



Republic of the Philippines
CIVIL AVIATION AUTHORITY OF THE PHILIPPINES

MEMORANDUM CIRCULAR NO.: 008-2022

TO : ALL CONCERNED

FROM : THE DIRECTOR GENERAL

SUBJECT : INCORPORATION OF ICAO ANNEX 6, PART I,
AMENDMENT 40 A AND 40 B TO THE PHILIPPINE CIVIL
AVIATION REGULATIONS PARTS 1, 7, 8, AND 9

REFERENCES:

1. Philippine Civil Aviation Regulation Part 1, 7, 8, and 9
2. Regulations Amendment/Revision Procedure
3. Board Resolution No. 2012-054 dated 28 September 2012

Pursuant to the powers vested on the Director General of the Civil Aviation Authority of the Philippines under Republic Act No. 9497, otherwise known as the Civil Aviation Authority Act of 2008 and in accordance with the Regulations Amendment/Revision Procedure with Board Resolution No. 2012-054 dated 28 September 2012, I hereby approve the incorporation of the following amendments to the Philippine Civil Aviation Regulations Part 1, 7, 8 and 9.

AMENDED REGULATIONS:

PHILIPPINE CIVIL AVIATION REGULATIONS PART 1

Air Traffic Service (ATS). A generic term meaning variously, flight information service, alerting service, air traffic advisory service, air traffic control service (area control service, approach control service or aerodrome control service).

Fatigue. A physiological state of reduced mental or physical performance capability resulting from sleep loss, ~~or~~ extended wakefulness, circadian phase, and/or workload (mental and/or physical activity) that can impair a ~~crew member's~~ person's alertness and ability to ~~safely operate an aircraft or~~ perform safety-related operational duties.

Flight recorder. Any type of recorder installed in the aircraft for the purpose of complementing accident/incident investigation.

Automatic Deployable Flight Recorder (ADFR). A combination flight recorder installed on the aircraft which is capable of automatically deploying from the aircraft.

Operator. A The person, organization or enterprise engaged in or offering to engage in an aircraft operation.

Performance-based communication (PBC). Communication based on performance specifications applied to the provision of air traffic services.

Note. — An RCP specification includes communication performance requirements that are allocated to system components in terms of the communication to be provided and associated transaction time, continuity, availability, integrity, safety and functionality needed for the proposed operation in the context of a particular airspace concept.

Performance-based surveillance (PBS). Surveillance based on performance specifications applied to the provision of air traffic services.

Note. — An RSP specification includes surveillance performance requirements that are allocated to system components in terms of the surveillance to be provided and associated data delivery time, continuity, availability, integrity, accuracy of the surveillance data, safety and functionality needed for the proposed operation in the context of a particular airspace concept

Required communication performance (RCP) specification. ~~A statement of the performance requirements for operational communication in support of specific ATM functions.~~ A set of requirements for air traffic service provision and associated ground equipment, aircraft capability, and operations needed to support performance-based communication.

~~**Required communication performance type (RCP type).** A label (e.g. RCP 240) that represents the values assigned to RCP parameters for communication transaction time, continuity, availability and integrity.~~

Required surveillance performance (RSP) specification. A set of requirements for air traffic service provision and associated ground equipment, aircraft capability, and operations needed to support performance-based surveillance.

PHILIPPINE CIVIL AVIATION REGULATIONS PART 7

7.2.9 NAVIGATION EQUIPMENT – GENERAL

(a) [AAC] No person may operate an aircraft unless it is equipped with navigation equipment that will enable it to proceed in accordance with:-

- (1) its operational flight plan,
- (2) The prescribed Performance-Based Navigation Specification; and the requirements of air traffic services.
- ~~(3) The requirements of air traffic services and,~~

(b) xxx

(c) For operations where a navigation specification for performance-based navigation (PBN) has been prescribed, an aircraft shall, in addition to the requirements specified in 7.2.9 (a):

- (1) Be provided with navigation equipment which will enable it to operate in accordance with the prescribed navigation specification(s); and
- (2) have information relevant to the aircraft navigation specification capabilities listed in the flight manual or other aircraft documentation approved by the State of the Design or State of Registry; and
- (3) have information relevant to the aircraft navigation specification capabilities included in the MEL.

Note. — Guidance on aircraft documentation is contained in the Performance-based Navigation (PBN) Manual (ICAO Doc 9613).

(d) An Operator shall, for operations where a navigation specification for PBN has been prescribed, ensure that the operator has established and documented:

- (1) normal and abnormal procedures including contingency procedures;
- (2) flight crew qualification and proficiency requirements in accordance with the appropriate navigation specifications;
- (3) a training programme for relevant personnel consistent with the intended operations; and
- (4) appropriate maintenance procedures to ensure continued airworthiness in accordance with the appropriate navigation specifications.

Note 1.— Guidance on safety risks and mitigations for PBN operations, in accordance with Annex 19, are contained in the Performance-based Navigation (PBN) Operational Approval Manual (ICAO Doc 9997).

Note 2.— Electronic navigation data management is an integral part of normal and abnormal procedures.

- (e) An Operator shall issue a specific approval for operations based on PBN authorization required (AR) navigation specifications.

Note.— Guidance on specific approvals for PBN authorization required (AR) navigation specifications is contained in the Performance-based Navigation (PBN) Operational Approval Manual (ICAO Doc 9997).

7.3.1 RADIO EQUIPMENT

- (i) [AAC] For operations where communication ~~and/or surveillance~~ equipment ~~are~~ is required to meet an RCP ~~and/or RSP~~ specification for performance-based Communication (PBC) ~~and surveillance (PBCS)~~, in addition to 7.3.1(a) and (b) and 7.3.3, an aircraft shall:

- (1) be provided with communication ~~and/or surveillance~~ equipment ~~which~~ that will enable it to operate in accordance with the prescribed RCP ~~and/or RSP~~ specification(s);

xxx

- (j) [AAC] For operations where an RCP specification for PBC has been prescribed, the operator shall ensure to establish and document the following:

- (1) Normal and abnormal procedures, including contingency procedures;
 - (2) Flight crew qualification and proficiency requirements, in accordance with appropriate RCP specifications;
 - (3) A training programme for relevant personnel consistent with the intended operations; and
 - (4) Appropriate maintenance procedures to ensure continued airworthiness, in accordance with appropriate RCP specifications.

- (k) [AAC] The operator shall ensure to provide the following to the Authority in respect to those aircraft mentioned in 7.3.1 (i) of this subsection:

- (1) Receiving the reports of observed communications performance issued by monitoring programs established in accordance with ICAO Annex 11, Chapter 3, 3.3.5.2; and
- (2) Taking immediate corrective action for individual aircraft, aircraft types or operators, identified in such reports as not complying with the RCP specification.

7.3.2.1.1 CREW MEMBER INTERPHONE SYSTEM

7.3.4 SURVEILLANCE EQUIPMENT

- (a) No person may operate an aircraft unless it is provided with surveillance equipment that will enable it to operate in accordance with the requirements of air traffic services.
- (b) For operations where surveillance equipment is required to meet an RSP specification for performance-based surveillance (PBS), an aircraft shall, in addition to the requirements specified in 7.3.4(a):
 - (1) be provided with surveillance equipment that will enable it to operate in accordance with the prescribed RSP specification(s);
 - (2) have information relevant to the aircraft RSP specification capabilities listed in the flight manual or other aircraft documentation approved by the State of Design or State of Registry; and
 - (3) have information relevant to the aircraft RSP specification capabilities included in the MEL

Note 1.— Information on surveillance equipment is contained in the Aeronautical Surveillance Manual (Doc 9924).

Note 2.— Information on RSP specifications for performance-based surveillance is contained in the Performance-based Communication and Surveillance (PBCS) Manual (Doc 9869).

- (c) When and where an RSP specification for PBS has been prescribed by the Authority, the operator shall establish and document the following before using the PBS procedure:
 - (1) Normal and abnormal procedures, including contingency procedures;
 - (2) Flight crew qualification and proficiency requirements, in accordance with appropriate RSP specifications;

(3) A training programme for relevant personnel consistent with the intended operations; and

(4) Appropriate maintenance procedures to ensure continuing airworthiness, in accordance with appropriate RSP specifications.

(d) The Operator shall:

(1) Provide to the Authority the reports of observed surveillance performance issued by established monitoring programs (ATS); and

(2) Take immediate corrective action for individual aircraft or aircraft types identified in such reports as not complying with the RSP specification(s).

7.3.5 INSTALLATION

(a) The equipment installation shall be such that the failure of any single unit required for communication, navigation or surveillance purposes or any combination thereof will not result in the failure of another unit required for communication, navigation or surveillance purposes.

7.7.3 COCKPIT VOICE RECORDERS (CVR) AND COCKPIT AUDIO RECORDING SYSTEMS (CARS)

7.7.3.2 AIRCRAFT EQUIPPAGE FOR OPERATIONS

7.7.3.4 DURATION

(a) A CVR shall be capable of retaining the information recorded during at least the last 2 hours of its operations.

~~(1) 30 minutes of its operation; or~~

~~(2) 2 hours, beginning no later than 1 January 2016.~~

(b) All aeroplanes of a maximum certificated take-off mass of over 27 000 kg for which the individual certificate of airworthiness is first issued on or after 1 January 2021 shall be equipped with a CVR capable of retaining the information recorded during at least the last twenty-five hours of its operation

7.7.6 FLIGHT RECORDER DATA RECOVERY

(a) All airplanes of a maximum certificated take-off mass of over 27 000 kg which are authorized to carry more than nineteen passengers for which the application

for type certification is submitted to a Contracting State on or after 1 January 2021, shall be equipped with a means approved by the Authority, to recover flight recorder data and make it available in a timely manner.

- (b) In approving the means to make flight recorder data available in a timely manner, the Authority shall take into account the following:
- (1) The capabilities of the operator;
 - (2) Overall capability of the airplane and its systems as certified by State of Design
 - (3) The reliability of the means to recover the appropriate CVR channels and appropriate FDR data; and
 - (4) Specific mitigation measures

Note. — Guidance on approving the means to make flight recorder data available in a timely manner is contained in the Manual on Location of Aircraft in Distress and Flight Recorder Data Recovery (ICAO Doc 10054).

PHILIPPINE CIVIL AVIATION REGULATIONS PART 8

8.1.1.3 ABBREVIATIONS

- (36) RVSM – Reduced Vertical Separation Minimum
- (37) PBC Performance-based communication
- (3738) PBE – Protective Breathing Equipment
- (3839) PBN – Performance-based Navigation
- (40) PBS Performance-based surveillance
- (3941) PIC – Pilot In Command
- (42) RCP - Required Communication Performance
- (43) RNAV Area navigation
- (44) RNP Required navigation performance
- (45) RSP Required surveillance performance
- (4640) SAR – Search and Rescue
- (4741) SCC – Senior Cabin crew
- (4842) SIC – Second-in-command (co-pilot or first officer)
- (4943) SM – Statute Miles
- (5044) TACAN – Tactical Air Navigation System
- (5145) UPRT – Airplane upset prevention and recovery training
- (5246) VMC – Visual Meteorological Conditions
- (5347) VSM – Vertical Separation Minimum

(5448) V₁ - Take-off decision speed.

(5549) V_{MO} - Maximum operating speed.

(5650) V_{SO} - Stalling speed or the minimum steady flight speed in the landing configuration.

8.11.1.2 MANAGING FATIGUE-RELATED SAFETY RISKS

(e)

(5)

Note. — Provisions on the protection of safety data, safety information and related sources are contained in Appendix 3 to ICAO Annex 19 .

PHILIPPINE CIVIL AVIATION REGULATIONS PART 9

9.7.1.2 SAFETY MANAGEMENT

(h) A flight data analysis program shall ~~be non-punitive and~~ contain adequate safeguards to protect the source(s) of the data.

(i) No person shall allow the use of recordings or transcripts of CVR, CARS, Class A AIR and Class A AIRS for purposes other than the investigation of an accident or incident as per PCAR Part 13 except where the recordings or transcripts:

(1) are related to a safety-related event identified in the context of a safety management system; are restricted to the relevant portions of a de-identified transcript of the recording; and are subject to the protections accorded by CAR-SM;

(2) are sought for use in criminal proceedings not related to an event involving an accident or incident investigation and are subject to the protections accorded by CAR-SM; or

(3) are used for inspections of flight recorder systems as provided in Section 7, Appendix 8 of ICAO Annex 6 Part I.

Note. — Provisions on the protection of safety data, safety information and related sources are contained in Appendix 3 of ICAO Annex 19. When an investigation under PCAR Part 13 is instituted, investigation records are subject to the protections accorded by PCAR Part 13.

(j) No person shall allow the use of recordings or transcripts of FDR, ADRS as well as Class B and Class C AIR and AIRS for purposes other than the investigation of an accident or incident as per PCAR Part 13, except where the

recordings or transcripts are subject to the protections accorded by CAR-SM and:

- (1) are used by the operator for airworthiness or maintenance purposes;
- (2) are used by the operator in the operation of a flight data analysis program required in this Part;
- (3) are sought for use in proceedings not related to an event involving an accident or incident investigation;
- (4) are de-identified; or
- (5) are disclosed under secure procedures.

Note. — Provisions on the protection of safety data, safety information and related sources are contained in Appendix 3 of ICAO Annex 19.

“End of Text”

Separability Clause If, for any reason, any provision of this Memorandum Circular is declared invalid or unconstitutional, the other part or parts thereof which are not affected thereby shall continue to be in full force and effect.


Repealing Clause All orders, rules, regulations and issuances, or parts thereof which are inconsistent with this Memorandum Circular are hereby repealed, superseded or modified accordingly.

Determination of Changes To highlight the amendments and/or revisions in the Memorandum Circular, the deleted text shall be shown with strikethrough and the new inserted text shall be highlighted with grey shading, as illustrated below:

1. Text deleted: ~~Text to be deleted is shown with a line through it.~~
2. New text inserted: New text is highlighted with grey shading.
3. New text replacing existing text: ~~Text to be deleted is shown with a line through it~~ followed by the replacement text which is highlighted with grey shading.

Effectivity Fifteen (15) days after compliance with the requisite publication in a single newspaper of general circulation and a copy filed with the U.P. Law Center – Office of the National Administrative Register, these amendments shall be incorporated to the Philippine CAR, series of 2021.

Signed this _____ day of 09 FEB 2022 CAAP, Pasay City.


CAPTAIN JIM C. SYDIONGCO
Director General