



International
Civil Aviation
Organization

Organisation
de l'aviation civile
internationale

Organización
de Aviación Civil
Internacional

Международная
организация
гражданской
авиации

منظمة الطيران
المدني الدولي

国际民用
航空组织

Tel.: +1 514-954-8219 ext. 6220

Ref.: AN 8/3.1-16/16

4 April 2016

Subject: Adoption of Amendment 1 to Annex 19

Action required: a) Notify any disapproval before 11 July 2016; b) Notify any differences and compliance before 7 October 2019; c) Consider the use of the Electronic Filing of Differences (EFOD) System for notification of differences and compliance

Sir/Madam,

1. I have the honour to inform you that Amendment 1 to the *International Standards and Recommended Practices, Safety Management* (Annex 19 to the Convention on International Civil Aviation) was adopted by the Council at the eighth meeting of its 207th Session on 2 March 2016. Copies of the Amendment and the Resolution of Adoption are available as attachments to the electronic version of this State letter on the ICAO-NET (<http://portal.icao.int>) where you can access all other relevant documentation.
2. When adopting the amendment, the Council prescribed 11 July 2016 as the date on which it will become effective, except for any part concerning which a majority of Contracting States have registered their disapproval before that date. In addition, the Council resolved that Amendment 1, to the extent it becomes effective, will become applicable on 7 November 2019. The Universal Safety Oversight Audit Programme (USOAP) safety management-related protocol questions (PQs), initially published in November 2014, are expected to be updated in 2017 after the publication of the fourth edition of the *Safety Management Manual (SMM)* (Doc 9859) in July 2017. The commencement of monitoring activities using the safety management-related PQs has been postponed to January 2018.
3. Amendment 1 arises from proposals developed by the first meeting of the Safety Management Panel (SMP/1), together with the fourteenth meeting of the Airworthiness Panel Working Group of the Whole (AIRP/WG/WHL/14) and the Safety Information Protection Task Force (SIP TF). The amendment is based on existing principles in Annex 19 with some restructuring intended to facilitate effective implementation and is comprised of the following:

- a) an upgrade of State safety programme (SSP) provisions integrated with the State safety oversight (SSO) system critical elements (CEs). As recommended by the Second High-level Safety Conference (HLSC 2015), the proposed amendment maintains the visibility of the eight CEs of an SSO system and their role as the foundation of the SSP is emphasized;
- b) enhancement of safety management system (SMS) provisions;
- c) the extension of an SMS to organizations responsible for the type design and/or manufacture of engines and propellers; and
- d) an upgrade of provisions for the protection of safety data, safety information and related sources.

4. The subject is given in the amendment to the Foreword of Annex 19, a copy of which is in Attachment A.

5. In conformity with the Resolution of Adoption, may I request:

- a) that before 11 July 2016 you inform me if there is any part of the adopted Standards and Recommended Practices (SARPs) amendments in Amendment 1 concerning which your Government wishes to register disapproval, using the form in Attachment B for this purpose. Please note that only statements of disapproval need be registered and if you do not reply it will be assumed that you do not disapprove of the amendment;
- b) that before 7 October 2019 you inform me of the following, using the Electronic Filing of Differences (EFOD) System or the form in Attachment C for this purpose:
 - 1) any differences that will exist on 7 November 2019 between the national regulations or practices of your Government and the provisions of the whole of Annex 19, as amended by all amendments up to and including Amendment 1 and thereafter of any further differences that may arise; and
 - 2) the date or dates by which your Government will have complied with the provisions of the whole of Annex 19, as amended by all amendments up to and including Amendment 1.

6. With reference to the request in paragraph 5 a) above, it should be noted that a registration of disapproval of Amendment 1 or any part of it in accordance with Article 90 of the Convention does not constitute a notification of differences under Article 38 of the Convention. To comply with the latter provision, a separate statement is necessary if any differences do exist, as requested in paragraph 5 b) 1). It is recalled in this respect that international Standards in Annexes have a conditional binding force, to the extent that the State or States concerned have not notified any difference thereto under Article 38 of the Convention.

7. With reference to the request in paragraph 5 b) above, it should be also noted that the ICAO Assembly, at its 38th Session (24 September to 4 October 2013) resolved that Member States should be encouraged to use the EFOD System when notifying differences (Resolution A38-11 refers). The EFOD System is currently available on the Universal Safety Oversight Audit Programme (USOAP)

restricted website (<http://www.icao.int/usoap>) which is accessible by all Member States. You are invited to consider using this for notification of compliance and differences.

8. Guidance on the determination and reporting of differences is given in the Note on the Notification of Differences in Attachment D. Please note that a detailed repetition of previously notified differences, if they continue to apply, may be avoided by stating the current validity of such differences.

9. I would appreciate it if you would also send a copy of your notifications, referred to in paragraph 5 b) above, to the ICAO Regional Office accredited to your Government.

10. At the fifth meeting of its 204th Session, the Council requested that States, when being advised of the adoption of an Annex amendment, be provided with information on implementation and available guidance material, as well as an impact assessment. This is presented for your information in Attachments E and F, respectively.

11. As soon as practicable after the amendment becomes effective on 11 July 2016, replacement pages incorporating Amendment 1 will be forwarded to you.

Accept, Sir/Madam, the assurances of my highest consideration.



Fang Liu
Secretary General

Enclosures:

- A — Amendment to the Foreword of Annex 19
- B — Form on notification of disapproval of all or part of Amendment 1 to Annex 19
- C — Form on notification of compliance with or differences from Annex 19, Amendment 1
- D — Note on the Notification of Differences
- E — Implementation task list and outline of guidance material in relation to Amendment 1 to Annex 19
- F — Impact assessment in relation to Amendment 1 to Annex 19

ATTACHMENT A to State letter AN 8/3.1-16/16

AMENDMENT TO THE FOREWORD OF ANNEX 19

Add the following at the end of Table A:

<i>Amendment</i>	<i>Source(s)</i>	<i>Subject</i>	<i>Adopted/Approved Effective Applicable</i>
1	The first meeting of the Safety Management Panel (SMP/1) together with the fourteenth meeting of the Airworthiness Panel Working Group of the Whole (AIRP/WG/WHL/14) and the Safety Information Protection Task Force (SIP TF) relating to safety management.	Amendment concerns provisions related to the further development of safety management provisions and provisions to support the extension of safety management system (SMS) provisions to organizations responsible for the type design and/or manufacture of engines and propellers.	2 March 2016 11 July 2016 7 November 2019

ATTACHMENT B to State letter AN 8/3.1-16/16

**NOTIFICATION OF DISAPPROVAL OF ALL OR PART OF
AMENDMENT 1 TO ANNEX 19**

To: The Secretary General
International Civil Aviation Organization
999 Robert-Bourassa Boulevard
Montréal, Québec
Canada H3C 5H7

(State) _____ hereby wishes to disapprove the following parts of
Amendment 1 to Annex 19:

Signature _____

Date _____

NOTES

- 1) If you wish to disapprove all or part of Amendment 1 to Annex 19, please dispatch this notification of disapproval to reach ICAO Headquarters by 11 July 2016. If it has not been received by that date it will be assumed that you do not disapprove of the amendment. **If you approve of all parts of Amendment 1, it is not necessary to return this notification of disapproval.**
- 2) This notification should not be considered a notification of compliance with or differences from Annex 19. Separate notifications on this are necessary. (See Attachment C.)
- 3) Please use extra sheets as required.

ATTACHMENT C to State letter AN 8/3.1-16/16

**NOTIFICATION OF COMPLIANCE WITH OR DIFFERENCES FROM ANNEX 19
(including all amendments up to and including Amendment 1)**

To: The Secretary General
International Civil Aviation Organization
999 Robert-Bourassa Boulevard
Montréal, Québec
Canada H3C 5H7

1. No differences will exist on _____ between the national regulations and/or practices of **(State)** _____ and the provisions of Annex 19, including all amendments up to and including Amendment 1.

2. The following differences will exist on _____ between the regulations and/or practices of **(State)** _____ and the provisions of Annex 19, including Amendment 1 (Please see Note 2) below.)

a) Annex Provision (Please give exact paragraph reference)	b) Details of Difference (Please describe the difference clearly and concisely)	c) Remarks (Please indicate reasons for the difference)
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(Please use extra sheets as required)

3. By the dates indicated below, **(State)** _____ will have complied with the provisions of Annex 19, including all amendments up to and including Amendment 1 for which differences have been notified in 2 above.

a) Annex Provision (Please give exact paragraph reference)	b) Date	c) Comments
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(Please use extra sheets as required)

Signature _____

Date _____

NOTES

- 1) If paragraph 1 above is applicable to your State, please complete paragraph 1 and return this form to ICAO Headquarters. If paragraph 2 is applicable to you, please complete paragraphs 2 and 3 and return the form to ICAO Headquarters.
- 2) A detailed repetition of previously notified differences, if they continue to apply, may be avoided by stating the current validity of such differences.
- 3) Guidance on the notification of differences is provided in the Note on the Notification of Differences and in the *Manual on Notification and Publication of Differences* (Doc 10055).
- 4) Please send a copy of this notification to the ICAO Regional Office accredited to your Government.

ATTACHMENT D to State letter AN 8/3.1-16/16

NOTE ON THE NOTIFICATION OF DIFFERENCES
(Prepared and issued in accordance with instructions of the Council)

1. *Introduction*

1.1 Article 38 of the *Convention on International Civil Aviation* (“Convention”) requires that a Contracting State notify ICAO any time it does not comply with a Standard in all respects, it does not bring its regulations or practices into full accord with any Standard, or it adopts regulations or practices differing in any particular respect from the Standard.

1.2 The Assembly and the Council, when reviewing the notification of differences by Contracting States in compliance with Article 38 of the Convention, have repeatedly noted that the timeliness and currency of such notifications is not entirely satisfactory. Therefore, this note is issued to reiterate the primary purpose of Article 38 of the Convention and to facilitate the determination and notification of differences.

1.3 The primary purpose of the notification of differences is to promote safety, regularity and efficiency in air navigation by ensuring that governmental and other agencies, including operators and service providers, concerned with international civil aviation are made aware of all national regulations and practices in so far as they differ from those prescribed in the Standards contained in Annexes to the Convention.

1.4 Contracting States are, therefore, requested to give particular attention to the notification of differences with respect to Standards in all Annexes, as described in paragraph 4 b) 1) of the Resolution of Adoption.

1.5 Although differences from Recommended Practices are not notifiable under Article 38 of the Convention, the Assembly has urged Contracting States to extend the above considerations to Recommended Practices contained in Annexes to the Convention, as well.

2. *Notification of differences from Standards and Recommended Practices (SARPs)*

2.1 Guidance to Contracting States in the notification of differences to Standards and Recommended Practices (SARPs) can only be given in very general terms. Contracting States are further reminded that compliance with SARPs generally extends beyond the issuance of national regulations and requires establishment of practical arrangements for implementation, such as the provision of facilities, personnel and equipment and effective enforcement mechanisms. Contracting States should take those elements into account when determining their compliance and differences. The following categories of differences are provided as a guide in determining whether a notifiable difference exists:

- a) *A Contracting State’s requirement is more exacting or exceeds a SARP (Category A)*. This category applies when the national regulation and practices are more demanding than the corresponding SARP, or impose an obligation within the scope of the Annex which is not covered by the SARP. This is of particular importance where a Contracting State requires a higher standard which affects the operation of aircraft of other Contracting States in and above its territory;

- b) *A Contracting State's requirement is different in character or the Contracting State has established other means of compliance (Category B)**. This category applies, in particular, when the national regulation and practices are different in character from the corresponding SARP, or when the national regulation and practices differ in principle, type or system from the corresponding SARP, without necessarily imposing an additional obligation; and
- c) *A Contracting State's requirement is less protective, partially implemented or not implemented (Category C)*. This category applies when the national regulation and practices are less protective than the corresponding SARP; when no national regulation has been promulgated to address the corresponding SARP, in whole or in part; or when the Contracting State has not brought its practices into full accord with the corresponding SARP.

These categories do not apply to Not Applicable SARP. Please see the paragraph below.

2.2 **Not Applicable SARP.** When a Contracting State deems a SARP concerning aircraft, operations, equipment, personnel, or air navigation facilities or services to be not applicable to the existing aviation activities of the State, notification of a difference is not required. For example, a Contracting State that is not a State of Design or Manufacture and that does not have any national regulations on the subject, would not be required to notify differences from Annex 8 provisions related to the design and construction of an aircraft.

2.3 **Differences from appendices, tables and figures.** The material comprising a SARP includes not only the SARP itself, but also the appendices, tables and figures associated with the SARP. Therefore, differences from appendices, tables and figures are notifiable under Article 38. In order to file a difference against an appendix, table or figure, States should file a difference against the SARP that makes reference to the appendix, table or figure.

2.4 **Differences from definitions.** Contracting States should notify differences from definitions. The definition of a term used in a SARP does not have independent status but is an essential part of each SARP in which the term is used. Therefore, a difference from the definition of the term may result in there being a difference from any SARP in which the term is used. To this end, Contracting States should take into consideration differences from definitions when determining compliance or differences to SARPs in which the terms are used.

2.5 The notification of differences should be not only to the latest amendment but to the whole Annex, including the amendment. In other words, Contracting States that have already notified differences are requested to provide regular updates of the differences previously notified until the difference no longer exists.

2.6 Further guidance on the identification and notification of differences, examples of well-defined differences and examples of model processes and procedures for management of the notification of differences can be found in the *Manual on Notification and Publication of Differences* (Doc 10055).

* The expression "different in character or other means of compliance" in b) would be applied to a national regulation and practice which achieve, by other means, the same objective as that of the corresponding SARPs or for other substantive reasons so cannot be classified under a) or c).

3. *Form of notification of differences*

3.1 Differences can be notified:

- a) by sending to ICAO Headquarters a form on notification of compliance or differences; or
- b) through the Electronic Filing of Differences (EFOD) System at www.icao.int/usoap.

3.2 When notifying differences, the following information should be provided:

- a) the number of the paragraph or subparagraph which contains the SARP to which the difference relates*;
- b) the reasons why the State does not comply with the SARP, or considers it necessary to adopt different regulations or practices;
- c) a clear and concise description of the difference; and
- d) intentions for future compliance and any date by which your Government plans to confirm compliance with and remove its difference from the SARP for which the difference has been notified.

3.3 The differences notified will be made available to other Contracting States, normally in the terms used by the Contracting State when making the notification. In the interest of making the information as useful as possible, Contracting States are requested to ensure that:

- a) statements be as clear and concise as possible and be confined to essential points;
- b) the provision of extracts from national regulations not be considered as sufficient to satisfy the obligation to notify differences; and
- c) general comments, unclear acronyms and references be avoided.

* This applies only when the notification is made under 3.1 a).

**IMPLEMENTATION TASK LIST AND OUTLINE OF GUIDANCE MATERIAL
IN RELATION TO AMENDMENT 1 TO ANNEX 19**

1. IMPLEMENTATION TASK LIST

1.1 Essential steps to be followed by a State in order to implement the proposed amendment to Annex 19:

- a) identification of the rule-making process necessary to transpose the amendments into the national laws and regulations taking into consideration the applicability date and coordination as required with other relevant State bodies;
- b) drafting of the modification to the national laws and regulations and means of compliance;
- c) establishment of a national implementation plan that takes into consideration the expected promulgation date of the amended national laws and regulations and the time and resources required to confirm compliance for each affected organization;
- d) official adoption of the national laws and regulations and/or means of compliance (industry guidance);
- e) development or update of the State safety programme (SSP) to reflect modified ICAO provisions, including coordination with other State agencies and administrative processes, as required;
- f) filing of State differences with ICAO, if necessary;
- g) development or revision of guidance material(s) and checklist(s) for technical personnel performing safety-related functions;
- h) training of technical personnel performing safety-related functions in the use of the new provisions;
- i) updates to the safety management system (SMS) of service providers and operators to be made acceptable to the State in compliance with amended laws and regulations; and
- j) development of a plan for organizations responsible for the type design and/or manufacture of engines and propellers to implement an SMS acceptable to the State of Design or Manufacture in compliance with the amended laws and regulations.

2. STANDARIZATION PROCESS

2.1 Effective date: 11 July 2016

2.2 Applicability date: 7 November 2019

2.3 Embedded applicability date(s): N/A

3. SUPPORTING DOCUMENTATION

3.1 ICAO documentation

Title	Type (PANS/TI/Manual/Circ)	Planned publication date
<i>Safety Management Manual (SMM) (Doc 9859)</i>	Manual	July 2017
<i>Safety Oversight Manual, Part A — The Establishment and Management of a State's Safety Oversight System (Doc 9734)</i>	Manual	July 2017
Safety management website update (http://www.icao.int/Safety/SafetyManagement)	Examples and Electronic tools	July 2017
<i>Manual on Flight Data Analysis Programmes (FDAP) (Doc 10000)</i>	Manual	December 2017

3.2 External documentation

Title	External Organization	Publication date
None		

4. IMPLEMENTATION ASSISTANCE TASKS

Type	Global	Regional
Workshops		RASGs, RSOOs, COSCAPS
Update to safety management training programme	Computer-based on demand	

5. UNIVERSAL SAFETY OVERSIGHT AUDIT PROGRAMME (USOAP)

5.1 The content of this paper may require an amendment of the Universal Safety Oversight Audit Programme (USOAP) continuous monitoring approach (CMA) protocol questions related to safety management in the audit areas of primary aviation legislation and civil aviation regulations (LEG), civil aviation organization (ORG), personnel licensing and training (PEL), aircraft operations (OPS), airworthiness of aircraft (AIR), air navigation services (ANS), aerodromes and ground aids (AGA) and aircraft accident and incident investigation (AIG) to assess effective implementation by States. The existing safety management protocol questions may need to be amended or new protocol questions may be required. The existing set of safety management-related protocol questions will be used to conduct voluntary assessments of States during 2016 and will be updated in 2017, as needed. The audit of the new SSP-related PQs has been postponed to January 2018. It should be noted that the principles set out in the original version of Annex 19 were not essentially changed, but rather clarified and restructured.

IMPACT ASSESSMENT IN RELATION TO AMENDMENT 1 TO ANNEX 19

1. INTRODUCTION

1.1 Amendment 1 to Annex 19 is intended to address the integration of State safety management responsibilities, enhanced safety management system (SMS) provisions, and provisions for the protection of safety data and safety information and its related sources.

2. IMPACT ASSESSMENT

2.1 Integration of State safety management responsibilities

2.1.1 *Safety impact:* The implementation of a State safety programme (SSP) by States will support the aviation system of the future and is necessary to improve or maintain safety levels. The integrated set of State safety management responsibilities only streamlines existing provisions in Annex 19, and as such, is not expected to have a significant “additional” safety impact.

2.1.2 *Financial impact:* The integration of the State safety oversight (SSO) system and the SSP framework elements is expected to have mostly administrative costs for States that have already established and promulgated an SSP. Higher costs are expected for those States where the SSP is approved at the highest level similar to a legislative document and for States with multiple aviation authorities involved in safety management activities, thus requiring extensive coordination.

2.1.3 *Security impact:* No security impact with the implementation of this proposal.

2.1.4 *Environmental impact:* The implementation of these provisions has minor environmental impact.

2.1.5 *Efficiency impact:* The proposed amendment to Annex 19 is intended to streamline the SSP processes by clarifying the role of the SSO system critical elements (CEs) as the foundation required for an effective SSP. The streamlined set of provisions is expected to support States in achieving SSP implementation in a more efficient manner.

2.1.6 *Expected implementation time:* The implementation of the amendments related to the integration of the SSO system CEs and the SSP provisions is expected to take somewhere between five to ten years, depending on the level of safety oversight and safety management maturity in the State.

2.2 Enhanced safety management system (SMS) provisions

2.2.1 *Safety impact:* By providing further clarification of the ICAO SMS SARPs, these enhancements are expected to support effective SMS implementation and contribute to effective oversight of SMS. Potentially these enhancements may also facilitate the voluntary implementation of an SMS resulting in a positive safety impact.

2.2.2 *Financial impact:* These changes will require minor amendments to safety management oversight procedures and are expected to have a positive cost impact over time as they clarify the intent of the provisions for States as well as organizations required to implement SMS and will contribute to the uniform application of the ICAO SARPs.

2.2.3 *Security impact:* No security impact with the implementation of this proposal.

2.2.4 *Environmental impact:* The implementation of these provisions has minor environmental impact.

2.2.5 *Efficiency impact:* The enhancement of the safety management system (SMS) provisions and the extension of an SMS to engine and propeller design and manufacturing organizations will improve the efficiency and effectiveness of the risk management processes.

2.2.6 *Expected implementation time:* The implementation of the enhanced SMS provisions and the extension of an SMS to engine and propeller design and manufacturing organization is expected to take two to five years.

2.3 **Protection of safety data, safety information and related sources**

2.3.1 *Safety impact:* The protection of safety data, safety information and related sources is an important enabler of safety management that is critical to ensure the continued availability of safety data and safety information. 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. The proposal ensures that safety data, safety information and related sources are afforded adequate protection.

2.3.2 *Financial impact:* For States with existing legal frameworks for the protection of safety data, safety information and related sources, it is anticipated that the adoption of the amendment would have from negligible to moderate impact. For States without protective safeguards in national laws, it would have from moderate to significant impact to implement the proposed amendments.

2.3.3 *Security impact:* No security impact with the implementation of this proposal.

2.3.4 *Environmental impact:* The implementation of these provisions has minor environmental impact.

2.3.5 *Efficiency impact:* It is not anticipated that there will be a net change in the efficiency of the air transportation system.

2.3.6 *Expected implementation time:* Between two to four years from the effective date.

AMENDMENT No. 1

TO THE

**INTERNATIONAL STANDARDS
AND RECOMMENDED PRACTICES**

SAFETY MANAGEMENT

ANNEX 19

TO THE CONVENTION ON INTERNATIONAL CIVIL AVIATION

The amendment to Annex 19 contained in this document was adopted by the Council of ICAO on **2 March 2016**. Such parts of this amendment as have not been disapproved by more than half of the total number of Contracting States on or before **11 July 2016** will become effective on that date and will become applicable on **7 November 2019** as specified in the Resolution of Adoption. (State letter AN 8/3.1-16/16 refers.)

MARCH 2016

INTERNATIONAL CIVIL AVIATION ORGANIZATION

**AMENDMENT 1 TO THE INTERNATIONAL STANDARDS AND
RECOMMENDED PRACTICES**

ANNEX 19 — SAFETY MANAGEMENT

RESOLUTION OF ADOPTION

The Council

Acting in accordance with the Convention on International Civil Aviation, and particularly with the provisions of Articles 37, 54 and 90 thereof,

1. *Hereby adopts* on 2 March 2016 Amendment 1 to the International Standards and Recommended Practices contained in the document entitled *International Standards and Recommended Practices, Safety Management* which for convenience is designated Annex 19 to the Convention;
2. *Prescribes* 11 July 2016 as the date upon which the said amendment shall become effective, except for any part thereof in respect of which a majority of the Contracting States have registered their disapproval with the Council before that date;
3. *Resolves* that the said amendment or such parts thereof as have become effective shall become applicable on 7 November 2019;
4. *Requests the Secretary General:*
 - a) to notify each Contracting State immediately of the above action and immediately after 11 July 2016 of those parts of the amendment which have become effective;
 - b) to request each Contracting State:
 - 1) to notify the Organization (in accordance with the obligation imposed by Article 38 of the Convention) of the differences that will exist on 7 November 2019 between its national regulations or practices and the provisions of the Standards in the Annex as hereby amended, such notification to be made before 7 October 2019, and thereafter to notify the Organization of any further differences that arise;
 - 2) to notify the Organization before 7 October 2019 of the date or dates by which it will have complied with the provisions of the Standards in the Annex as hereby amended;
 - c) to invite each Contracting State to notify additionally any differences between its own practices and those established by the Recommended Practices, following the procedure specified in subparagraph b) above with respect to differences from Standards.

**NOTES ON THE PRESENTATION OF THE
AMENDMENT TO ANNEX 19**

The text of the amendment is arranged to show deleted text with a line through it and new text highlighted with grey shading, as shown below:

~~Text to be deleted is shown with a line through it.~~

text to be deleted

New text to be inserted is highlighted with grey shading.

new text to be inserted

~~Text to be deleted is shown with a line through it~~ followed
by the replacement text which is highlighted with grey
shading.

new text to replace existing text

TEXT OF AMENDMENT 1

TO THE

INTERNATIONAL STANDARDS
AND RECOMMENDED PRACTICES

SAFETY MANAGEMENT

ANNEX 19

TO THE CONVENTION ON INTERNATIONAL CIVIL AVIATION

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Editorial Note.— Throughout the Annex, the terms “Each State” and “The State” have been replaced by “States”.

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APPENDIX 2. Framework for a safety management system (SMS)

1. Safety policy and objectives
2. Safety risk management
3. Safety assurance
4. Safety promotion

ATTACHMENT A. ~~Framework for a State safety programme (SSP)~~

- ~~1. State safety policy and objectives~~
- ~~2. State safety risk management~~
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ATTACHMENT B APPENDIX 3. ~~Legal guidance~~ Principles for the protection of information from safety data, collection and processing systems safety information and related sources

- ~~1. Introduction~~
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ABBREVIATIONS*(used in this Annex)*

ADREP	Accident/incident data reporting
AIS	Aeronautical information services
ATS	Air traffic services
CNS	Communications, navigation and surveillance
CVR	Cockpit voice recorder
MET	Meteorological services
PANS	Procedures for Air Navigation Services
SAR	Search and rescue
SARPs	Standards and Recommended Practices
SDCPS	Safety data collection and processing systems
SMM	Safety management manual
SMP	Safety management panel
SMS	Safety management system
SSO	State safety oversight
SSP	State safety programme

PUBLICATIONS*(referred to in this Annex)**Convention on International Civil Aviation (Doc 7300)*

Annexes to the Convention on International Civil Aviation

Annex 1 — *Personnel Licensing*Annex 6 — *Operation of Aircraft*Part I — *International Commercial Air Transport — Aeroplanes*Part II — *International General Aviation — Aeroplanes*Part III — *International Operations — Helicopters*Annex 8 — *Airworthiness of Aircraft*Annex 11 — *Air Traffic Services*Annex 13 — *Aircraft Accident and Incident Investigation*Annex 14 — *Aerodromes*Volume I — *Aerodrome Design and Operations*~~Procedures for Air Navigation Services~~~~—— *ABC — ICAO Abbreviations and Codes (Doc 8400)*~~~~—— *ATM — Air Traffic Management (Doc 4444)*~~

Manuals¹

~~*Airworthiness Manual (Doc 9760)*~~

Global Aviation Safety Plan (Doc 10004)

Manual of Civil Aviation Medicine (Doc 8984)

~~*Manual of Procedures for Establishment and Management of a State's Personnel Licensing System (Doc 9379)*~~

Manual of Procedures for Operations Inspection, Certification and Continued Surveillance (Doc 8335)

~~*Manual on Certification of Aerodromes (Doc 9774)*~~

~~*Manual on the Approval of Training Organizations (Doc 9841)*~~

Manual on the Implementation of Article 83 bis of the Convention on International Civil Aviation (Doc 10059)

Safety Management Manual (SMM) (Doc 9859)

Safety Oversight Manual (Doc 9734)

Part A — *The Establishment and Management of a State's Safety Oversight System*

1. The manuals referenced will be updated as necessary to harmonize the terminology with that used in this Annex.

FOREWORD

Historical background

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In its report to Council on the HLSC 2010 outcomes, the Air Navigation Commission (ANC) had recommended that the development of the new Annex follow a two-phased process. The focus of the first phase was to establish the safety management Annex through the consolidation and reorganization of existing Standards and Recommended Practices (SARPs). Amendment 1 to Annex 19 includes substantive amendments to the safety management provisions as described below.

In recognition of the need to clarify the relationship between the eight critical elements (CEs) of a State safety oversight (SSO) system found in Appendix 1 and the detailed State safety programme (SSP) framework elements previously found in Attachment A, Amendment 1 to Annex 19 consolidates the provisions related to States' safety management responsibility in Chapter 3. The CEs of an SSO system constitute the foundation of an SSP. Chapter 3 integrates the eight CEs of the SSO system with the SSP framework elements into a streamlined set of SARPs to facilitate implementation. The CEs remain visible in Appendix 1.

Furthermore, Amendment 1 provides new and amended safety management system (SMS) SARPs to facilitate implementation, including the addition of several explanatory notes. Amendment 1 also extends the applicability of an SMS to organizations responsible for the type design and manufacture of engines and propellers, which is facilitated by the recognition of these organizations in Annex 8.

Finally, Amendment 1 provides enhanced protections to safety data and safety information as well as their sources. One of the key elements of the proposed amendments is that guidance material contained in Attachment B to Annex 19 be upgraded to the status of SARPs, grouped within a new Appendix. The proposed amendments enhance legal safeguards intended to assure the appropriate use and protection of safety information, thereby facilitating its continued availability to support proactive safety improvement strategies. Definitions for safety data and safety information have also been developed to provide clarity to the scope of the provisions, thereby facilitating consistent application.

As a result of the adoption of Amendment 1, the second edition of Annex 19 was published. This edition reflects the extensive nature of the Amendment which completes the second phase of the development of the Annex. Amendment 1 was adopted by the Council on 2 March 2016, became effective on 11 July 2016 and applicable on 7 November 2019.

Table A shows the origin of subsequent amendments together with a list of the principal subjects involved and the dates on which the Annex and the amendments were adopted by the Council, when they became effective and when they became applicable.

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CHAPTER 1. DEFINITIONS

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Hazard. A condition or an object with the potential to cause or contribute to an aircraft incident or accident.

...

Safety data. A defined set of facts or set of safety values collected from various aviation related sources, which is used to maintain or improve safety.

Note.— Such safety data is collected from proactive or reactive safety-related activities, including but not limited to:

- a) accident or incident investigations;
- b) safety reporting;
- c) continuing airworthiness reporting;
- d) operational performance monitoring;
- e) inspections, audits, surveys; or
- f) safety studies and reviews.

Safety information. Safety data processed, organized or analysed in a given context so as to make it useful for safety management purposes.

Safety management system (SMS). A systematic approach to managing safety, including the necessary organizational structures, ~~accountabilities~~ accountability, responsibilities, policies and procedures.

Safety oversight. A function performed by a State to ensure that individuals and organizations performing an aviation activity comply with safety-related national laws and regulations.

...

Safety performance target. The State or service provider's planned or intended ~~objective target~~ target for a safety performance indicator(s) over a given period that aligns with the safety objectives.

...

Surveillance. The State activities through which the State proactively verifies through inspections and audits that aviation licence, certificate, authorization or approval holders continue to meet the established requirements and function at the level of competency and safety required by the State.

...

CHAPTER 2. APPLICABILITY

The Standards and Recommended Practices contained in this Annex 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 States are contained in Chapter 3 and relate to a State safety programme.

Note 2.— Within the context of this Annex, the term “service provider” refers to those organizations listed in Chapter 3, 3.3.2.1 and does not include international general aviation operators.

Note 2-3.— Safety management provisions for specified aviation service providers and operators are in Chapter 4 and relate to safety management systems (SMSs). ~~Supplementary safety management provisions specific to individual service providers or operators are contained in other Annexes, as referenced in this Annex.~~

Note 4.— No provision of this Annex is intended to transfer to the State the responsibilities of the aviation service provider or operator. This includes functions related to, or in direct support of, the safe operation of aircraft.

Note 5.— In the context of this Annex, “responsibility” (singular) refers to “State 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 MANAGEMENT RESPONSIBILITIES

Note 1.— The State safety oversight (SSO) system critical elements (CEs) found in Appendix 1 constitute the foundation of an SSP. ~~This chapter outlines the safety management responsibilities of the State through the compliance with SARPs, the conduct of its own safety management functions and the surveillance of SMSs implemented in accordance with the provisions of this Annex.~~

Note 2.— Safety management ~~system~~ provisions pertaining to specific types of aviation activities are addressed in the relevant Annexes.

Note 3.— Basic safety management principles applicable to the medical assessment process of licence holders are contained in Annex 1. Guidance is available in the Manual of Civil Aviation Medicine (Doc 8984).

3.1 State safety programme (SSP)

3.1.1— ~~Each State~~ States shall establish an SSP for the management of safety in the State and maintain an SSP that is commensurate with the size and complexity of the State’s civil aviation system, but may delegate safety management-related functions and activities to another State, Regional Safety Oversight Organization (RSOO) or Regional Accident and Incident Investigation Organization (RAIO); ~~in order to achieve an acceptable level of safety performance in civil aviation. The SSP shall include the following components:~~

Note 1.— States retain responsibility for safety management-related functions and activities delegated to another State, RSOO or RAIO.

Note 2.— Guidance on an SSP and the delegation of safety management-related functions and activities are contained in the Safety Management Manual (SMM) (Doc 9859).

- a) State safety policy and objectives;
- b) State safety risk management;
- c) State safety assurance; and
- d) State safety promotion.

~~— *Note 1.— The SSP established by the State is commensurate with the size and the complexity of its aviation activities.*~~

~~— *Note 2.— A framework for the implementation and maintenance of an SSP is contained in Attachment A, and guidance on a State safety programme is contained in the Safety Management Manual (SMM) (Doc 9859).*~~

~~— 3.1.2 The acceptable level of safety performance to be achieved shall be established by the State.~~

~~— *Note.— Guidance on defining an acceptable level of safety performance is contained in the Safety Management Manual (SMM) (Doc 9859).*~~

~~— 3.1.3 As part of its SSP, each State shall require that the following service providers under its authority implement an SMS:~~

- ~~— a) approved training organizations in accordance with Annex 1 that are exposed to safety risks related to aircraft operations during the provision of their services;~~
- ~~— b) operators of aeroplanes or helicopters authorized to conduct international commercial air transport, in accordance with Annex 6, Part I or Part III, Section II, respectively;~~

~~— *Note.— When maintenance activities are not conducted by an approved maintenance organization in accordance with Annex 6, Part I, 8.7, but under an equivalent system as in Annex 6, Part I, 8.1.2, or Part III, Section II, 6.1.2, they are included in the scope of the operator's SMS.*~~

- ~~— c) approved maintenance organizations providing services to operators of aeroplanes or helicopters engaged in international commercial air transport, in accordance with Annex 6, Part I or Part III, Section II, respectively;~~
- ~~— d) organizations responsible for the type design or manufacture of aircraft, in accordance with Annex 8;~~
- ~~— e) air traffic services (ATS) providers in accordance with Annex 11; and~~

Note.— ~~The provision of AIS, CNS, MET and/or SAR services, when under the authority of an ATS provider, are included in the scope of the ATS provider's SMS. When the provision of AIS, CNS, MET and/or SAR services are wholly or partially provided by an entity other than an ATS provider, the related services that come under the authority of the ATS provider, or those aspects of the services with direct operational implications, are included in the scope of the ATS provider's SMS.~~

— f) operators of certified aerodromes in accordance with Annex 14.

— 3.1.4 As part of its SSP, each State shall require that international general aviation operators of large or turbojet aeroplanes in accordance with Annex 6, Part II, Section 3, implement an SMS.

— *Note.*— ~~International general aviation operators are not considered to be service providers in the context of this Annex.~~

3.2 State safety oversight policy, objectives and resources

Each State shall establish and implement a safety oversight system in accordance with Appendix 1.

3.2.1 Primary aviation legislation

3.2.1.1 States shall establish primary aviation legislation in accordance with section 1 of Appendix 1.

Editorial Note.— New paragraph 3.2.1.2 was extracted from Attachment A, paragraph 1.4.

3.2.1.2 **Recommendation.**— ~~The State has promulgated an enforcement policy that establishes States should establish an enforcement 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 deviations issues, internally, within the context of the service provider's SMS, their SMS and to the satisfaction of the appropriate State authority. The enforcement policy also establishes the conditions and circumstances under which to deal with safety deviations through established enforcement procedures.~~

3.2.2 Specific operating regulations

3.2.2.1 States shall establish specific operating regulations in accordance with section 2 of Appendix 1.

Editorial Note.— Extracted from Attachment A, paragraph 2.1.

3.2.2.2 ~~The State has established the controls which govern how service providers will identify hazards and manage safety risks. These include the requirements, States shall periodically review specific operating regulations, guidance material and implementation policies for the service provider's SMS. The requirements, specific operating regulations and implementation policies are periodically reviewed to ensure they remain relevant and appropriate to the service providers.~~

3.2.3 State system and functions

3.2.3.1 States shall establish State system and functions in accordance with section 3 of Appendix 1.

Editorial Note.— Extracted from Attachment A, paragraph 1.2.

3.2.3.2 **Recommendation.**— ~~The State has identified, defined and documented~~ *States should identify, define and document the requirements, obligations, functions and activities—responsibilities and accountabilities regarding the establishment and maintenance of the SSP. This includes, including the directives to plan, organize, develop, maintain, control and continuously improve the SSP in a manner that meets the State’s safety objectives. It also includes a clear statement about the provision of the necessary resources for the implementation of the SSP.*

3.2.3.3 **Recommendation.**— *States should establish a safety policy and safety objectives that reflect their commitment regarding safety and facilitates the promotion of a positive safety culture in the aviation community.*

3.2.3.4 **Recommendation.**— *The safety policy and safety objectives should be published and periodically reviewed to ensure that they remain relevant and appropriate to the State.*

3.2.4 Qualified technical personnel

States 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 State.*

3.2.5 Technical guidance, tools and provision of safety-critical information

States shall establish technical guidance and tools and provide safety-critical information in accordance with section 5 of Appendix 1.

3.3 State safety risk management

3.3.1 Licensing, certification, authorization and approval obligations

States shall meet the licensing, certification, authorization and approval obligations in accordance with section 6 of Appendix 1.

Editorial Note.— The text of the new paragraph 3.3.2 was previously contained in paragraph 3.1.3 of Chapter 3.

3.3.2 Safety management system obligations

~~3.1.3~~ 3.3.2.1 ~~As part of its SSP, each State~~ *States* shall require that the following service providers under ~~its~~ *their* authority implement an SMS:

- a) approved training organizations in accordance with Annex 1 that are exposed to safety risks related to aircraft operations during the provision of their services;
- b) operators of aeroplanes or helicopters authorized to conduct international commercial air transport, in accordance with Annex 6, Part I or Part III, Section II, respectively;

Note.— *When maintenance activities are not conducted by an approved maintenance organization in accordance with Annex 6, Part I, 8.7, but under an equivalent system as in Annex 6, Part I, 8.1.2, or Part III, Section II, 6.1.2, they are included in the scope of the operator's SMS.*

- c) approved maintenance organizations providing services to operators of aeroplanes or helicopters engaged in international commercial air transport, in accordance with Annex 6, Part I or Part III, Section II, respectively;
- d) organizations responsible for the type design or manufacture of aircraft, engines or propellers, in accordance with Annex 8;
- e) air traffic services (ATS) providers in accordance with Annex 11; and

~~*Note.*— *The provision of AIS, CNS, MET and/or SAR services, when under the authority of an ATS provider, are included in the scope of the ATS provider's SMS. When the provision of AIS, CNS, MET and/or SAR services are wholly or partially provided by an entity other than an ATS provider, the related services that come under the authority of the ATS provider, or those aspects of the services with direct operational implications, are included in the scope of the ATS provider's SMS.*~~

- f) operators of certified aerodromes in accordance with Annex 14, Volume I.

Note.— *Further provisions related to the implementation of SMS by service providers can be found in Chapter 4.*

Editorial Note.— *Extracted from Attachment A, paragraph 2.2.*

~~3.3.2.2 **Recommendation.**— *The State has agreed with individual service providers on the safety performance of their SMS. The agreed safety performance of an individual service provider's SMS is periodically reviewed to ensure it remains relevant and appropriate to the service providers. States should ensure that safety performance indicators and targets established by service providers and operators are acceptable to the State.*~~

Note.— *Guidance on the identification of appropriate safety performance indicators and targets is contained in the Safety Management Manual (SMM) (Doc 9859).*

Editorial Note.— *New para. 3.3.2.3 and its Note were previously para. 3.1.4 of Chapter 3.*

~~3.1.4 3.3.2.3~~ **As part of its SSP, each The State of Registry shall require that establish criteria for international general aviation operators of large or turbojet aeroplanes in accordance with Annex 6, Part II, Section 3, to implement an SMS.**

Note.— *International general aviation operators are not considered to be service providers in the context of this Annex.*

Note.— Further provisions related to the implementation of SMS by international general aviation operators can be found in Chapter 4.

3.3.2.4 The criteria established by the State of Registry in accordance with 3.3.2.3 shall address the SMS framework and elements contained in Appendix 2.

Note.— Guidance on establishing the criteria to implement an SMS for international general aviation operators is contained in the Safety Management Manual (SMM) (Doc 9859).

Editorial Note.— Extracted from Attachment A, paragraph 1.3.

4-3-3.3.3 Accident and incident investigation

~~The State has established an independent accident and incident investigation process, the sole objective of which is the prevention of accidents and incidents, and not the apportioning of blame or liability. Such investigations are in support of the management of safety in the State. In the operation of the SSP, the State maintains the independence of the accident and incident investigation organization from other State aviation organizations. States shall establish a process to investigate accidents and incidents in accordance with Annex 13 — Aircraft Accident and Incident Investigation, in support of the management of safety in the State.~~

Editorial Note.— Extracted from Attachment A, paragraph 3.2, second sentence.

~~3.2 — Safety data collection, analysis and exchange~~ 3.3.4 Hazard identification and safety risk assessment

~~The State has established mechanisms to ensure the capture and storage of data on hazards and safety risks at both an individual and aggregate State level.~~

3.3.4.1 ~~The States has also established~~ shall establish mechanisms and maintain a process to develop identify hazards from collected safety information from the stored data, and to actively exchange safety information with service providers and/or other States as appropriate.

Note 1. — Further information regarding safety data collection, analysis and the sharing and exchange of safety information can be found in Chapter 5.

Note 2.— 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.

3.3.4.2 States shall develop and maintain a process that ensures the assessment of safety risks associated with identified hazards.

3.3.5 Management of safety risks

3.3.5.1 States shall establish mechanisms for the resolution of safety issues in accordance with section 8 in Appendix 1.

3.3.5.2 **Recommendation.**— *States should develop and maintain a process to manage safety risks.*

Note 1.— Actions taken to manage safety risks may include: acceptance, mitigation, avoidance or transfer.

Note 2.— Safety risks and safety issues often have underlying factors which need to be carefully assessed.

3.4 State safety assurance

3.4.1 Surveillance obligations

3.4.1.1 States shall meet the surveillance obligations in accordance with section 7 of Appendix 1.

Note.— The surveillance of the service provider takes into consideration the safety performance as well as the size and complexity of its aviation products or services.

Editorial Note.— Extracted from Attachment A, paragraph 3.3.

3.4.1.2 **Recommendation.**— ~~The State has established~~ States should establish procedures to prioritize inspections, audits and surveys towards those areas of greater safety concern or need, as identified by the analysis of data on hazards, their consequences in operations, and the assessed safety risks.

Note.— Organizational risk profiles, outcomes of hazard identification and risk assessment, and surveillance outcomes may provide information for the prioritization of inspections, audits and surveys.

Editorial Note.— Extracted from Attachment A, paragraph 2.2

3.4.1.3 **Recommendation.**— ~~The State has agreed with individual service providers on the safety performance of their SMS. The agreed~~ States should periodically review the safety performance of an individual service provider's SMS is periodically reviewed to ensure it remains relevant and appropriate to the service providers.

3.4.2 State safety performance

Editorial Note.— Paragraph 3.4.2.1 and Note 1 were previously paragraph 3.1.2 of Chapter 3.

~~3.1.2~~ 3.4.2.1 States shall establish ~~The~~ the acceptable level of safety performance to be achieved ~~shall be established by the State~~ through their SSP.

Note 1.— An acceptable level of safety performance for the State can be achieved through the implementation and maintenance of the SSP as well as safety performance indicators and targets showing that safety is effectively managed and built on the foundation of implementation of existing safety-related SARPs.

Note 2.— Guidance on ~~defining~~ establishing safety performance indicators and targets, as well as an acceptable level of safety performance, is contained in the Safety Management Manual (SMM) (Doc 9859).

3.4.2.2 Recommendation.— *States should develop and maintain a process to evaluate the effectiveness of actions taken to manage safety risks and resolve safety issues.*

Note.— *Safety assessment results may be used to support the prioritization of actions to manage safety risks.*

Editorial Note.— *Extracted from Attachment A, paragraph 3.1, first sentence.*

3.4.2.3 Recommendation.— ~~The State has established mechanisms to ensure effective monitoring of the eight critical elements of the safety oversight function.~~ *States should evaluate the effectiveness of their individual SSPs to maintain or continuously improve their overall level of safety performance.*

3.5 State safety promotion

Editorial Note.— *Extracted from Attachment A, paragraph 4.1.*

4.1-3.5.1 Internal training, communication and dissemination of safety information

Recommendation.— ~~The State provides training and fosters~~ *States should promote safety awareness and the two-way communication sharing and exchange of safety-relevant information to support, within the State aviation organizations, the development of an organizational a positive safety culture that fosters an effective and efficient SSP.*

Editorial Note.— *Extracted from Attachment A, paragraph 4.2.*

4.2-3.5.2 External training, communication and dissemination of safety information

Recommendation.— ~~The State provides education and promotes~~ *States should promote safety awareness of safety risks and two-way communication of safety relevant and the sharing and exchange of safety information with the aviation community to foster the maintenance and improvement of safety and to support, among service providers, the development of an organizational culture that fosters an effective and efficient SMS a positive safety culture.*

Note 1.— *Refer to Chapter 5, 5.4 for further details regarding safety information sharing and exchange.*

Note 2.— *Promoting safety awareness could include identifying accessible safety training for the aviation community.*

CHAPTER 4. SAFETY MANAGEMENT SYSTEM (SMS)

Note 1.— *Guidance on implementation of an SMS is contained in the Safety Management Manual (SMM) (Doc 9859).*

Note 2.— *The term “service provider” refers to those organizations listed in Chapter 3, 3.1.3. An organization may elect to extend one SMS across multiple service provider activities.*

4.1 General

4.1.1 ~~Except as required in 4.2, t~~The SMS of a service provider shall:

- a) be established in accordance with the framework elements contained in Appendix 2; and
- b) be commensurate with the size of the service provider and the complexity of its aviation products or services.

Editorial Note.— Extracted from Appendix 2, paragraph 1.5.1

4.1.2 ~~The State shall ensure that The the service provider shall develop develops a plan to facilitate an SMS implementation plan, formally endorsed by the organization, that defines the organization's approach to the management of safety in a manner that meets the organization's safety objectives.~~

4.1.2 4.1.3 The SMS of an approved training organization, in accordance with Annex 1, that is exposed to safety risks related to aircraft operations during the provision of its services shall be made acceptable to the State(s) responsible for the organization's approval.

4.1.3 4.1.4 The SMS of a certified operator of aeroplanes or helicopters authorized to conduct international commercial air transport, in accordance with Annex 6, Part I or Part III, Section II, respectively, shall be made acceptable to the State of the Operator.

Note.— *When maintenance activities are not conducted by an approved maintenance organization in accordance with Annex 6, Part I, 8.7, but under an equivalent system as in Annex 6, Part I, 8.1.2, or Part III, Section II, 6.1.2, they are included in the scope of the operator's SMS.*

4.1.4 4.1.5 The SMS of an approved maintenance organization providing services to operators of aeroplanes or helicopters engaged in international commercial air transport, in accordance with Annex 6, Part I or Part III, Section II, respectively, shall be made acceptable to the State(s) responsible for the organization's approval.

4.1.5 4.1.6 The SMS of an organization responsible for the type design of aircraft, ~~engines or propellers~~ in accordance with Annex 8, shall be made acceptable to the State of Design.

4.1.6 4.1.7 The SMS of an organization responsible for the manufacture of aircraft, ~~engines or propellers~~ in accordance with Annex 8, shall be made acceptable to the State of Manufacture.

4.1.7 4.1.8 The SMS of an ATS provider, in accordance with Annex 11, shall be made acceptable to the State responsible for the provider's designation.

Note.— *The provision of AIS, CNS, MET and/or SAR services, when under the authority of an ATS provider, are included in the scope of the ATS provider's SMS. When the provision of AIS, CNS, MET and/or SAR services are wholly or partially provided by an entity other than an ATS provider, the related services that come under the authority of the ATS provider, or those aspects of their services with direct operational implications, are included in the scope of the ATS provider's SMS.*

4.1.8 4.1.9 The SMS of an operator of a certified aerodrome, in accordance with Annex 14, Volume I, shall be made acceptable to the State responsible for the aerodrome's certification.

4.2 International general aviation — aeroplanes

Note.— Guidance on the implementation of an SMS for international general aviation is contained in the Safety Management Manual (SMM) (Doc 9859) and industry codes of practice.

4.2.1 The SMS of an international general aviation operator, conducting operations of large or turbojet aeroplanes in accordance with Annex 6, Part II, Section 3, shall be commensurate with the size and complexity of the operation and meet the criteria established by the State of Registry.

Note 1.— Further provisions related to the criteria to be established by the State of Registry can be found in Chapter 3.

Note 2.— Guidance concerning the responsibilities of the State of Registry in connection with lease, charter and interchange operations is contained in the Manual of Procedures for Operations Inspection, Certification and Continued Surveillance (Doc 8335). Guidance concerning the transfer of State of Registry responsibilities to the State where the aircraft operator has its principal place of business or, if it has no such place of business, its permanent address in accordance with Article 83 bis is contained in the Manual on the Implementation of Article 83 bis of the Convention on International Civil Aviation (Doc 10059).

~~4.2.2 **Recommendation.** The SMS should as a minimum include:~~

- ~~a) a process to identify actual and potential safety hazards and assess the associated risks;~~
- ~~b) a process to develop and implement remedial action necessary to maintain an acceptable level of safety; and~~
- ~~c) provision for continuous monitoring and regular assessment of the appropriateness and effectiveness of safety management activities.~~

CHAPTER 5. SAFETY DATA AND SAFETY INFORMATION COLLECTION, ANALYSIS, PROTECTION, SHARING AND EXCHANGE

Note.— The objective of these specifications this chapter is to ensure the continued availability of safety data and safety information to support safety management activities by collection and analysis of safety data and by a prompt and secure exchange of safety information, as part of the SSP.

5.1 Safety data collection and processing systems

Reporting systems

5.1.1 States shall establish safety data collection and processing systems (SDCPS) to capture, store, aggregate and enable the analysis of safety data and safety information.

Note 1.— SDCPS refers to processing and reporting systems, safety databases, schemes for exchange of information, and recorded information including but not limited to:

- a) data and information pertaining to accident and incident investigations;
- b) data and information related to safety investigations by State authorities or aviation service providers;
- c) mandatory safety reporting systems as indicated in 5.1.2;

d) *voluntary safety reporting systems as indicated in 5.1.3; and*

e) *self-disclosure reporting systems, including automatic data capture systems, as described in Annex 6, Part I, Chapter 3, as well as manual data capture systems.*

Note 2.— Guidance related to SDCPS is contained in the Safety Management Manual (SMM) (Doc 9859).

Note 3.— The term “safety database” may refer to a single or multiple database(s).

Note 4.— SDCPS may include inputs from State, industry and public sources, and may be based on reactive and proactive methods of safety data and safety information collection.

Note 5.— Sector-specific safety reporting provisions are contained in other Annexes, PANS and SUPPs. There is a recognized benefit to the effective implementation of an SSP in having an integrated approach for the collection and analysis of the safety data and safety information from all sources.

~~5.1.1~~ ~~5.1.2~~ ~~Each State~~ States shall establish a mandatory ~~incident~~ safety reporting system to facilitate collection of information on actual or potential safety deficiencies that includes the reporting of incidents.

~~5.1.2~~ ~~5.1.3~~ ~~Each State~~ States shall establish a voluntary ~~incident~~ safety reporting system to facilitate collection of information on actual or potential safety deficiencies that may not be collect safety data and safety information not captured by the mandatory ~~incident~~ safety reporting system systems.

~~5.1.3~~ ~~5.1.4~~ **Recommendation.**— ~~Subject to Standard 5.3.1, State authorities responsible for the implementation of the SSP should have access to appropriate information available in the incident reporting systems the SDCPS as referenced in 5.1.1 and 5.1.2 to support their safety responsibilities, in accordance with the principles in Appendix 3.~~

~~Note 1.— State authorities responsible for the implementation of the SSP include accident investigation authorities.~~

~~———— Note 2.— Each State is encouraged to establish other safety data collection and processing systems to collect safety information that may not be captured by the incident reporting systems mentioned in 5.1.1 and 5.1.2 above.~~

Editorial Note.— Extracted from paragraph 5.2, 5.2.3.

~~5.2.3~~ ~~5.1.5~~ **Recommendation.**— ~~The safety database systems should use standardized formats taxonomy to facilitate data safety information sharing and exchange.~~

~~Note.— Each State is~~ States are encouraged to use an ADREP-compatible system. More information on ADREP can be found in Annex 13, Aircraft Accident and Incident Investigation, Chapter 7.

5.2 Safety data and safety information analysis

~~5.2.1 Each State shall establish and maintain a safety database to facilitate the effective analysis of information on actual or potential safety deficiencies obtained, including that from its incident reporting systems, and to determine any actions required for the enhancement of safety.~~

~~————— Note. — The term “safety database” may refer to a single or multiple database(s) and may include the accident and incident database. Provisions on an accident and incident database are included in Annex 13 — Aircraft Accident and Incident Investigation. Additional guidance on a safety database is also included in the Safety Management Manual (SMM) (Doc 9859).~~

5.2.1 States shall establish and maintain a process to analyse the safety data and safety information from the SDCPS and associated safety databases.

Note 1.— Specific State provisions for the identification of hazards as part of their safety risk management and safety assurance processes can be found in Chapter 3.

Note 2.— The purpose of the safety data and safety information analysis performed by the State is to identify systemic and cross-cutting hazards that might not otherwise be identified by the safety data analysis processes of individual service providers and operators.

Note 3.— The process may include predictive methods of safety data analysis.

~~5.2.2 **Recommendation.** — Each State should, following the identification of preventive actions required to address actual or potential safety deficiencies, implement these actions and establish a process to monitor implementation and effectiveness of the responses.~~

~~————— Note. — Additional information on which to base preventive actions may be contained in the Final Reports on investigated accidents and incidents.~~

~~5.2.3 **Recommendation.** — The database systems should use standardized formats to facilitate data exchange.~~

~~————— Note. — Each State is encouraged to use an ADREP compatible system.~~

5.3 Safety data and safety information protection

~~Note. — Attachment B contains legal guidance for the protection of information from safety data collection and processing systems.~~

5.3.1 States shall accord protection to safety data captured by and safety information derived from voluntary incident safety reporting system shall be non-punitive systems and afford protection to the related sources of the information in accordance with Appendix 3.

Note 1.— A non-punitive environment is fundamental to voluntary reporting. Sources include individuals and organizations.

5.3.2 **Recommendation.** — States should extend the protection referred to in 5.3.1 to safety data captured by and safety information derived from mandatory safety reporting system and related sources.

Note 2-1.— Each State is encouraged to facilitate and promote the voluntary reporting of events that could affect aviation safety by adjusting their applicable laws, regulations and policies, as necessary. 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.

Note 3-2.— Guidance related to both mandatory and voluntary ~~incident~~ safety reporting systems is contained in the Safety Management Manual (SMM) (Doc 9859).

~~5.3.2~~ **5.3.3 Recommendation.**— ~~States should not~~ Subject to 5.3.1 and 5.3.2, States shall not make available or use safety data ~~referenced in~~ or safety information collected, stored or analysed in accordance with 5.1 or 5.2 for other than safety-related purposes, unless exceptionally, an appropriate authority determines in accordance with their national legislation, the value of its disclosure or use in any particular instance, outweighs the adverse impact such action may have on aviation safety for purposes other than maintaining or improving safety, unless the competent authority determines in accordance with Appendix 3 that a principle of exception applies.

5.3.4 Notwithstanding 5.3.3, States 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 investigation records in Annex 13 is contained in Appendix 3, 1.2.

5.3.5 States shall take necessary measures, including the promotion of a positive safety culture to encourage safety reporting through the systems referred to in 5.1.2 and 5.1.3.

Note. — Guidance related to positive safety culture is contained in the Safety Management Manual (SMM) (Doc 9859.)

5.3.6 Recommendation.— *States should facilitate and promote safety reporting by adjusting their applicable laws, regulations and policies, as necessary.*

5.3.7 Recommendation.— *In support of the determination referred to in 5.3.3, States should institute and make use of appropriate advance arrangements between their authorities and State 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.

5.4 Safety information sharing and exchange

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

5.4.1 Recommendation.— If a State, in the analysis of the information contained in its database SDCPS, identifies safety matters considered to be of interest to other States, that State ~~should~~ shall forward such safety information to them as soon as possible. Prior to sharing such information, States 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.

5.4.2 **Recommendation.**—~~Each State should~~ States shall promote the establishment of safety information sharing or exchange networks among users of the aviation system, and ~~should~~ facilitate the ~~free~~ sharing and exchange of safety information ~~on actual and potential safety deficiencies~~, unless national law provides otherwise.

Note.— ~~Standardized definitions, classifications and formats are needed to facilitate data exchange. Guidance material on the specifications for such information sharing networks are available from ICAO. Information on the sharing of safety information can be found in the ICAO Code of Conduct on the Sharing and Use of Safety Information in the Global Aviation Safety Plan (Doc 10004).~~

APPENDIX 1. STATE SAFETY OVERSIGHT (SSO) SYSTEM CRITICAL ELEMENTS (CEs)
(See Chapter 3, 3.2)

Note 1.— Guidance on the critical elements (CEs) of a system that enables a State to discharge its responsibility for safety oversight is contained in the Safety Oversight Manual, Part A, The Establishment and Management of a State’s Safety Oversight System (Doc 9734).

Note 2.— 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 State-States as separate entities, such as: Civil Aviation Authorities, Airport Authorities, ATS Authorities, Accident Investigation Authority, and Meteorological Authority.

Note 3.— 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 State safety management activities.

Note 3.4.— See Appendix 5 to Annex 6, Part I, and Appendix 1 to Annex 6, Part III, for provisions specific to the safety oversight of air operators.

Note 4.— Within the context of this appendix the term “service provider” refers to those organizations listed in Chapter 3, 3.1.3.

1. Primary aviation legislation (CE-1)

1.1 ~~The State-States~~ shall promulgate a comprehensive and effective aviation law, ~~consistent~~ commensurate with the size and complexity of ~~the State’s~~ their aviation activity and consistent with the requirements contained in the Convention on International Civil Aviation, ~~that enables the State to regulate~~ to enable the oversight and management of civil aviation safety and the ~~enforce~~ 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 State.

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 ~~service providers~~ individuals and organizations performing an aviation activity.

2. Specific operating regulations (CE-2)

~~The State-States~~ 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 State~~ States 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 ~~Each State~~ States authority-authorities or agency-agencies shall have stated safety functions and objectives to fulfil ~~its~~ their safety management responsibilities-responsibility.

Editorial Note.— Extracted from Attachment A, paragraph 1.1, second sentence

Note.— This includes the participation of the State aviation organizations in specific activities related to the management of safety in the State, and the establishment of the roles, responsibilities and relationships of such organizations.

~~3.2~~ 3.3 **Recommendation.**— ~~The State~~ States should take necessary measures, such as remuneration and conditions of service, to ensure that qualified personnel performing safety oversight functions are recruited and retained.

~~3.3~~ 3.4 ~~The State~~ States 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.

~~3.4~~ 3.5 **Recommendation.**— ~~The State~~ States should use a methodology to determine its staffing requirements for personnel performing safety oversight functions, taking into account the size and complexity of the aviation activities in ~~the~~ their State.

Note.— In addition, Appendix 5 to Annex 6, Part I, and Appendix 1 to Annex 6, Part III, require the State of the Operator to use such a methodology to determine its inspector staffing requirements. Inspectors are a subset of personnel performing safety oversight functions.

4. Qualified technical personnel (CE-4)

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

4.2 ~~The State~~ States 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 State~~ States 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 State~~ States shall provide technical guidance to the aviation industry on the implementation of relevant regulations.

6. Licensing, certification, authorization and/or approval obligations (CE-6)

~~The State States~~ shall implement documented processes and procedures to ensure that ~~personnel individuals~~ and organizations performing an aviation activity meet the established requirements before they are allowed to exercise the privileges of a licence, certificate, authorization and/or approval to conduct the relevant aviation activity.

7. Surveillance obligations (CE-7)

~~The State States~~ shall implement documented surveillance processes, by defining and planning inspections, audits, and monitoring activities on a continuous basis, to proactively assure that aviation licence, certificate, authorization and/or 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 State States~~ shall use a documented process to take appropriate ~~corrective~~ actions, up to and including enforcement measures, to resolve identified safety issues.

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

APPENDIX 2. FRAMEWORK FOR A SAFETY MANAGEMENT SYSTEM (SMS)

(See Chapter 4, 4.1.1)

Note 1.— Guidance on the implementation of the framework for an SMS is contained in the Safety Management Manual (SMM) (Doc 9859).

~~*Note 2.— Within the context of this appendix, the term “service provider” refers to those organizations listed in Chapter 3, 3.1.3. The service provider’s interfaces with other organizations can have a significant contribution to the safety of its products or services. Guidance on interface management as it relates to SMS is provided in the Safety Management Manual (SMM) (Doc 9859).*~~

Note 3.— 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 and objectives
 - 1.1 Management commitment ~~and responsibility~~
 - 1.2 Safety ~~accountabilities~~-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
 - 2.1 Hazard identification
 - 2.2 Safety risk assessment and mitigation
3. Safety assurance
 - 3.1 Safety performance monitoring and measurement
 - 3.2 The management of change
 - 3.3 Continuous improvement of the SMS
4. Safety promotion
 - 4.1 Training and education
 - 4.2 Safety communication

1. Safety policy and objectives

1.1 Management commitment ~~and responsibility~~

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

- a) reflect organizational 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 organization;
- f) be communicated, with visible endorsement, throughout the organization; 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 monitoring and measurement as required by 3.1.2;
- b) reflect the service provider's commitment to maintain or continuously improve the overall effectiveness of the SMS;
- c) be communicated throughout the organization; and
- d) be periodically reviewed to ensure they remain relevant and appropriate to the service provider.

Note.— Guidance on setting safety objectives is provided in the Safety Management Manual (SMM) (Doc 9859).

1.2 Safety ~~accountabilities~~ accountability and responsibilities

The service provider shall:

- a) identify the accountable executive who, irrespective of other functions, ~~has ultimate responsibility and accountability,~~ is accountable on behalf of the organization, for the implementation and maintenance of ~~the~~ an effective SMS;
- b) clearly define lines of safety accountability throughout the organization, including a direct accountability for safety on the part of senior management;
- c) identify the ~~accountabilities~~ responsibilities of all members of management, irrespective of other functions, as well as of employees, with respect to the safety performance of the ~~SMS~~ organization;
- d) document and communicate safety ~~accountability,~~ accountability, responsibilities, ~~—accountabilities~~ and authorities throughout the organization; 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 ~~an effective~~ the SMS.

Note.— Depending on the size of the service provider and the complexity of its aviation products or services, 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~~ required to establish and maintain an emergency response plan for accidents and incidents in aircraft operations and other aviation emergencies shall ensure that ~~an~~ the emergency response plan is properly coordinated with the emergency response plans of those organizations it must interface with during the provision of its products and services.

1.5 SMS documentation

~~1.5.1 The service provider shall develop an SMS implementation plan, formally endorsed by the organization, that defines the organization's approach to the management of safety in a manner that meets the organization's safety objectives.~~

~~1.5.2~~ 1.5.1 The service provider shall develop and maintain an SMS documentation manual that describes its:

- a) safety policy and objectives;
- b) SMS requirements;
- c) SMS processes and procedures; and
- d) ~~accountabilities~~ accountability, responsibilities and authorities for SMS processes and procedures; and
- ~~e) SMS outputs.~~

~~1.5.3~~ 1.5.2 The service provider shall develop and maintain an SMS manual operational records as part of its SMS documentation.

Note.— Depending on the size of the service provider and the complexity of its aviation products or services, the SMS manual and SMS operational records may be in the form of stand-alone documents or may be integrated with other organizational documents (or documentation) maintained by the service provider.

2. Safety risk management

2.1 Hazard identification

2.1.1 The service provider shall develop and maintain a process that to identify ensures that hazards associated with its aviation products or services are identified.

2.1.2 Hazard identification shall be based on a combination of reactive, and proactive and predictive methods of safety data collection.

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.— The process may include predictive methods of safety data analysis.

3. Safety assurance

3.1 Safety performance monitoring and measurement

3.1.1 The service provider shall develop and maintain the means to verify the safety performance of the organization and to validate the effectiveness of safety risk controls.

Note.— An internal audit process is one means to monitor compliance with safety regulations, the foundation upon which SMS is built, and assess the effectiveness of these safety risk controls and the SMS. Guidance on the scope of the internal audit process is contained in the Safety Management Manual (SMM) (Doc 9859).

3.1.2 The service provider's safety performance shall be verified in reference to the safety performance indicators and safety performance targets of the SMS in support of the organization's safety objectives.

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 Continuous improvement of the SMS

The service provider shall monitor and assess the effectiveness of its SMS processes to enable maintain or continuously improvement of the overall performance effectiveness of the SMS.

4. Safety promotion

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

Editorial Note.— Delete Attachment A in toto.

**ATTACHMENT A. FRAMEWORK FOR
A STATE SAFETY PROGRAMME (SSP)**

(See Chapter 3, 3.1.1)

**ATTACHMENT B APPENDIX 3. LEGAL GUIDANCE PRINCIPLES FOR THE
PROTECTION OF INFORMATION FROM SAFETY DATA, COLLECTION AND
PROCESSING SYSTEMS SAFETY INFORMATION AND RELATED SOURCES**

(See Chapter 5, 5.3)

1.— Introduction

~~1.1 Note 1.— The protection of safety data, safety information from inappropriate use and related sources is essential to ensure its continued availability, since the use of safety data and safety information for purposes other than maintaining or improving safety-related purposes may inhibit the future availability of such data and information, with an a significant adverse effect on safety. This fact was recognized by the 35th Session of the ICAO Assembly, which noted that existing national laws and regulations in many States may not adequately address the manner in which safety information is protected from inappropriate use.~~

~~1.3 Note 2.— Because In view of the different legal systems in States, the legal guidance must allow States have the flexibility to draft their laws and regulations in accordance with their national policies and practices.~~

~~1.2 Note 3.— The guidance principles contained in this attachment is therefore appendix are aimed at assisting States to enact and adopt national laws and, regulations and policies to protect safety data and safety information gathered from safety data collection and processing systems (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 prevent the inappropriate use of ensure the continued availability of safety data and safety information collected solely for the purpose of by restricting its use for the purposes other than maintaining or improving aviation safety.~~

~~1.3— Because of the different legal systems in States, the legal guidance must allow States the flexibility to draft their laws and regulations in accordance with their national policies and practices.~~

~~1.4— The guidance contained in this attachment, therefore, takes the form of a series of principles that have been distilled from examples of national laws and regulations provided by States. The concepts described in these principles could be adapted or modified to meet the particular needs of the State enacting laws and regulations to protect safety information.~~

~~1.5— Throughout this attachment:~~

~~a) safety information refers to information contained in SDCPS established for the sole purpose of improving aviation safety, and qualified for protection under specified conditions in accordance with 3.1 below;~~

~~b) inappropriate use refers to the use of safety information for purposes different from the purposes for which it was collected, namely, use of the information for disciplinary, civil, administrative and criminal proceedings against operational personnel, and/or disclosure of the information to the public;~~

- ~~c) SDCPS refers to processing and reporting systems, databases, schemes for exchange of information, and recorded information and include:~~
- ~~1) records pertaining to accident and incident investigations, as described in Annex 13, Chapter 5;~~
 - ~~2) mandatory incident reporting systems, as described in Chapter 5, 5.1, of this Annex;~~
 - ~~3) voluntary incident reporting systems, as described in Chapter 5, 5.1, of this Annex; and~~
 - ~~4) self disclosure reporting systems, including automatic data capture systems, as described in Annex 6, Part I, Chapter 3, as well as manual data capture systems.~~

~~Note. Information on safety data collection and processing systems can be found in the Safety Management Manual (SMM) (Doc 9859).~~

2-1. General principles

~~2.1 The sole purpose of protecting safety information from inappropriate use is to ensure its continued availability so that proper and timely preventive actions can be taken and aviation safety improved.~~

~~2.2 It is not the purpose of protecting safety information to interfere with the proper administration of justice in States.~~

~~2.3 1.1 National laws and States 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 in order to 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.~~

~~2.2 Note. — It is not the purpose of protecting The protection of safety data, safety information and related sources to is not intended to interfere with the proper administration of justice in States or with maintaining or improving safety.~~

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

~~2.4 National laws and regulations protecting safety information should prevent its inappropriate use.~~

~~2.5 Providing protection to qualified safety information under specified conditions is part of a State's safety responsibilities.~~

3-2. Principles of protection

~~3.1 Safety information should qualify for protection from inappropriate use according to specified conditions that should include, but not necessarily be limited to, whether the collection of information was for explicit safety purposes and if the disclosure of the information would inhibit its continued availability.~~

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

- a) disciplinary, civil, administrative and criminal proceedings against employees, operational personnel or organizations;
- b) disclosure to the public; or
- c) any purposes other than maintaining or improving safety;

unless a principle of exception applies.

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

~~3.2-a) The protection should be specific for each SDCPS, based upon the nature of the safety information it contains.~~ is specified based on the nature of safety data and safety information;

~~3.3-b) A formal procedure should be established to provide protection to qualified safety data, safety information, in accordance with specified conditions.~~ and related sources is established;

~~3.4-c) Safety safety data and safety information should~~ will not be used in a way different from the purposes for which it was collected-, unless a principle of exception applies;

~~3.5-d) The~~ to the extent that a principle of exception applies, the use of safety data and safety information in disciplinary, civil, administrative and criminal proceedings ~~should~~ will be carried out only under suitable authoritative safeguards provided by national law.

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.

4-3. Principles of exception

Exceptions to the protection of safety data, safety information ~~should~~ and related sources shall only be granted by national laws and regulations when the competent authority:

- a) ~~determines that there is evidence~~ are facts and circumstances reasonably indicating that the occurrence ~~was~~ may have been caused by an act or omission considered, in accordance with the law national laws, to be conduct with intent to cause damage, or conduct with knowledge that damage would probably result, equivalent to reckless conduct, constituting gross negligence or, wilful misconduct or criminal activity;

- b) ~~an appropriate authority considers that circumstances reasonably indicate that the occurrence may have been caused by conduct with intent to cause damage, or conduct with knowledge that damage would probably result, equivalent to reckless conduct, gross negligence or wilful misconduct; or~~
- e) ~~b) review by an appropriate authority after reviewing the safety data or safety information, determines that the its release of the safety information is necessary for the proper administration of justice, and that the benefits of its release outweighs the adverse domestic and international impact such release may 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.

5.4. Public disclosure

~~5.1 Subject to the principles of protection and exception outlined above, any person seeking disclosure of safety information should justify its release.~~

4.1 States that have 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 State.

~~5.2 4.2 Formal criteria for Where disclosure of safety information should be established and should include, but not necessarily be limited to, the following is made in accordance with section 3, States shall ensure that:~~

- a) ~~disclosure of the safety information is necessary to correct conditions that compromise safety and/or to change policies and regulations;~~
- b) ~~disclosure of the safety information does not inhibit its future availability in order to improve safety;~~
- e) ~~a) public disclosure of relevant personal information included in the safety data or safety information complies with applicable privacy laws; and or~~
- d) ~~b) public disclosure of the safety data or safety information is made in a de-identified, summarized or aggregate form.~~

6-5. Responsibility of the custodian of safety data and safety information

5.1 Each States shall ensure that each SDCPS should have has a designated custodian. It is the responsibility of the custodian of to apply the protection to safety data and safety information to apply all possible protection regarding the disclosure of the information, unless in accordance with applicable provisions of this appendix:

- a) the custodian of the safety information has the consent of the originator of the information for disclosure; or
- b) the custodian of the safety information is satisfied that the release of the safety information is in accordance with the principles of exception.

Note.— The custodian may refer to an individual or organization.

7-6. Protection of recorded information data

Note 1.— Considering that ambient Ambient workplace recordings required by legislation, such as 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 Annex 13 are contained therein. Provisions on the protection of flight recorder recordings during normal operations are contained in Annex 6.

- a) subject to the principles of protection and exception above, national laws and regulations should consider ambient workplace recordings required by legislation as privileged protected information, i.e. information deserving enhanced protection; and
- b) national laws and regulations should provide specific measures of protection to such recordings as to their confidentiality and access by the public. Such specific measures of protection of workplace recordings required by legislation may include the issuance of orders of non-public disclosure.

6.1 States 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 States 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.

— END —