

7. Surveillance obligations (CE-7)

The Authority shall implement documented surveillance processes, by defining and planning inspections, audits and monitoring activities on a continual basis, to proactively assure that aviation licence, certificate, authorisation and approval holders continue to meet the established requirements. This includes the surveillance of personnel designated by the Authority to perform safety oversight functions on its behalf.

8. Resolution of safety issues (CE-8)

8.1 The Authority shall use a documented process to take appropriate actions, up to and including enforcement measures, to resolve identified safety issues.

8.2 The Authority shall ensure that identified safety issues are resolved in a timely manner through a system which monitors and records progress, including actions taken by individuals and organisations performing an aviation activity in resolving such issues.



APPENDIX 2

FRAMEWORK FOR A SAFETY MANAGEMENT SYSTEM (SMS)

Note: In the context of this appendix as it relates to service providers, an “accountability” refers to an “obligation” that may not be delegated, and “responsibilities” refers to functions and activities that may be delegated.

This Appendix specifies the framework for the implementation and maintenance of an SMS. The framework comprises four components and twelve elements as the minimum requirements for SMS implementation:

1. Safety policy, objectives and resources (SMS Component 1)

- 1.1 Management commitment
- 1.2 Safety accountability and responsibilities
- 1.3 Appointment of key safety personnel
- 1.4 Coordination of emergency response planning
- 1.5 SMS documentation

2. Safety risk management (SMS Component 2)

- 2.1 Hazard identification
- 2.2 Safety risk assessment and mitigation

3. Safety assurance (SMS Component 3)

- 3.1 Safety performance measurement and monitoring
- 3.2 The management of change
- 3.3 Continual improvement of the SMS

4. Safety promotion (SMS Component 4)

- 4.1 Training and education
- 4.2 Safety communication



1. Safety policy, objectives and resources (SMS Component 1)

1.1 Management commitment

1.1.1 The service provider shall define its safety policy in accordance with international and national requirements. The safety policy shall:

- (a) reflect organisational commitment regarding safety, including the promotion of a positive safety culture;
- (b) include a clear statement about the provision of the necessary resources for the implementation of the safety policy;
- (c) include safety reporting procedures;
- (d) clearly indicate which types of behaviours are unacceptable related to the service provider's aviation activities and include the circumstances under which disciplinary action would not apply;
- (e) be signed by the accountable executive of the organisation;
- (f) be communicated, with visible endorsement, throughout the organisation; and
- (g) be periodically reviewed to ensure it remains relevant and appropriate to the service provider.

1.1.2 Taking due account of its safety policy, the service provider shall define safety objectives. The safety objectives shall:

- (a) form the basis for safety performance measurement and monitoring as required by CAR SMS.032.
- (b) reflect the service provider's commitment to maintain or continually improve the overall effectiveness of the SMS;
- (c) be communicated throughout the organisation; and
- (d) be periodically reviewed to ensure they remain relevant and appropriate to the service provider.

1.1.3 When defining safety objectives, the service provider should consider safety objectives established at the State level, where appropriate.

1.2 Safety accountability and responsibilities

The service provider shall:

- (a) identify the accountable executive who, irrespective of other functions, is accountable on behalf of the organisation for the implementation and maintenance of an effective SMS;
- (b) clearly define lines of safety accountability throughout the organisation, including a direct accountability for safety on the part of senior management;



- (c) identify the responsibilities of all members of management, irrespective of other functions, as well as of employees, with respect to the safety performance of the organisation;
- (d) document and communicate safety accountability, responsibilities and authorities throughout the organisation; and
- (e) define the levels of management with authority to make decisions regarding safety risk tolerability.

1.3 Appointment of key safety personnel

The service provider shall appoint a safety manager who is responsible for the implementation and maintenance of the SMS.

Note: The responsibilities for the implementation and maintenance of the SMS may be assigned to one or more persons, fulfilling the role of safety manager, as their sole function or combined with other duties, provided these do not result in any conflicts of interest.

1.4 Coordination of emergency response planning

The service provider required to establish and maintain an emergency response plan for accidents and incidents in aircraft operations and other aviation emergencies shall ensure that the emergency response plan is properly coordinated with the emergency response plans of those organisations it must interface with during the provision of its products and services.

1.5 SMS documentation

1.5.1 The service provider shall develop and maintain an SMS manual that describes its:

- (a) safety policy, objectives and resources;
- (b) SMS requirements;
- (c) SMS processes and procedures; and
- (d) accountability, responsibilities and authorities for SMS processes and procedures.

1.5.2 The service provider shall develop and maintain SMS operational records as part of its SMS documentation.

Note: The SMS manual and SMS operational records may be in the form of stand-alone documents or may be integrated with other organisational documents (or documentation) maintained by the service provider.

2. Safety risk management (SMS Component 2)

2.1 Hazard identification

2.1.1 The service provider shall develop and maintain a process to identify hazards, including hazards related to internal and external interfaces, associated with its aviation products or services.

2.1.2 Hazard identification shall be based on a combination of reactive and proactive methods.



2.2 Safety risk assessment and mitigation

The service provider shall develop and maintain a process that ensures analysis, assessment and control of the safety risks associated with identified hazards.

Note: In order to reduce the overall risk in the aviation system, when managing safety risks, it is beneficial to consider the impact on aviation safety from risk management strategies implemented in other domains (for example, aviation security, facilitation, economics and environment) and vice versa.

3. Safety assurance (SMS Component 3)

3.1 Safety performance measurement and monitoring

The service provider shall establish means to;

- (a) measure and monitor the safety performance of the organisation;
- (b) measure and monitor the progress towards achieving its safety objectives; and
- (c) validate the effectiveness of safety risk controls.

Note: An internal audit process is one means to monitor compliance with safety regulations, and validate the effectiveness of safety risk controls.

3.2 The management of change

The service provider shall develop and maintain a process to identify changes which may affect the level of safety risk associated with its aviation products or services and to identify and manage the safety risks that may arise from those changes.

3.3 Continual improvement of the SMS

The service provider shall monitor and assess its SMS processes to maintain or continually improve the overall effectiveness of the SMS.

4. Safety promotion (SMS Component 4)

4.1 Training and education

4.1.1 The service provider shall develop and maintain a safety training programme that ensures that personnel are trained and competent to perform their SMS duties.

4.1.2 The scope of the safety training programme shall be appropriate to each individual's involvement in the SMS.

4.2 Safety communication

The service provider shall develop and maintain a formal means for safety communication that:

- (a) ensures personnel are aware of the SMS to a degree commensurate with their positions;
- (b) conveys safety-critical information;



- (c) explains why particular actions are taken to improve safety; and
- (d) explains why safety procedures are introduced or changed.



APPENDIX 3

PRINCIPLES FOR THE PROTECTION OF SAFETY DATA, SAFETY INFORMATION AND RELATED SOURCES

Note 1: The protection of safety data, safety information and related sources is essential to ensure their continued availability, since the use of safety data and safety information for purposes other than maintaining or improving safety may inhibit the future availability of such data and information, with a significant adverse effect on safety.

Note 2: In view of their different legal systems, the Authority has the flexibility to draft their laws and regulations in accordance with their policies and practices.

Note 3: The principles contained in this appendix are aimed at assisting the Authority to enact and adopt national laws, regulations and policies to protect safety data and safety information gathered from their safety data collection and processing system (SDCPS), as well as related sources, while allowing for the proper administration of justice and necessary actions for maintaining or improving aviation safety.

Note 4: The objective is to ensure the continued availability of safety data and safety information by restricting their use for purposes other than maintaining or improving aviation safety.

1. General principles

1.1 The Authority shall, through national laws, regulations and policies protecting safety data, safety information and related sources, ensure that:

- (a) a balance is struck between the need for the protection of safety data, safety information and related sources to maintain or improve aviation safety, and the need for the proper administration of justice;
- (b) safety data, safety information and related sources are protected in accordance with this appendix;
- (c) the conditions under which safety data, safety information and related sources qualify for protection are specified; and
- (d) safety data and safety information remain available for the purpose of maintaining or improving aviation safety.

Note: The protection of safety data, safety information and related sources is not intended to interfere with the proper administration of justice or with maintaining or improving safety.

1.2 When an investigation under Annex 13 has been instituted, accident and incident investigation records listed in Annex 13, paragraph 5.12 shall be subject to the protections accorded therein instead of the protections accorded by this regulation.

2. Principles of protection

2.1 The Authority shall ensure that safety data or safety information is not used for:

- (a) disciplinary, civil, administrative and criminal proceedings against employees, operational personnel or organisations;



- (b) disclosure to the public; or
- (c) any purposes other than maintaining or improving safety; unless a principle of exception applies.

2.2 The Authority shall accord protection to safety data, safety information and related sources by ensuring that:

- (a) the protection is specified based on the nature of safety data and safety information;
- (b) a formal procedure to provide protection to safety data, safety information and related sources is established;
- (c) safety data and safety information will not be used in a way different from the purposes for which they were collected, unless a principle of exception applies; and
- (d) to the extent that a principle of exception applies, the use of safety data and safety information in disciplinary, civil, administrative and criminal proceedings will be carried out only under authoritative safeguards.

Note 1: The formal procedure may include that any person seeking disclosure of safety data or safety information will provide the justification for its release.

Note 2: Authoritative safeguards include legal limitations or restrictions such as protective orders, closed proceedings, in-camera review, and de-identification of data for the use or disclosure of safety information in judicial or administrative proceedings.

3. Principles of exception

Exceptions to the protection of safety data, safety information and related sources shall only be granted when the competent authority:

- (a) determines that there are facts and circumstances reasonably indicating that the occurrence may have been caused by an act or omission considered, in accordance with national laws, to be conduct constituting gross negligence, wilful misconduct or criminal activity;
- (b) after reviewing the safety data or safety information, determines that its release is necessary for the proper administration of justice, and that the benefits of its release outweigh the adverse domestic and international impact such release is likely to have on the future collection and availability of safety data and safety information; or
- (c) after reviewing the safety data or safety information, determines that its release is necessary for maintaining or improving safety, and that the benefits of its release outweigh the adverse domestic and international impact such release is likely to have on the future collection and availability of safety data and safety information.

Note 1: In administering the decision, the competent authority takes into account the consent of the source of the safety data and safety information.

Note 2: Different competent authorities may be designated for different circumstances. The competent authority could include, but is not limited to, judicial authorities or those otherwise entrusted with aviation responsibilities designated in accordance with national law.



4. Public disclosure

- 4.1 The Authority that has right-to-know laws shall, in the context of requests made for public disclosure, create exceptions from public disclosure to ensure the continued confidentiality of voluntarily supplied safety data and safety information.

Note: Laws, regulations and policies commonly referred to as right-to-know laws (freedom-of-information, open records, or sunshine laws) allow for public access to information held by the Authority.

- 4.2 Where disclosure is made in accordance with Section 3, the Authority shall ensure that:

- (a) public disclosure of relevant personal information included in the safety data or safety information complies with applicable privacy laws; or
- (b) public disclosure of the safety data or safety information is made in a de-identified, summarized or aggregate form.

5. Responsibility of the custodian of safety data and safety information

The Authority shall ensure that the SDCPS has a designated custodian to apply the protection to safety data and safety information in accordance with applicable provisions of this Appendix.

Note: The “custodian” may refer to an individual or organisation.

6. Protection of recorded data

Note 1: Ambient workplace recordings required by national laws, for example, cockpit voice recorders (CVRs) or recordings of background communication and the aural environment at air traffic controller work stations may be perceived as constituting an invasion of privacy for operational personnel that other professions are not exposed to.

Note 2: Provisions on the protection of flight recorder recordings and recordings from air traffic control units during investigations instituted under ICAO Annex 13 are contained therein. Provisions on the protection of flight recorder recordings during normal operations are contained in the CAR OPS operational regulations applicable to the operation.

- 6.1 The Authority shall, through national laws and regulations, provide specific measures of protection regarding the confidentiality and access by the public to ambient workplace recordings.
- 6.2 The Authority shall, through national laws and regulations, treat ambient workplace recordings required by national laws and regulations as privileged protected data subject to the principles of protection and exception as provided for in this Appendix.