

ANTIGUA AND BARBUDA



(SAFETY MANAGEMENT) REGULATIONS, 2024

STATUTORY INSTRUMENT

No. 17 of 2024

*[Published in the Official Gazette Vol. XLIV No. 14
dated 27th February, 2024.]*

Printed at the Government Printing Office, Antigua and Barbuda,
by Noel F. Abraham, Government Printer
— By Authority, 2024.

ANTIGUA AND BARBUDA

THE CIVIL AVIATION (SAFETY MANAGEMENT) REGULATIONS, 2024

ARRANGEMENT

REGULATIONS

PART I

PRELIMINARY

1. Short title.....	5
2. Application of Regulations	5
3. Interpretation.....	5
4. State safety programme	10
5. State system and functions.....	10
6. State safety oversight system.....	11
7. Enforcement Policy	11
8. Compliance with Schedule 1 to these Regulations	11
9. Qualifications of technical personnel.....	11
10. Technical guidance, tools, and provision of safety-critical information.....	11
11. Licensing, certification, authorisation, and approval obligations	12
12. Safety Management System (SMS) obligations	12
13. Accident and incident investigation.....	13
14. Hazard identification and safety risk assessment	13
15. Management of safety risks.....	13
16. Surveillance obligations.....	13

17. State safety performance.....	14
18. Internal communication and dissemination of safety information.....	14
19. External communication and dissemination of safety information	15
20. Safety Management System (SMS).....	15
21. SMS acceptability	15
22. SMS for international general aviation aeroplanes	16
23. Safety Data Collection and Processing Systems (SDCPS)	17
24. Mandatory safety reporting system	17
25. Voluntary safety reporting system	17
26. Access to SDCPS	17
27. Safety data and safety information analysis.....	18
28. Safety data and safety information protection	18
29. Access to safety data or safety information.....	18
30. Safety information sharing and exchange.....	19
31. Administrative sanctions	19
SCHEDULE 1.....	20
SCHEDULE 2.....	23
SCHEDULE 3.....	28
SCHEDULE 4.....	31

ANTIGUA AND BARBUDA

THE CIVIL AVIATION (SAFETY MANAGEMENT) REGULATIONS, 2024

No. 17 of 2024

PART I

PRELIMINARY

IN EXERCISE of the powers conferred by section 49 of the Civil Aviation Act of Antigua and Barbuda, the Director General responsible for Civil Aviation makes the following Regulations:

1. Short title

These Regulations may be cited as the Civil Aviation (Safety Management) Regulations, 2024.

2. Application of Regulations

- (1) These Regulations apply to safety management functions related to or in direct support of the safe operation of an aircraft.
- (2) Except where otherwise specified, these Regulations shall not apply to occupational safety, environmental protection and customer service or product quality.

3. Interpretation

In these Regulations, unless the context otherwise requires—

“Acceptable Level of Safety Performance (ALoSP)” means the minimum level of safety performance of civil aviation in the State, as defined in its State Safety Programme,

or of a service provider, as defined in its Safety Management System (SMS), expressed in terms of safety performance targets and safety performance indicators.

“accident” means an occurrence associated with the operation of an aircraft which, in the case of a manned aircraft, takes place between the time a person boards the aircraft with the intention of flight until such time as the person has disembarked, or in the case of an unmanned aircraft, takes place between the time the aircraft is ready to move with the purpose of flight until such time as it comes to rest at the end of the flight and the primary propulsion system is shut down, in which—

- (a) a person is fatally or seriously injured as a result of—
 - (i) being in the aircraft;
 - (ii) direct contact with any part of the aircraft, including parts which have become detached from the aircraft; or
 - (iii) direct exposure to jet blast,except where the injury is from natural causes, self-inflicted or inflicted by another person, or when the injury is to a stowaway hiding outside an area normally available to the passengers and crew.
- (b) an aircraft sustains damage or structural failure which—
 - (i) adversely affects the structural strength, performance or flight characteristics of the aircraft; or
 - (ii) would normally require major repair or replacement of the affected component,except for engine failure or damage, where the damage is limited to a single engine, including its cowlings or accessories, propellers, wing tips, antennas, probes, vanes, tires, brakes, wheels, fairings, panels, landing gear doors, windcreens, the aircraft skin such as small dents or puncture holes, or for minor damage to main rotor blades, tail rotor blades, landing gear, and those resulting from hail or bird strike including holes in the radome; or
- (c) the aircraft is missing or is completely inaccessible.

“Accident and Incident Investigation Unit” means the Aircraft Accident and Incident Investigation Unit established under section 38 of the Act;

“Act” means the Civil Aviation Act, 2003.

“aeroplane” means a power-driven heavier-than-air aircraft, deriving its lift in flight chiefly from aerodynamic reactions on surfaces which remain fixed under given conditions of flight.

“aircraft” means any machine that can derive support in the atmosphere from the reactions of the air other than the reactions of the air against the earth’s surface.

“Authority” means the Eastern Caribbean Civil Aviation Authority established under Part 3 section 8 of the Act.

“exchange” means giving and receiving information in return;

“hazard” means a condition or an object with the potential to cause or contribute to an aircraft incident or accident;

“helicopter or rotorcraft” means a heavier-than-air aircraft supported in flight chiefly by the reactions of the air on one or more power-driven rotors on substantially vertical axes;

“incident” means an occurrence, other than an accident, associated with the operation of an aircraft which affects or could affect the safety of operation of an aircraft;

“industry codes of practice” means guidance material developed by an industry body for a particular sector of the aviation industry to comply with the requirements of the International Civil Aviation Organisations (ICAO) Standards and recommended practices, other aviation safety requirements and the best practices;

“large aeroplane” means an aeroplane with a maximum take-off weight of more than 5700 kg;

“mitigation” means measures to address the potential hazard or to reduce the risk probability or severity;

“occurrence” means an incident or an accident;

“operational personnel” means personnel including flight crews, air traffic controllers, aeronautical station operators, maintenance technicians, personnel of aircraft design and manufacturing organisations, cabin crews, flight dispatchers, apron personnel and ground handling personnel, involved in aviation activities who are in a position to report safety information;

“predictive” means capturing the system performance as it happens in real time normal operations so as to identify potential future problems;

“proactive” means actively identifying safety risks through the analysis of the organisation’s activities;

“reactive” means responding to events that have already happened such as incidents and accidents;

“safety” means a state in which the risks associated with aviation activities, related to, or in direct support of the operation of aircraft, are reduced and controlled to an acceptable level;

“safety data” means a defined set of facts or set of safety values collected from various aviation-related sources, which is used to maintain or improve safety, 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 and surveys; or
- (f) safety studies and reviews;

“safety information” means safety data processed, organised or analysed in a given context so as to make it useful for safety management purposes;

“Safety Management System (SMS)” means a systematic approach to managing safety, including the necessary organisational structures, accountability, responsibility, policies and procedure;

“safety oversight” means a function performed by a State to ensure that individuals and organisations performing an aviation activity comply with safety-related national laws and regulations;

“safety performance” means a State or a service provider’s safety achievement as defined by its safety performance targets and safety performance indicators;

“safety performance indicator” means a data-based parameter used for monitoring and assessing safety performance;

“safety performance target” means the State or service provider’s planned or intended target for a safety performance indicator over a given period that aligns with the safety objectives;

“safety risk” means the predicted probability and severity of the consequences or outcomes of a hazard;

“serious injury” means an injury which is sustained by a person in an accident and which—

- (a) requires hospitalisation for more than forty eight hours, commencing within 7 days from the date the injury occurred;
- (b) results in a fracture except a simple fracture of the fingers, toes or nose;
- (c) involves lacerations which cause haemorrhage, nerve, muscle or tendon damage;
- (d) involves injury to any internal organ;
- (e) involves verified exposure to infectious substances or injurious radiation;
or
- (f) involves second or third degree burns or any burns affecting more than five percent of the body surface.

“sharing” means giving information;

“State of design” means the State having jurisdiction over the organisation responsible for the type design;

“State of manufacture” means the State having jurisdiction over the organisation responsible for the final assembly of the aircraft;

“State of the operator” means the State in which the operator’s principal place of business is located or, if there is no such place of business, the operator’s permanent residence;

“State Safety Programme (SSP)” means an integrated set of regulations and activities aimed at improving safety;

“surveillance” means the State activities through which the State proactively verifies through inspections and audits that a holder of an aviation licence, certificate, authorisation or approval continues to meet the established requirements and functions at the level of competency and safety required by the State;

Part II—State Safety Management Responsibilities

4. State safety programme

(1) The authority shall develop a State safety programme that is commensurate with the size and complexity of the civil aviation system in each ECCAA member.

(2) The authority shall implement and maintain the State safety programme established under sub-regulation (1).

5. State system and functions

(1) The authority shall identify and document—

- (a) objectives;
- (b) requirements;
- (c) obligations;
- (d) functions; and
- (e) activities,

in the implementation and maintenance of the State safety programme.

- (2) The State safety programme shall reflect commitment regarding safety and facilitate the promotion of a positive safety culture in the aviation community.
- (3) The State safety programme shall be published on the authority's official website and shall be periodically reviewed.

6. State safety oversight system

The authority shall implement a State safety oversight system in accordance with the critical elements set out in Schedule 1 to these Regulations.

7. Enforcement Policy

- (1) The authority shall develop an enforcement policy.
- (2) The enforcement policy shall specify conditions and circumstances under which a service provider with a safety management system shall deal with events involving safety issues.

8. Compliance with Schedule 1 to these Regulations

The Authority shall in the performance of their functions comply with Schedule 1 to these Regulations.

9. Qualifications of technical personnel

- (1) Technical personnel shall have the qualifications set out in Schedule 1 to these Regulations.
- (2) For purposes of these Regulations technical personnel means a person performing safety-related functions for or on behalf of the authority

10. Technical guidance, tools, and provision of safety-critical information

The authority shall—

- (a) develop technical guidance and tools; and
- (b) provide safety critical information, to technical personnel and aviation industry as set out in Schedule 1 to these Regulations.

11. Licensing, certification, authorisation, and approval obligations

The authority shall develop licensing, certification, authorisation, and approval processes as set out in Schedule 1 to these Regulations.

12. Safety Management System (SMS) obligations

- (1) The following service providers shall implement a Safety Management System (SMS)—
 - (a) an approved training organisation which is exposed to safety risks related to aircraft operations during the provision of its services and is certified in accordance with the Civil Aviation (Flight Safety) Regulations, 2024;
 - (b) an operator of an aeroplane, helicopter or rotorcraft authorised to conduct international commercial air transport in accordance with the Civil Aviation (Flight Safety) Regulations, 2024;
 - (c) an approved maintenance organisation providing services to an operator of an aeroplane, helicopter or rotorcraft engaged in international commercial air transport, in accordance with the Civil Aviation (Flight Safety) Regulations, 2024;
 - (d) an organisation responsible for the type design or manufacture of aircraft, engines or propellers in accordance with the requirements for airworthiness of aircraft;
 - (e) an air traffic service provider certified in accordance with the Civil Aviation (Air Traffic Services) Regulations, 2024; and
 - (f) an operator of a certified aerodrome in accordance with the Civil Aviation (Aerodromes) Regulations, 2024.
- (2) A service provider or an operator shall establish safety performance indicators and targets acceptable to the authority.
- (3) An international general aviation operator of large or turbojet aeroplanes registered in ECCAA member States shall implement a Safety Management System (SMS) based on a criteria prescribed by the authority.
- (4) The criteria prescribed by the authority under sub-regulation (3) shall address the Safety Management System (SMS) framework and elements set out in Schedule 2 to these Regulations.

13. Accident and incident investigation

The authority shall investigate incidents and accidents in accordance with the Civil Aviation (Flight Safety) Regulations, 2024.

14. Hazard identification and safety risk assessment

- (1) An operator or a service provider shall use a process acceptable to the authority to identify hazards from collected safety data.
- (2) Subject to sub-regulation (1) information regarding safety data collection, analysis, sharing and exchange of safety information shall be as provided in Part IV of these Regulations.
- (3) The authority shall develop and maintain a process to ensure the assessment of safety risks associated with identified hazards as part of the State safety programme.

15. Management of safety risks

- (1) The State shall establish a process for the resolution of safety issues as set out in Schedule 1 to these Regulations.
- (2) The State shall establish and maintain a mechanism to manage safety risks.
- (3) The process established under sub-regulation (2) shall include the acceptance, mitigation, avoidance or transfer of the risks and the careful assessment of their underlying factors.

State Safety Assurance

16. Surveillance obligations

- (1) The authority shall conduct surveillance of an operator or service provider as set out in Schedule 1 to these Regulations.
- (2) The authority shall take into consideration the safety performance as well as the size and complexity of its aviation products or services while conducting surveillance of an operator or service provider.
- (3) The authority shall inspect, audit, and survey an area of greater safety concern or need

as specified in the applicable technical guidance material.

- (4) Information for the prioritisation of inspections, audits and surveys under sub-regulation (3) shall include—
 - (a) organisational risk profiles;
 - (b) outcomes of hazard identification and risk assessment; and
 - (c) surveillance outcomes.
- (5) The authority shall periodically review the safety performance of an operator or service provider as specified in the applicable technical guidance material.

17. State safety performance

- (1) The Authority shall establish an Acceptable Level of Safety Performance (ALoSP) to be achieved through the State safety programme.
- (2) The Authority shall develop and maintain a process to evaluate the effectiveness of actions taken to manage safety risks and resolve safety issues specified in the applicable technical guidance material.
- (3) The Authority shall evaluate the effectiveness of the State safety programme in order to maintain or continuously improve the overall level of safety performance.

State Safety Promotion

18. Internal communication and dissemination of safety information

The Authority shall ensure that the State safety programme promotes—

- (a) safety awareness;
- (b) sharing and exchange of safety information among state aviation organisations; and
- (c) development of a positive safety culture.

19. External communication and dissemination of safety information

- (1) The authority shall ensure that the State safety programme promotes—
 - (a) safety awareness;
 - (b) sharing and exchange of safety information with the aviation community; and
 - (c) development of a positive safety culture.
- (2) Subject to sub-regulation (1) promoting safety awareness shall include identification of accessible safety training for the aviation community.

Part III—Safety management System

20. Safety Management System (SMS)

An operator or a service provider may extend one SMS across multiple activities within the same organisation depending on its size and complexity.

21. SMS acceptability

- (1) An operator or a service provider shall establish an SMS acceptable to the authority—
 - (a) in accordance with the framework elements prescribed in Schedule 2 to these Regulations; and
 - (b) commensurate with the size of the operator or service provider and the complexity of its aviation products or services.
- (2) An operator or a service provider shall develop a plan to facilitate SMS implementation.
- (3) An SMS of a training organisation approved under the Civil Aviation (Flight Safety) Regulations, 2024 that is exposed to safety risks related to an aircraft operation during the provision of its services shall be acceptable to the authority.
- (4) The SMS of a certified operator of an aeroplane, helicopter or rotorcraft authorised to conduct international commercial air transport, in accordance with the Civil Aviation (Flight Safety) Regulations, 2024, shall be acceptable to the authority.
- (5) The SMS of an approved maintenance organisation providing services to an operator

of an aeroplane, helicopter or rotorcraft engaged in international commercial air transport, under the Civil Aviation (Flight Safety) Regulations, 2024 shall be acceptable to the authority.

- (6) The SMS of an organisation responsible for the type design of an aircraft, an engine or a propeller, in accordance with requirements for airworthiness of aircraft, shall be acceptable to the State of design.
- (7) The SMS of an organisation responsible for the manufacture of an aircraft, an engine or a propeller, in accordance with requirements for airworthiness of an aircraft, shall be acceptable to the State of manufacture.
- (8) The SMS of an Air Traffic Service (ATS) provider, in accordance with the Civil Aviation (Air Traffic Services) Regulations, 2024, shall be acceptable to the authority.
- (9) The SMS of an operator of an aerodrome shall be acceptable to the authority.

22. SMS for international general aviation aeroplanes

The SMS of an international general aviation operator, conducting an operation of a large or a turbojet aeroplane in accordance with the Civil Aviation (Flight Safety) Regulations, 2024 shall be commensurate with the size and complexity of the operation and meet the criteria established by the authority.

Part IV—Safety Data, Safety Information Collection, Analysis, Protection, Sharing and Exchange

23. Safety Data Collection and Processing Systems (SDCPS)

- (1) The State shall establish Safety Data Collection and Processing Systems (SDCPS).
- (2) The SDCPS established by the State shall capture, store, aggregate and enable the analysis of safety data and safety information.
- (3) For purposes of this regulation, SDCPS refers to processing and reporting systems, safety databases, schemes for exchange of information, and recorded information.
- (4) SDCPS may include inputs from aviation service providers, an industry and public sources, and may be based on reactive and proactive methods of safety data and safety information collection.

24. Mandatory safety reporting system

The State shall establish a mandatory reporting system which shall include the reporting of incidents by operators and service providers.

25. Voluntary safety reporting system

The State shall establish a voluntary safety reporting system to collect safety data and safety information not captured by mandatory safety reporting systems.

NOTE – Guidance for the establishment of the ANS reporting system referred to in regulation 24 & 25 is provided in Civil Aviation (Air Navigation Services) Implementing Standards.

26. Access to SDCPS

- (1) The State authorities responsible for the implementation of the SSP shall have access to the SDCPS.
- (2) State authorities responsible for the implementation of the SSP include the—
 - (a) authority; and
 - (b) Accident and Incident Investigation.

(3) The safety database shall use standardised taxonomy to facilitate safety information sharing and exchange.

(4) For purposes of this regulation, safety database may refer to a single or multiple databases.

27. Safety data and safety information analysis

- (1) The State shall establish and maintain a process to analyse the safety data and safety information from the SDCPS.
- (2) The safety data and safety information analysis performed by the State shall identify systemic and cross-cutting hazards that might not otherwise be identified by the safety data analysis processes of individual service providers or operators.

28. Safety data and safety information protection

- (1) The State shall protect safety data captured by, and safety information derived from, voluntary safety reporting systems and related sources as set out in Schedule 3 to these Regulations.
- (2) The State shall protect safety data captured by, and safety information derived from, the mandatory safety reporting system and related sources.

29. Access to safety data or safety information

- (1) A person shall not make available or use safety data or safety information collected, stored or analysed in accordance with these Regulations for purposes other than maintaining or improving safety, unless authorised by a competent authority, as set out in Schedule 3 to these Regulations.
- (2) Notwithstanding sub-regulation (1), the State 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.
- (3) The State shall take necessary measures, including the promotion of a positive safety culture, to encourage safety reporting through the SDCPS.
- (4) The State shall facilitate and promote safety reporting by reviewing the applicable requirements and policies.

30. Safety information sharing and exchange

- (1) Where the State, in the analysis of the information contained in its SDCPS, identifies safety matters considered to be of interest to another State, the State shall forward safety information to the other State as soon as possible.
- (2) Prior to sharing the information under sub-regulation (1), the authority shall agree with the other State on the level of protection and conditions on which safety information shall be shared as set out in Schedule 3 to these Regulations.
- (3) The authority shall promote the establishment of safety information sharing and exchange networks among users of the aviation system, and facilitate the sharing and exchange of safety information, unless national laws provide otherwise.

Part V—Miscellaneous

31. Administrative sanctions

A person who fails to comply with the provisions of these Regulations, is liable to an administrative sanction as may be prescribed under the Enforcement Manual.

SCHEDULE 1

Reg. 6,8,9,10,11,15,16

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

1. Primary aviation legislation (CE-1)

(1) The Act is a comprehensive and effective aviation law, commensurate with the size and complexity of States aviation activity and consistent with the requirements contained in the Convention on International Civil Aviation, to enable the oversight and management of civil aviation safety and the enforcement of regulations through the relevant authorities or agencies established for that purpose.

(2) The Act provides for personnel performing safety oversight functions, access to the aircraft, operations, facilities, personnel and associated records, as applicable to individuals and organisations performing an aviation activity.

2. Specific operating regulations (CE-2)

The Authority has promulgated the civil aviation regulations to address, at a minimum, national requirements emanating from the Act, for standardised operational procedures, products, services, equipment and infrastructures in conformity with the Annexes to the Convention on International Civil Aviation (ICAO).

3. State system and functions (CE-3)

(1) The State has established the Authority, an independent Accident and Incident Investigation Unit and other relevant agencies, as appropriate, supported by sufficient and qualified personnel and provided with adequate financial resources for the management of safety.

(2) The authority and agencies in subparagraph (1) shall state their safety functions and objectives to fulfil their safety management responsibility. This includes the participation of the State aviation organisations in specific activities related to the management of safety in the State, and the establishment of the roles, responsibilities and relationships of such organisations.

(3) The Authority and agencies in subparagraph (1) shall take necessary measures, such as remuneration and conditions of service, to ensure that qualified personnel performing safety oversight functions are recruited and retained.

(4) The Authority and agencies in subparagraph (1) shall ensure that the 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.

(5) The Authority and agencies in subparagraph (1) shall use a methodology to determine their staffing requirements for personnel performing safety oversight functions, taking into account the size and complexity of the aviation activities in the State.

4. Qualified technical personnel (CE-4)

(1) The Authority and agencies in paragraph 3 shall establish minimum qualification requirements for the technical personnel performing safety-related functions and shall provide for appropriate initial and recurrent training of the technical personnel, to maintain and enhance their competence at the desired level.

(2) The Authority and agencies in paragraph 3 shall implement systems for the maintenance of training records for technical personnel.

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

(1) The Authority and agencies in paragraph 3 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 the safety oversight functions, effectively and in accordance with established procedures in a standardised manner.

(2) The Authority and agencies in paragraph 3 shall provide technical guidance to the aviation industry on the implementation of the relevant regulation.

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

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

7. Surveillance obligations (CE-7)

The Authority implements documented surveillance processes, by defining and planning inspections, audits and monitoring activities on a continuous basis, to proactively ensure that a holder of an aviation licence, a certificate, an authorisation or an approval continues 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)

(1) The Authority shall use a documented process to take appropriate actions, including enforcement measures, to resolve identified safety issues.

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

SCHEDULE 2

FRAMEWORK FOR A SAFETY MANAGEMENT SYSTEM (SMS)

reg. 12(4), 21 (1) (a)

This Schedule specifies the framework for the implementation and maintenance of a Safety Management System (SMS). The framework comprises of four components and twelve elements as the minimum requirements for Safety Management System (SMS) implementation.

1. Safety policy and objectives

The safety policy and objectives component shall comprise of the following elements—

- (a) management commitment;
- (b) safety accountability and responsibilities;
- (c) appointment of key safety personnel;
- (d) coordination of emergency response planning; and
- (e) safety management system documentation.

2. Safety risk management

The safety risk management component shall comprise of the following elements—

- (a) hazard identification; and
- (b) safety risk assessment and mitigation.

3. Safety assurance

The safety assurance component shall comprise of the following elements—

- (a) safety performance monitoring and measurement;
- (b) management of change; and
- (c) continuous improvement of the SMS.

4. Safety promotion

The safety promotion component shall comprise of the following elements—

- (a) training and education; and

- (b) safety communication.

SAFETY POLICY AND OBJECTIVES

5. Management commitment

(1) A service provider shall define its safety policy in accordance with international and national requirements, the safety policy and objectives shall—

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

(2) Taking due account of its safety policy and objectives, the service provider shall define safety objectives which shall—

- (a) form the basis for safety performance monitoring and measurement as required by paragraph 12 (1);
- (b) reflect the service provider's commitment to maintain or continuously improve the overall effectiveness of the SMS;
- (c) be communicated throughout the organisation; and
- (d) be periodically reviewed to ensure they remain relevant and appropriate to the service provider.

6. Safety accountability and responsibilities

A service provider shall—

- (a) identify the accountable executive who, irrespective of other functions, is accountable on behalf of the organisation for the implementation and maintenance of an effective SMS;
- (b) clearly define lines of safety accountability throughout the organisation, including a direct accountability for safety on the part of senior management;
- (c) identify the responsibilities of all members of management, irrespective of other functions, as well as of employees, with respect to the safety performance of the organisation;
- (d) document and communicate safety accountability, responsibilities and authorities throughout the organisation; and
- (e) define the levels of management with authority to make decisions regarding safety risk tolerability.

7. Appointment of key safety personnel

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

8. Coordination of emergency response planning

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

9. Safety Management System (SMS) documentation

- (1) A service provider shall develop and maintain a SMS manual that describes its—
 - (a) safety policy and objectives;
 - (b) the SMS requirements;
 - (c) the SMS processes and procedures; and
 - (d) accountability, responsibilities and authorities for the SMS processes and

procedures.

- (2) A service provider shall develop and maintain SMS operational records as part of its SMS documentation. Depending on the size of the service provider and the complexity of its aviation products or services, the Safety Management System manual and Safety Management System operational records may be in the form of stand-alone documents or may be integrated with other organisational documents or documentation maintained by the service provider.

SAFETY RISK MANAGEMENT

10. Hazard Identification

(1) A service provider shall develop and maintain a process to identify hazards associated with its aviation products or services.

(2) Hazard identification shall be based on a combination of reactive and proactive methods.

11. Safety risk assessment and mitigation

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

SAFETY ASSURANCE

12. Safety performance monitoring and measurement

(1) A service provider shall develop and maintain the means to verify the safety performance of the organisation and to validate the effectiveness of safety risk controls.

(2) A service provider's safety performance shall be verified with reference to the safety performance indicators and safety performance targets of the SMS in support of the organisation's safety objectives.

13. Management of change

A 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.

14. Continuous improvement of the SMS

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

SAFETY PROMOTION

15. Training and education

(1) A service provider shall develop and maintain a safety training programme that ensures that technical personnel are trained and competent to perform their SMS duties.

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

16. Safety communication

A service provider shall develop and maintain a formal means for safety communication that—

- (a) ensures that technical personnel are aware of the Safety Management System (SMS) to a degree commensurate with their positions;
- (b) conveys safety-critical information;
- (c) explains why particular actions are taken to improve safety; and
- (d) explains why safety procedures are introduced or changed.

SCHEDULE 3**PRINCIPLES FOR THE PROTECTION OF SAFETY DATA, SAFETY INFORMATION
AND RELATED SOURCES**

Reg. 28 (1), 29 (1), 30 (2)

1. General principles

(1) States shall, through national laws, regulations and policies protecting safety data, safety information and related sources, ensures that—

- (a) a balance is struck between the need for the protection of safety data, safety information and related sources to maintain or improve aviation safety, and the need for the proper administration of justice;
- (b) safety data, safety information and related sources are protected in accordance with this schedule;
- (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) When an investigation under the Civil Aviation (Flight Safety) Regulations, 2024 has been instituted, the incident and accident investigation records listed under the protection of accident and incident investigation records in the Regulations shall be subject to the protection accorded therein instead of the protection accorded by these Regulations.

2. Principles of protection

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

(2) States shall accord protection to safety data, safety information and related sources by ensuring that—

- (a) the protection is specified based on the nature of safety data and safety information;
- (b) a formal procedure to provide protection to safety data, safety information and related sources is established;

- (c) safety data and safety information will not be used in a way different from the purposes for which it was collected, unless a principle of exception applies; and
- (d) to the extent that a principle of exception applies, the use of safety data and safety information in disciplinary, civil, administrative and criminal proceedings shall be carried out only under authoritative safeguards.

3. Principles of exception

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

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

4. Public disclosure

(1) Where right-to-know laws are applicable, the State shall within 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.

(2) Where disclosure is made in accordance with paragraph 3, the authority shall ensure that—

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

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

The State shall ensure that each SDCPS has a designated custodian to apply the protection to

safety data and safety information in accordance with applicable provisions of this Schedule. The custodian may be an individual or organisation.

6. Protection of recorded data

(1) States through national laws and regulations, shall provide specific measures of protection regarding the confidentiality and access by the public to ambient workplace recordings.

(2) States through national laws and regulations, shall 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 Schedule.

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

Note 2.— Provisions on the protection of flight recorder recordings and recordings from air traffic control units during investigations instituted under the Civil Aviation (Flight Safety) Regulations, 2024. Provisions on the protection of flight recorder recordings during normal operations are contained in applicable operation of aircraft regulations.

SCHEDULE 4

GUIDELINES FOR REPORTING AND INVESTIGATING ANS SAFETY INFORMATION AND OCCURRENCES

ANS service provider shall develop and maintain formal means for effectively reporting, collecting, recording, investigating and protecting of safety information and occurrences in operations, which combine reactive, proactive and predictive methods of safety data collection. Formal means of safety data collection shall at least include mandatory and voluntary reporting systems.

The details of reporting mechanism, reporting procedures, reporting timelines, reporting entities or individuals, reportable occurrences and contact information for reporting the safety information and occurrences are given below for the necessary guidelines to the concerned stakeholders.

1. Establishment of Reporting and Investigating Mechanism

Reporting Mechanism: ANS service provider shall establish a mechanism for collecting, recording, reporting, analysing and **internally investigating** of the safety occurrences whether such occurrences are received under mandatory requirement or received voluntarily. Such mechanism shall include the following things:

- a) Appointment of an ANS Safety Manager responsible for:
 - i. receiving and analysing information, investigating, and generating reports concerning safety occurrences and
 - ii. submitting reports to the appropriate Authority.
- b) Education and communication within the organization about the reportable information and occurrences.
- c) Establishment of mechanism for collecting, storing, analysing, and investigating of Safety Occurrences.
- d) Adoption of necessary measures to ensure confidentiality of the received information and the source of information.
- e) Notification and/or Reporting to the ANS Safety Manager by the ANSP Manager about information and occurrences in the prescribed reporting forms as mentioned in the Attachment 2 to Attachment 6.
- f) Resolution of identified safety deficiencies.

Investigating Mechanism: The ANS Safety Manager shall also establish a mechanism for collecting, recording, analysing and investigating of safety occurrences that are received

mandatorily from ANS service provider or voluntarily from any agency or individual directly, and finally respond to such organization, agency or individual on the reported matters. Such mechanism shall include the following things:

- a) The ANS Safety Manager is the responsible officer to receive information concerning the safety occurrences from relevant ANS Service Providers, agencies, or individuals.
- b) The ANS Safety Manager shall conduct safety investigations independently or jointly with relevant safety department(s) as per the requirements of the ECCAA.
- c) Establishment of a database for storing all safety information and occurrence data by the ANS Safety Manager.
- d) Forwarding the safety information and occurrence data to safety management division, which in turn collectively store all the safety data by establishing the database for statistical analysis and research.
- e) Adoption of necessary measures to ensure confidentiality of the received information and the source of information.
- f) Development of safety recommendations in resolving the identified safety deficiencies.
- g) Recommendations to concerned entities or individuals.
- h) Notification to reporting entity or individual about the actions taken in resolving the deficiencies.

Note: Safety Information and Occurrences Reporting/responding procedure has been clearly shown in the flow chart as shown in the Attachment 1.

2. Occurrence and Information Reporting Forms

Forms as presented in Attachment 2 to 6 of this procedure are prescribed to the reporters to facilitate them for consistent reporting, and subsequent storage and analysis of the safety data. ANSP and other relevant organizations may wish to use different reporting formats designed to meet their own system requirements. In such cases, their formats should, as far as possible, follow the general format as prescribed by ANSSSD and contain the minimum information as prescribed in such formats.

Note: The reporter, if reporting voluntarily can conceal his/her identity and address in the voluntary reporting form as prescribed in Attachment 6.

2.1 Air Traffic Incident Reporting Form

As Air Traffic Incidents such as the AIRPROX and any occurrences related to aircraft in flight have the most devastating consequences, the reporting procedure of such incidents is more clearly mentioned in the following paragraphs.

The Air Traffic Incident Report Form as shown in Attachment 2 is developed for submitting or receiving a report on an air traffic incident to be filled by a pilot or by an ATC on behalf of pilot when filed by R/T. The purpose of the form is to provide investigating authorities with as complete information as possible on an air traffic incident to enable them to report back, with the least possible delay, to the pilot or operator concerned the result of the investigation and, if appropriate, the remedial action taken.

The form is primarily intended for use by:

- a) a pilot for filing a report on an air traffic incident after arrival or to confirm a report made by radio;
- b) an ATS unit for recording an air traffic incident report received by radio, telephone or AMHS.

2.1.1 Identification and Designation of Incident (to be mentioned in the Air Traffic Incident Form)

Air traffic incidents are identified and designated in reports as follows:

Type of Air Traffic Incident	Designation of incident
Aircraft in proximity	AIRPROX
Serious difficulty caused by faulty procedures or lack of compliance with applicable procedures	Procedural
Serious difficulty caused by failure or ground facilities	Facility

2.1.2 Reporting by pilots

- a) A pilot involved in an incident should proceed as follows:
 - i. during flight, use the appropriate air/ground frequency for reporting an incident of major significance, particularly if it involves other aircraft, so as to permit the facts to be ascertained immediately;
 - ii. as promptly as possible after landing submit a completed air traffic incident report form:
 - A. for confirming a report of an incident made initially in accordance with

- (i) above, or for making the initial report on such an incident if it had not been possible to report it by radio;
 - B. for reporting an incident which did not require immediate notification at the time of occurrence.

- b) An initial report made by radio should contain the following shaded information of air traffic incident report form as mentioned in Attachment 2:
 - A. Aircraft Identification;
 - B. Type of incident, e.g. AIRPROX;
 - C. The incident; 1. a), b); 2. a), b), c), d), n); 3. a), b), c), i); 4. a), b);
 - D. Miscellaneous: 1. e).

- c) The air traffic incident report initially filed through radio should be submitted by the pilot in writing, where available, to the ATS reporting office, otherwise to the Aerodrome Control Tower of the aerodrome of first landing for submission to ATS Authority. The pilot should complete Air Traffic Incident Report Form, supplementing the details of the initial radio report as necessary.

2.1.3 Reporting by ATS

Following an air traffic incident, the ATC unit involved should proceed as follows:

- a) Identify and designate the incident.
- b) Complete the air traffic incident form;
- c) If the aircraft is bound for a destination located within the area of responsibility of the ATS unit in whose area the incident occurred, arrangements should be made with the operator to obtain the pilot's report on landing;
- d) If the aircraft is bound for a domestic destination, the ATS unit of destination should be requested to obtain the pilot's report on landing;
- e) If the aircraft is bound for an international destination, the ATS authority at destination aerodrome should be notified and given full details of the incident (by AMHS) and requested to obtain the pilot's report;
- f) The civil aviation authority of the State of Registry and the State of Operator should be notified of the incident by the state of occurrence (by AMHS) together with all available details;
- g) If the incident involves another aircraft, similar action should be taken in regard to both

parties;

- h) Ensure that the Safety Manager and the Authority are notified of all reportable incidents.

2.2 ATS Occurrence Report Form

Air Traffic Services providers or ATS Officers shall use the ATS Incident Report Form as shown in Attachment 3 to report the relevant ATS safety occurrences to the ATS Safety Manager.

2.3 Bird/Other Wildlife Strike Report Form

Pilot, Tower, ATS personnel, Airport Operations, Airline Operations, Safety personnel, etc. shall use Bird/Other Wildlife Strike Report Form as shown in Attachment 5 to report all occurrences associated with Bird Strikes and Wildlife Hazards.

2.4 Voluntary Information Reporting Form

In Voluntary Information Reporting System (VIRS), any matters may be reported if it endangers or could endanger the safety of an aircraft. Reporting of such matters may be made by anyone who observes or becomes aware of a reportable safety concern. Specifically, any person belonging to any aviation operational areas can contribute to the aviation safety enhancement through VRS by reporting on occurrences, hazards or threats relevant to the organization's aviation activities.

Any personnel involved in flight operations, ANS operations, Airport Operations, Airline Operations, etc. shall use Voluntary Information Reporting Form as shown in Attachment 6 to report all occurrences associated with the Voluntary Reporting System.

3. Reportable Safety Occurrences and Information

3.1 The examples of reportable occurrences by ANSP, its ATS and ATSEP personnel and other concerned are given below.

- Any ANS/CNS-related equipment or system failure/defect/malfunction/damage discovered during operation or equipment maintenance causing CNS breakdown which could possibly lead to an aircraft operational accident or serious incident;
- Aircraft near CFIT;
- Significant level bust incidents;

- Loss of separation incidents;
- Runway incursion (involving ATC communication);
- Runway excursion/overshoot (involving ATC communication);
- Failure in providing appropriate ATC clearance or sequencing resulting in an aircraft accident or incident
- Aircraft deviation from published ATM procedure
- Unauthorized penetration of airspace
- Failure of Data Processing and Distribution function,
- Deviation from aircraft ATM-related equipment carriage and operations, as mandated in applicable regulation(s)
- Go around or missed approach producing a hazardous or potentially hazardous situation.
- Any other ANS-related deficiency/defect/malfunction as reported to (and verified by) the ANS provider and which is deemed to have an impact on the safety of air navigation;
- Significant deterioration of aerodrome infrastructure;
- Aircraft accident involving Mid Air Collision, CFIT, Collision with obstacles, birds/wildlife strikes, adverse meteorological conditions, etc.
- Aircraft ground accidents/incidents
- Any other incidents or occurrences deemed by the Safety Manager as reportable under the mandatory reporting system.

3.2 Events to be reported through VIRS contain safety-related incidents or events involving yourself, other people and your organization or other relevant organizations you deal with. Examples of such incidents or events include:

- Traffic issues such as complexity of traffic, unauthorized procedures by aircraft, confusing call sign, etc.
- Airspace matters such as airspace design, restructuring and complexity, Design criteria, etc.
- Controller actions such as incomplete or wrong clearance, loss of separation, incorrect judgement, unsafe practices, deviation from procedures, etc.
- Communication problems such as incorrect, confusing, or incomplete communications, radio/Frequency failures or anomalies, wrong phraseology, etc.
- ATS facilities such as faulty or unserviceable navigation aid, taxiway and runway configuration, insufficient infrastructures, etc.
- Human factor issues such as sudden incapacitation, individual stress, fatigue, Individual performance, errors, negligence at work, health & safety matters affecting Operating

- Procedures, unfair working environment, etc.
- Use of psychoactive substances
 - Environmental issues such as weather, wildlife issues, etc.
 - Organizational issues such training and knowledge transfer, organization structure, SOP issues, manpower, regulatory aspects, working without license, etc.
 - Any other safety significant information that is concealed by concerned agencies or individuals.

4. Reporting Timelines

Timelines for mandatory occurrence is given below:

Reportable occurrences	Notification to ANSP Manager & ECCAA (Mandatory)	Submit Report to ANSP Safety Manager	Submit Investigation Report to the ECCAA	Remarks
Accident **	Immediate/ASAP	Within 24 hours	90 days	
Serious incident **	Immediate/ASAP	Within 48 hours	60 days	
Incident ***	-----	Within 72 hours	30 days (where required)	
<p>* Telephone or e-mail will in most cases constitute the most suitable and quickest means of sending a notification.</p> <p>**Internal investigation by CAAN for a limited purpose, if desirable.</p> <p>***The timelines for this occurrence may also be used for voluntary reporting as well.</p>				


5. Contact details for reporting Safety Occurrences

ECCAA

Ministry or Airports Authority

ATS Provider

Made this 26th day of February, 2024



Anthony Whittier
Director General