



# **CIVIL AVIATION REGULATIONS SAFETY MANAGEMENT**

**(Second Edition)**

DECEMBER 2019

**CIVIL AVIATION AUTHORITY OF THE PHILIPPINES**  
Old MIA Road, Pasay City 1300 Metro  
Manila

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CIVIL AVIATION REGULATORY

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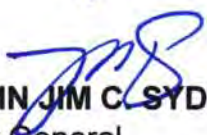


**CIVIL AVIATION AUTHORITY OF THE PHILIPPINES**

# **CIVIL AVIATION REGULATIONS SAFETY MANAGEMENT**

**DECEMBER 2019**

By virtue of the powers vested to the Director General, Civil Aviation Authority of the Philippines, provided in the Republic Act No. 9497, this Civil Aviation Regulations Safety Management is hereby approved to provide regulatory requirements to the management of safety for civil aviation in the Republic of the Philippines.

  
**CAPTAIN JIM C. SYDIONGCO**  
Director General  
Civil Aviation Authority of the Philippines

DATE: DEC 17 2019



CIVIL AVIATION AUTHORITY OF INDIA

# CIVIL AVIATION REGULATIONS SAFETY MANAGEMENT

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## RECORD OF AMENDMENTS AND CORRIGENDA

Amendments			
Number	Date applicable	Date entered	Entered by
Amendment 1	29 November 2019	05 November 2019	CAPT. JIM C. SYDIONGCO

Corrigenda			
Number	Date applicable	Date entered	Entered by

**LIST OF EFFECTIVE PAGES**

<b>Title</b>	<b>Page No.</b>	<b>Amendment No.</b>	<b>Effective Date</b>
Cover Page		Original Issue	16 December 2019
Date of Approval	i	Original Issue	05 November 2019
Record of Amendments	iii	Amendment 1	05 November 2019
List of Effective Pages	iv	Amendment 1	05 November 2019
Table of Contents	v	Amendment 1	05 November 2019
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	1-3	Amendment 1	05 November 2019
	1-4	Amendment 1	05 November 2019
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Chapter 4	4-1	Amendment 1	05 November 2019
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Chapter 5	5-1	Amendment 1	05 November 2019
	5-2	Amendment 1	05 November 2019
	5-3	Amendment 1	05 November 2019
	5-4	Original Issue	05 November 2019
CAR-SM I.S.	I.S. 1-1	Original Issue	07 January 2019
	I.S. 1-2	Original Issue	07 January 2019
I.S. 3	I.S. 3-1	Amendment 1	05 November 2019
	I.S. 3-2	Amendment 1	05 November 2019
	I.S. 3-3	Amendment 1	05 November 2019
	I.S. 3-4	Original Issue	16 December 2019
I.S. 4.1.1	I.S. 4.1.1-1	Amendment 1	05 November 2019
	I.S. 4.1.1-2	Amendment 1	05 November 2019
	I.S. 4.1.1-3	Amendment 1	05 November 2019

<b>Title</b>	<b>Page No.</b>	<b>Amendment No.</b>	<b>Effective Date</b>
	I.S. 4.1.1-4	Amendment 1	05 November 2019
	I.S. 4.1.1-5	Amendment 1	05 November 2019
	I.S. 4.1.1-6	Original Issue	16 December 2019
I.S. 5.3.1	I.S. 5.3.1-1	Amendment 1	05 November 2019
	I.S. 5.3.1-2	Amendment 1	05 November 2019
	I.S. 5.3.1-3	Amendment 1	05 November 2019
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**PUBLICATIONS**  
*(referred to in this CAR SM)*

PCAR Part 1 - General Policies, Procedures, and Definitions

PCAR Part 2 — Personnel Licensing

PCAR Part 3 - Approved Training Organizations

PCAR Part 4 – Aircraft Registration and Marking

PCAR Part 5 — Airworthiness

PCAR Part 6 – Approved Maintenance Organization

PCAR Part 8 — Operations

PCAR Part 9 – Air Operator Certification and Administration

PCAR Part 13 — Accident and Incident Reporting and Investigation

CAR-ANS Part 10 – Regulatory Requirements on the Operation and Maintenance of Communications, Navigation, Surveillance, Airfield Lighting and Power Systems Services

CAR-ANS Part 11 — Air Traffic Services

CAR Governing Aerodromes

Manual of Standards – Aerodromes

**ICAO Documents and Manuals**  
*(referred to in this CAR-SM)*

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

## **INTRODUCTION**

Civil Aviation Regulations – Safety Management addresses the safety management requirements and meets the standards contained in ICAO Annex 19.

ICAO Annex 19 consolidates material from existing Annexes regarding State Safety Programme (SSP) and Safety Management Systems (SMSs), as well as related elements including the collection and use of safety data and State safety oversight activities.

## **CHAPTER 1**

### **1. GENERAL**

#### **1.1 APPLICABILITY**

- 1.1.1** Civil Aviation Regulations – Safety Management shall be applicable in the Philippines to safety management functions related to, or in direct support of, the safe operation of aircraft.

*Note 1.— Safety management provisions are contained in Chapter 3 and relate to a Philippine State Safety Programme.*

*Note 2.— Within the context of this CAR-SM, 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 3.— Safety management provisions for specified aviation service providers and operators are in Chapter 4 and relate to safety management systems (SMSs).*

*Note 4.— No provision of this CAR-SM is intended to transfer to the Authority 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 CAR-SM, “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).*

#### **1.2 RULES OF CONSTRUCTION**

##### **1.2.1 RULES OF CONSTRUCTION OF CAR SAFETY MANAGEMENT**

- 1.2.1.1** Throughout this regulation, the following word usage applies:

- a) *Shall* indicates a mandatory requirement.
- b) *May* indicates that discretion can be used when performing an act described in a regulation.
- c) *Will* indicates an action incumbent upon the Authority.
- d) *Includes* means “includes but is not limited to”.
- e) *Prescribed* means the Authority has issued written policy methodology which imposes either a mandatory requirement if the written policy or methodology states ‘shall’, or a discretionary requirement if the written policy or methodology states “may”.
- f) *Approved* means the Authority has reviewed the method, procedure or policy in question and issued a formal written approval.
- g) *Should* indicates a recommended practice.

## 1.2.2 ORGANIZATION OF REGULATIONS

1.2.2.1 This regulation comprises the following:

- a) *Definitions* of terms used in this regulation which are not self-explanatory, in that they do not have accepted dictionary means;
- b) *Introduction* comprising explanatory material at the beginning of this regulation to assist in the understanding of the application of the text;
- c) *Notes* included in the texts, where appropriate, to factual information or references bearing on this regulation in questions, or included as guide to their application;
- d) *Implementing Standards* provide detailed requirements that support the intent of a regulation.

## 1.2.3 REGULATIONS AMENDMENT PROCEDURE

1.2.3.1 The following procedure is prescribed to incorporate an amendment to this regulation.

1.2.3.2 There shall be a Safety Management Regulations Review Committee (the RR-Committee), consisting of the representatives from the State Safety Program Office (SSPO), the Flight Standards Inspectorate Service (FSIS), the Aerodrome and Air Navigation Safety Oversight Office (AANSOO), the Enforcement and Legal Service (ELS), the International Civil Aviation Coordinating Staff (ICACS) and the concerned Services/Directorates of the Authority. The concerned Service/Directorate shall file a requirement for an amendment to this regulation to the SM RR-Committee. An operator or a member of public may send their request for an amendment to this regulation to the Director General for the attention of the SM RR-Committee. The Amendment Cycle shall be twice every year, in January and July, commencing on CY 2019. When there is a requirement to issue an immediate amendment to the regulation, it can be done by promulgating a "Temporary Amendment" in colored pages by a Memorandum Circular. Such a Temporary Amendment shall be merged in the next regular Amendment Cycle, and the Temporary Amendment /Memorandum Circular shall stand automatically cancelled thereafter. An example of processing an amendment is stated in the succeeding paragraphs.

1.2.3.3 For example, as and when the International Civil Aviation Organization (ICAO) issues a safety management amendment to Annexes 1, 6, 8, 11, 13, 14 and 19, the SSPO shall review the contents of each amendment, assess its applicability to Republic of the Philippines, and accordingly advise the RR-Committee. The other Services/Directorates shall do the same in respect of their related Annexes. The RR-Committee shall deliberate and decide whether to "accept" the Annex-amendment or to file a difference with the ICAO, and advise the Director General accordingly. When the Annex-amendment is to be "accepted", the ICACS shall arrange to notify the ICAO accordingly, and file difference(s), if any, separately with ICAO, in accordance with the prescribed procedure. The secretariat of the RR-Committee shall maintain necessary documentation related CAR-SM amendment, including the records (such as, record of discussions in respect of industry and other consultations).

- 1.2.3.4 The SSPO shall work out a suitable amendment text for the CAR-SM, based on the "accepted" part of the Annex-amendment and put up to the Director General, through the RR-Committee. As prescribed by the Civil Aviation Authority Act of 2008 (Republic Act No. 9497) Sections 24 (j) and 25, on recommendation of the Director General, the Board will approve the CAR-SM amendment for promulgation. The CAAP will then publish the CAR-SM amendment in accordance with the prescribed procedure.
- 1.2.3.5 The RR-Committee shall ensure that whenever an amendment to this regulation is issued, the copy of CAR-SM on the website is updated accordingly.
- 1.2.3.6 The SSPO shall ensure that the CAR-SM amendments are distributed among the recipients/copy-holders of CAR-SM in a timely manner.
- 1.2.3.7 The Technical Library shall maintain a current copy of this regulation (CAR-SM), fully updated, at all times.
- 1.2.3.8 A typical CAR-SM amendment shall contain the following:
- (1) Letter of Transmittal: A letter to all recipients/CAR-SM copy-holders, describing the purpose and location of the amendment in relation to the existing Regulation(s).
  - (2) Instructions: The instructions to "insert" and/or "delete" the affected pages of each Part stating page number(s) and their effective date(s).
  - (3) Replacement pages of CAR-SM: The replacement pages of CAR-SM giving effect to the Annex amendment. As this regulation is printed on both sides of paper, whenever a text undergoes a change, the reverse side will also need a reprint, except that the effective date of the reverse side page may remain unchanged.
  - (4) Updated Table of Contents: The effective dates of changed pages shall be incorporated in the Contents of each Part as well as in the main Table of Contents.
  - (5) Recording of Amendments: Instructions for recording the insertion of the CAR-SM amendment in the "Record of Amendment" in the Table of Contents Part.
  - (6) Updating a Controlled Document: The prescribed procedure for updating a "Controlled Document" shall be adhered to while transmitting and incorporating each CAR-SM amendment.

**1.2.4 ABBREVIATIONS**

The following abbreviations are used in CAR– Safety Management:

AANSOO	Aerodrome and Air Navigation Safety Oversight Office
ADREP	Accident/Incident Data Reporting
ATS	Air Traffic Services
CNS	Communications, Navigation and Surveillance
CVR	Cockpit Voice Recorder
FSIS	Flight Standards Inspectorate Service
ICACS	International Civil Aviation Coordinating Staff
RRC	Regulations Review Committee
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
SSPO	State Safety Programme Office

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CHAPTER 2

2. DEFINITIONS

For the purpose of CAR–Safety Management, the following definitions shall apply:

**Accident.** An occurrence associated with the operation of an aircraft which, in the case of a manned aircraft, takes place between the time any person boards the aircraft with the intention of flight until such time as all such persons have 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:

(i) a person is fatally or seriously injured as a result of:

(a) being in the aircraft, or

(b) direct contact with any part of the aircraft, including parts which have become detached from the aircraft, or

(c) direct exposure to jet blast,

*except* when the injuries are from natural causes, self-inflicted or inflicted by other persons, or when the injuries are to stowaways hiding outside the areas normally available to the passengers and crew; or

(ii) the aircraft sustains damage or structural failure which:

(a) adversely affects the structural strength, performance or flight characteristics of the aircraft, and

(b) would normally require major repair or replacement of the affected component,

*except* for engine failure or damage, when the damage is limited to a single engine, (including its cowlings or accessories), to propellers, wing tips, antennas, probes, vanes, tires, brakes, wheels, fairings, panels, landing gear doors, windscreens, the aircraft skin (such as small dents or puncture holes), or for minor damages to main rotor blades, tail rotor blades, landing gear, and those resulting from hail or bird strike (including holes in the radome); or

(iii) the aircraft is missing or is completely inaccessible.

*Note 1.— For statistical uniformity only, an injury resulting in death within thirty days of the date of the accident is classified, by ICAO, as a fatal injury.*

*Note 2.— An aircraft is considered to be missing when the official search has been terminated and the wreckage has not been located.*

*Note 3.— The type of unmanned aircraft system to be considered for investigation is only those with a design and/or operational approval.*

*Note 4.— Guidance for the determination of aircraft damage can be found in Attachment F of Annex 13.*

**Airplane.** 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.** 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.

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

**Helicopter.** 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.

*Note.— Some States use the term “rotorcraft” as an alternative to “helicopter”.*

**Incident.** An occurrence, other than an accident, associated with the operation of an aircraft which affects or could affect the safety of operation.

*Note.— The types of incidents which are of interest for safety-related studies include the serious incidents listed in Annex 13, Attachment C.*

**Industry codes of practice.** 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 Organization's Standards and Recommended Practices, other aviation safety requirements and the best practices deemed appropriate.

*Note.— Some States accept and reference industry codes of practice in the development of regulations to meet the requirements of Annex 19, and make available, for the industry codes of practice, their sources and how they may be obtained.*

**Operational personnel.** Personnel involved in aviation activities who are in a position to report safety information.

*Note.— Such personnel include, but are not limited to: flight crews; air traffic controllers; aeronautical station operators; maintenance technicians; personnel of aircraft design and manufacturing organizations; cabin crews; flight dispatchers, apron personnel and ground handling personnel.*

**Safety.** The state in which 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.** 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, 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.** A State or a service provider's safety achievement as defined by its safety performance targets and safety performance indicators.

**Safety performance indicator.** A data-based parameter used for monitoring and assessing safety performance.

**Safety performance target.** 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.** The predicted probability and severity of the consequences or outcomes of a hazard.

**Serious injury.** An injury which is sustained by a person in an accident and which:

- (i) requires hospitalization for more than 48 hours, commencing within seven days from the date the injury was received; or
- (ii) results in a fracture of any bone (except simple fractures of fingers, toes or nose); or
- (iii) involves lacerations which cause severe hemorrhage, nerve, muscle or tendon damage; or
- (iv) involves injury to any internal organ; or
- (v) involves second or third degree burns, or any burns affecting more than 5 per cent of the body surface; or
- (vi) involves verified exposure to infectious substances or injurious radiation.

**State of Design.** The State having jurisdiction over the organization responsible for the type design.

**State of Manufacture.** The State having jurisdiction over the organization responsible for the final assembly of the aircraft.

**State of the Operator.** 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).** An integrated set of regulations and activities aimed at improving safety.

**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.

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## CHAPTER 3

### 3. STATE SAFETY MANAGEMENT RESPONSIBILITIES

*Note 1.— The State safety oversight (SSO) system critical elements (CEs) found in I.S. 3 constitute the foundation of an SSP.*

*Note 2.— Safety management provisions pertaining to specific types of aviation activities are addressed in the relevant parts of PCARs, CAR-ANS, and CAR-Aerodromes.*

*Note 3.— Basic safety management principles applicable to the medical assessment process of licence holders are contained in PCAR Part 2. Guidance is available in the Manual of Civil Aviation Medicine (ICAO Doc 8984).*

#### 3.1 State Safety Programme (SSP)

- 3.1.1 The Authority will establish and maintain an SSP that is commensurate with the size and complexity of the Philippines' civil aviation system.

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

#### 3.2 State Safety Policy, Objectives and Resources

##### 3.2.1 Primary Aviation Legislation

- 3.2.1.1 The Philippines shall establish primary aviation legislation in accordance with section 1 of I.S. 3.

- 3.2.1.2 The Authority shall 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 issues, internally, within the context of their SMS and to the satisfaction of Civil Aviation Authority of the Philippines.

##### 3.2.2 Specific Operating Regulations

- 3.2.2.1 The Authority shall establish specific operating regulations in accordance with section 2 of I.S. 3.

- 3.2.2.2 The Authority shall periodically review specific operating regulations, guidance material and implementation policies to ensure they remain relevant and appropriate.

##### 3.2.3 State System and Functions

3.2.3.1 The Authority shall establish State system and functions in accordance with section 3 of I.S.3.

3.2.3.2 The Authority shall identify, define and document the requirements, obligations, functions and activities regarding the establishment and maintenance of the SSP, including the directives to plan, organize, develop, maintain, control and continuously improve the SSP in a manner that meets its safety objectives.

3.2.3.3 The Authority shall establish a safety policy and safety objectives that reflect its commitment regarding safety and facilitate the promotion of a positive safety culture in the aviation community.

3.2.3.4 The safety policy and safety objectives shall be published and periodically reviewed to ensure that they remain relevant and appropriate to the Philippines.

#### **3.2.4 Qualified Technical Personnel**

The Authority shall establish requirements for the qualification of technical personnel in accordance with section 4 of I.S. 3.

*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**

The Authority shall establish technical guidance and tools and provide safety-critical information in accordance with section 5 of I.S. 3.

### **3.3 State Safety Risk Management**

#### **3.3.1 Licensing, certification, authorization and approval obligations**

The Authority shall meet the licensing, certification, authorization and approval obligations in accordance with section 6 of I.S. 3.

#### **3.3.2 Safety Management System Obligations**

3.3.2.1 The Authority shall require that the following service providers under its authority implement an SMS:

a) approved training organizations that are exposed to safety risks related to aircraft operations during the provision of their services, in accordance with PCAR Part 3;

b) operators of airplanes or helicopters authorized to conduct international commercial air transport, in accordance with PCAR Part 9;

c) approved maintenance organizations providing services to operators of airplanes or helicopters engaged in international commercial air transport, in accordance with PCAR Part 6;

d) air traffic services (ATS) providers in accordance with CAR-ANS Part 11 and the provision of CNS in accordance with CAR-ANS Part 10; and

e) operators of certified aerodromes in accordance with CAR for Aerodromes.

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

3.3.2.2 The Authority shall ensure that safety performance indicators and targets established by service providers and operators are acceptable.

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

3.3.2.3 The State of Registry shall establish criteria for international general aviation operators of large or turbojet airplanes in accordance with the CAR-SM to implement an SMS.

*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 I.S. 3.

*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).*

### 3.3.3 Accident and Incident Investigation

The Authority shall establish a process to investigate accidents and incidents in accordance with PCAR Part 13 — *Accident and Incident Reporting and Investigation*, in support of the management of safety in the Philippines.

### 3.3.4 Hazard Identification and Safety Risk Assessment

3.3.4.1 The Authority shall establish and maintain a process to identify hazards from collected safety data.

*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 The Authority 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 The Authority shall establish mechanisms for the resolution of safety issues in accordance with section 8 in I.S. 3.

3.3.5.2 The Authority shall develop and maintain a process to manage safety risks.

### **3.4 State Safety Assurance**

#### **3.4.1 Surveillance Obligations**

3.4.1.1 The Authority shall meet the surveillance obligations in accordance with section 7 of I.S. 3.

*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.*

3.4.1.2 The Authority shall establish procedures to prioritize inspections, audits and surveys towards those areas of greater safety concern or need.

*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.*

3.4.1.3 The Authority shall periodically review the safety performance of an individual service provider.

#### **3.4.2 State Safety Performance**

3.4.2.1 The Authority shall establish the acceptable level of safety performance to be achieved through its SSP.

*Note 1.— An acceptable level of safety performance 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 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 The Authority shall 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.*

3.4.2.3 The SSP Steering Committee will evaluate the effectiveness of the SSP to maintain or continuously improve its overall level of safety performance.

**3.5 State Safety Promotion**

**3.5.1 Internal communication and dissemination of safety information**

The Authority shall promote safety awareness and the sharing and exchange of safety information to support, within the State aviation organizations, the development of a positive safety culture that fosters an effective SSP.

**3.5.2 External communication and dissemination of safety information**

The Authority shall promote safety awareness and the sharing and exchange of safety information with the aviation community to foster the maintenance and improvement of safety and to support the development of 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.*

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## CHAPTER 4

### 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. - An organization may elect to extend one SMS across multiple service provider activities.*

#### 4.1 General

4.1.1 The SMS of a service provider shall:

- a) be established in accordance with the framework elements contained in I.S. 4.1.1; and
- b) be commensurate with the size of the service provider and the complexity of its aviation products or services.

4.1.2 The Authority shall ensure that the service provider develops a plan to facilitate SMS implementation.

4.1.3 The SMS of an approved training organization, in accordance with PCAR Part 3, that is exposed to safety risks related to aircraft operations during the provision of its services shall be made acceptable to the Authority.

4.1.4 The SMS of a certified operator of airplanes or helicopters authorized to conduct international commercial air transport, in accordance with PCAR Parts 8 and 9, shall be made acceptable to the Authority, as applicable.

4.1.5 The SMS of an approved maintenance organization providing services to operators of airplanes or helicopters engaged in international commercial air transport, in accordance with PCAR Part 9, shall be made acceptable to the Authority.

4.1.6 The SMS of an ATS provider, in accordance with CAR-ANS Part 11 and the SMS of CNS provider in accordance with CAR-ANS Part 10 shall be made acceptable to the Authority.

4.1.7 The SMS of an operator of a certified aerodrome, in accordance with CAR-Aerodromes shall be made acceptable to the Authority.

#### 4.2 International general aviation — Airplanes

*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 airplanes 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).*

**CHAPTER 5**

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

**5.1 Safety Data Collection and Processing Systems**

- 5.1.1 The Authority 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 the Authority 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 PCAR Parts 8 and 9*

*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 the Authority, 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 the PCARs, CAR-ANS, and CAR-Aerodromes. 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.*

- 5.1.2 The Authority shall establish a mandatory safety reporting system that includes the reporting of incidents.
- 5.1.3 The Authority shall establish a voluntary safety reporting system to collect safety data and safety information not captured by the mandatory safety reporting systems.
- 5.1.4 The authorities responsible for the implementation of the SSP will have access to the SDCPS as referenced in 5.1.1 to support their safety responsibilities, in accordance with the principles in I.S.5.3.1.

*Note. — In the Philippines, the authorities responsible for the implementation of the SSP include Aircraft Accident and Incident Investigation (AAIL).*

- 5.1.5 The Authority will use standardized taxonomy for the safety database to facilitate safety information sharing and exchange.

## **5.2 Safety Data and Safety Information Analysis**

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

*Note 1.— Specific 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 Authority 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.*

## **5.3 Safety Data and Safety Information Protection**

- 5.3.1 The Authority shall accord protection to safety data captured by and safety information derived from voluntary safety reporting systems and related sources in accordance with I.S. 5.3.1.

*Note.- Sources include individuals and organizations.*

- 5.3.2 The Authority shall 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 1.— 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 2.— Guidance related to both mandatory and voluntary safety reporting systems is contained in the Safety Management Manual (SMM) (Doc 9859).*

- 5.3.3 Subject to 5.3.1 and 5.3.2, the Authority shall not make available or use safety data or safety information collected, stored or analysed in accordance with 5.1 or 5.2 for purposes other than maintaining or improving safety, unless the competent authority determines in accordance with I.S. 5.3.1 that a principle of exception applies.

- 5.3.4 Notwithstanding 5.3.3, the Authority shall not be prevented from using safety data or

safety information to take any preventive, corrective or remedial action that is necessary to maintain or improve aviation safety.

*Note.— Specific provision aimed at ensuring that there is no overlap with the protection of investigation records in PCAR Part 13 is contained in Subpart I Section 13.220.*

- 5.3.5 The Authority 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 The Authority shall facilitate and promote safety reporting by adjusting applicable laws, regulations and policies, as necessary.

- 5.3.7 In support of the determination referred to in 5.3.3, the Authority will institute and make use of appropriate advance arrangements with State bodies entrusted with aviation safety and those entrusted with the administration of justice. Such arrangements shall take into account the principles specified in I.S. 5.3.1.

*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 If the Authority, in the analysis of the information contained in its SDCPS, identifies safety matters considered to be of interest to other States, the Authority will forward such safety information to them as soon as possible. Prior to sharing such information, the Authority shall agree on the level of protection and conditions on which safety information will be shared. The level of protection and conditions shall be in line with I.S. 5.3.1.

- 5.4.2 The Authority will promote the establishment of safety information sharing networks among users of the aviation system and will facilitate the free exchange of information on actual and potential safety deficiencies.

*Note.— 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).*

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**CIVIL AVIATION REGULATIONS  
SAFETY MANAGEMENT**

**Implementing Standards (I.S.)**

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## ***CAR - Safety Management***

### **I.S. 3 STATE SAFETY OVERSIGHT (SSO) SYSTEM CRITICAL ELEMENTS (CEs)**

*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 (ICAO 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 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.*

#### **1. Primary Aviation Legislation (CE-1)**

- 1.1 The Philippines shall promulgate a comprehensive and effective aviation law, commensurate with the size and complexity of their 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.

*Note.— This includes ensuring that the aviation law remains relevant and appropriate to the Philippines.*

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

#### **2. Specific Operating Regulations (CE-2)**

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

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

#### **3. State System and Functions (CE-3)**

- 3.1 The Philippines 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. Each authority or agency shall have stated safety functions and objectives to fulfill its safety management responsibilities.

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

**4. Qualified Technical Personnel (CE-4)**

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

**5. Technical Guidance, Tools and Provision of Safety-Critical Information (CE-5)**

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

**6. Licensing, Certification, Authorization and Approval Obligations (CE-6)**

The Authority shall implement documented processes and procedures to ensure that 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 Authority 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 approval holders continue to meet the established requirements. These include the surveillance of personnel designated by the Authority to perform safety oversight functions on its behalf.

**8. Resolution of Safety Issues (CE-8)**

- 8.1 The Authority shall use a documented process to take appropriate actions, up to and including enforcement measures, to resolve identified safety issues.
  - 8.2 The Authority shall ensure that identified safety issues are resolved in a timely manner through a system which monitors and records progress, including actions taken by individuals and organizations performing an aviation activity in resolving such issues.
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## ***CAR - Safety Management***

### **I.S. 4.1.1 FRAMEWORK FOR A SAFETY MANAGEMENT SYSTEM (SMS) – Service Provider Level**

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

*Note 2. - 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 Implementing Standards 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.*

These Implementing Standards specify 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
  - 1.2 Safety accountability and responsibilities
  - 1.3 Appointment of key safety personnel
  - 1.4 Coordination of emergency response planning
  - 1.5 SMS documentation
2. Safety Risk Management
  - 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 accountability and responsibilities**

The service provider shall:

- a) identify the accountable executive who, irrespective of other functions, is accountable on behalf of the organization, for the implementation and maintenance of 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 responsibilities of all members of management, irrespective of other functions, as well as of employees, with respect to the safety performance of the organization;
- d) document and communicate safety accountability, responsibilities 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 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 to establish and maintain an emergency response plan for accidents and incidents in aircraft operations and other aviation emergencies shall ensure that the emergency response plan is properly coordinated with the emergency response plans of those 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 and maintain an SMS manual that describes its:**

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

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

*Note.— 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 to identify hazards associated with its aviation products or services.

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

**2.2 Safety risk assessment and mitigation**

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

*Note.— 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 its SMS processes to maintain or continuously improve the overall 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 actions are taken to improve safety; and
- d) explains why safety procedures are introduced or changed.

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## ***CAR - Safety Management***

### **I.S. 5.3.1 PRINCIPLES FOR THE PROTECTION OF SAFETY DATA, SAFETY INFORMATION AND RELATED SOURCES**

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

*Note 2.— The principles contained in these I.S. are aimed at assisting the Authority to enact and adopt national laws, 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 3.— The objective is ensure the continued availability of safety data and safety information by restricting its use for the purposes other than maintaining or improving aviation safety.*

#### **1. General Principles**

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

a) a balance is struck between the need for the protection of safety data, safety information and related sources to maintain or improve aviation safety, and the need for the proper administration of justice;

b) safety data, safety information and related sources are protected in accordance with this appendix;

c) the conditions under which safety data, safety information and related sources qualify for protection, are specified; and

d) safety data and safety information remain available for the purpose of maintaining or improving aviation safety.

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

1.2 When an investigation under PCAR Part 13 – *Accident and Incident Reporting and Investigation* has been instituted, accident and incident investigation records listed in Subpart I Section 13.220 shall be subject to the protections accorded therein instead of the protections accorded by this CAR-SM.

#### **2. Principles of Protection**

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

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

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

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

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

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

### **3. Principles of Exception**

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

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

on the future collection and availability of safety data and safety information.

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

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

**4. Public Disclosure**

- 4.1 The Authority having the 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.*

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

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

**5. Responsibility of the Custodian of Safety Data and Safety Information**

- 5.1 The Authority 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 I.S.:

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

**6. Protection of Recorded Data**

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

*Note 2.— Provisions on the protection of flight recorder recordings and recordings from air traffic control units during investigations instituted under PCAR Part 13 are contained therein.*

*Provisions on the protection of flight recorder recordings during normal operations are contained in PCAR Part 8.*

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