



International
Civil Aviation
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Международная
организация
гражданской
авиации

منظمة الطيران
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航空组织

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Ref.: AN 8/3-23/18

5 April 2023

Subject: Proposals for the amendment of Annex 19
and consequential amendments to Annexes 1;
6 Parts I and III; and 13

Action required: Comments to reach Montréal by
5 October 2023

Sir/Madam,

1. I have the honour to inform you that the Air Navigation Commission (ANC), at the third meeting of its 222nd Session held on 9 February 2023, considered proposals developed by the fifth meeting of the Safety Management Panel (SMP/5), the ninth meeting of the Remotely Piloted Aircraft Systems Panel (RPASP/9) and the fifth meeting of the Aerodrome Design and Operations Panel Working Group (ADOP/WG/5) to amend Annex 19 — *Safety Management*.

2. These proposals included the enhancement of State safety programmes (SSPs) and safety management system (SMS) provisions, extension of an SMS to certified remotely piloted aircraft systems (RPAS) operators authorized to conduct international operations and approved maintenance organizations providing services to them as well as certified heliports, and provisions related to the development of safety intelligence to support aviation decision-making. Consequential amendments from the Secretariat were also considered relating to Annex 1 — *Personnel Licensing*, Annex 6 — *Operation of Aircraft*, Part I — *International Commercial Air Transport — Aeroplanes* and Part III — *International Operations — Helicopters* and Annex 13 — *Aircraft Accident and Incident Investigation*. The Commission authorized the transmission of the proposals to Contracting States and appropriate international organizations for comments.

3. The background of the aforementioned amendment proposals is explained in Attachment A. The proposed amendments to Annex 19 and consequential amendments to Annexes 1; 6 Parts I and III; and 13 are contained in Attachments B, C, D and E, respectively. A rationale box has been included immediately following each proposal.

4. In examining the proposed amendments, you should not feel obliged to comment on editorial aspects as such matters will be addressed by the ANC during its final review of the draft amendment.

5. May I request that any comments you wish to make on the amendment proposals be dispatched to reach me not later than 5 October 2023. To facilitate the processing of replies with substantive comments, I invite you to submit an electronic version in Word format to icaohq@icao.int. The ANC has asked me to specifically indicate that comments received after the due date may not be considered by the Commission and the Council. In this connection, should you anticipate a delay in the receipt of your reply, please let me know in advance of the due date.

6. In addition, proposed amendments to Annex 19 and consequential amendments to Annex 1, Annex 6, Parts I and III and Annex 13 are envisaged for applicability on 26 November 2026. Any comments you may have thereon would be appreciated.

7. The subsequent work of the ANC and the Council would be greatly facilitated by specific statements on the acceptability or otherwise of the proposals.

8. Please note that for the review of your comments by the ANC and the Council, replies are normally classified as “agreement with or without comments”, “disagreement with or without comments” or “no indication of position”. If in your reply the expressions “no objections” or “no comments” are used, they will be taken to mean “agreement without comment” and “no indication of position”, respectively. In order to facilitate proper classification of your response, a form has been included in Attachment F which may be completed and returned together with your comments, if any, on the proposals in Attachments B to E.

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

Juan Carlos Salazar
Secretary General

Enclosures:

- A — Background information
- B — Proposed amendment to Annex 19
- C — Proposed consequential amendment to Annex 1
- D — Proposed consequential amendments to Annex 6, Parts I and III
- E — Proposed consequential amendment to Annex 13
- F — Response form

BACKGROUND INFORMATION

1. INTRODUCTION

1.1 The initial development of Annex 19 — *Safety Management* was planned in two phases. The first phase consolidated existing provisions found in several Annexes into one new Annex containing the overarching safety management provisions which became applicable in November 2013. This was followed by the second phase which contained some upgraded provisions and addressed important issues (e.g., the relationship between safety oversight and the State safety programme (SSP)) in Amendment 1 to Annex 19 which was adopted in March 2016 with a delayed applicability of November 2019.

1.2 Pursuant to its Terms of Reference, the Safety Management Panel (SMP) continued to develop the provisions of Annex 19 in order to assist States in systematically managing aviation safety risks and in supporting the continued evolution of a proactive strategy to improve safety performance. This work was supported by recommendations stemming from various meetings and information collected through ICAO implementation support initiatives as well as the collective experience of the panel in implementing SSPs and safety management systems (SMSs) in their own organizations.

1.3 The ninth meeting of the Remotely Piloted Aircraft Systems Panel (RPASP/9), held from 30 October to 3 November 2017, supported a proposal to extend the Annex 19 SMS applicability to certified RPAS operators authorized to conduct international operations and approved maintenance organizations providing services to them. The proposal was forwarded to the SMP for their review and was endorsed at SMP/4, held from 23 to 26 April 2019.

1.4 The ADOP/WG/5 Meeting, held from 9 to 11 and 16 to 18 February 2021, endorsed the proposed amendments to Annex 14, Volume II for the certification of heliports and supported a proposal to extend SMS applicability to certified heliports in Annex 19. The proposed amendment to Annex 19 was forwarded to the SMP for their review and endorsed at SMP/5, held virtually from 29 November to 10 December 2021.

1.5 During SMP/5, the SMP endorsed proposals for Amendment 2 to Annex 19. The enhancements are intended to support States and service providers in the effective implementation of SSP and SMS, respectively, including the addition of links between SSP and SMS as well as their components through references and Notes. The proposals contained in the amendment were coordinated with concerned ICAO panels as well as within the Air Navigation Bureau.

2. GROUPING OF PROPOSALS

2.1 To facilitate the review and understanding of the proposed amendments, the proposals have been grouped into five batches as described below, with references to the initial proposal numbering in Attachment A. The entire Annex is presented in sequential flow rather than by batches to support a comprehensive review.

Batch 1: Enhanced provisions related to State safety programmes (SSPs)
(ref: Initial proposals 1-6, 10-12, 15-17, 37, 38)

2.1.1 The proposed amendments aim to support States in the effective implementation of a State safety programme (SSP) with a focus on further enhancing processes and activities related to safety management including a new provision for the management of change at the State level in alignment with the SMS framework. An updated and more comprehensive definition of an SSP is also proposed.

Batch 2: Enhanced provisions related to safety management systems (SMSs)

(ref: Initial proposals 3, 9, 18-20, 23, 39, 40-44)

2.1.2 The proposed amendments aim to support service providers in the effective implementation of the SMS framework with a focus on further enhancing processes and activities related to safety risk management and safety performance management.

Batch 3: Provisions related to extending SMS applicability

(ref: Initial proposals 7, 8, 21, 22)

2.1.3 The SMP endorsed proposals for extending SMS applicability to operators holding a remotely piloted aircraft systems (RPAS) operator certificate authorized to conduct international operations in accordance with Annex 6 — *Operation of Aircraft, Part IV — International Operations — Remotely Piloted Aircraft Systems* and approved maintenance organizations providing services to them (State letter AN 11/61-22/70 refers). The SMP also endorsed proposals to extend the applicability of SMS to certified heliports in accordance with Annex 14 — *Aerodromes, Volume II — Heliports*.

2.1.4 Recognizing interest from some States and international organizations to extend SMS to other sectors, the SMP endorsed a proposal for SMS discretionary applicability which is currently described in the fourth edition of the *Safety Management Manual*. SMS discretionary applicability provides States with the flexibility to require SMS beyond the applicability of Annex 19, if deemed appropriate to support the management of safety risks in the aviation system,

Batch 4: Enhanced provisions related to safety performance management

(ref: Initial proposals 2, 13, 14, 45)

2.2 As per the Thirteenth Air Navigation Conference (AN-Conf/13) Recommendation 6.2.1/1 c) regarding the concept of an acceptable level of safety performance (ALoSP), a holistic review was conducted on provisions related to safety performance management in Annex 19. To address the challenges faced by States in establishing an ALoSP, and reflect lessons learned in implementation, the provision related to an ALoSP has been replaced by more foundational safety performance management SARPs. The structure of the safety performance management provisions in the SMS framework have also been aligned for consistency.

Batch 5: Enhanced provisions related to safety intelligence

(ref: Initial proposals 2, 24-36 and 46)

2.3 The provisions related to the development of safety intelligence are further enhanced to support a more proactive and integrated approach to safety management. The proposed amendments aim to support States in the development of safety intelligence including: an updated title and objective for Chapter 5 supported by a definition of safety intelligence; clarifications related to a safety data collection and processing system (SDCPS) and the definition of safety data; and, the strengthening of provisions related to the sharing and exchange of safety information and safety intelligence within the aviation community.

ATTACHMENT B to State letter AN 8/3-23/18

PROPOSED AMENDMENT TO ANNEX 19

NOTES ON THE PRESENTATION OF THE PROPOSED AMENDMENT

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

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

text to be deleted

New text to be inserted is highlighted with grey shading.

new text to be inserted

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

new text to replace existing text

**PROPOSED AMENDMENT TO
INTERNATIONAL STANDARDS
AND RECOMMENDED PRACTICES
SAFETY MANAGEMENT
ANNEX 19**

TO THE CONVENTION ON INTERNATIONAL CIVIL AVIATION

INITIAL PROPOSAL 1

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ABBREVIATIONS*(used in this Annex)*

ADREP	Accident/incident data reporting
ATS	Air traffic services
CVR	Cockpit voice recorder
PANS	Procedures for Air Navigation Services
RAIO	Regional Accident and Incident Investigation Organization
RSOO	Regional Safety Oversight Organization
SARPS	Standards and Recommended Practices
SDCPS	Safety data collection and processing systems
SMM	Safety management manual
SMP	Safety management panel
SMS	Safety management system
SSO	State safety oversight
SSP	State safety programme

PUBLICATIONS
(referred to in this Annex)

Convention on International Civil Aviation (Doc 7300)

Annexes to the Convention on International Civil Aviation

Annex 1 — *Personnel Licensing*

Annex 6 — *Operation of Aircraft*

Part I — *International Commercial Air Transport — Aeroplanes*

Part II — *International General Aviation — Aeroplanes*

Part III — *International Operations — Helicopters*

Part IV — *International Operations — Remotely Piloted Aircraft Systems*

Annex 8 — *Airworthiness of Aircraft*

Annex 11 — *Air Traffic Services*

Annex 13 — *Aircraft Accident and Incident Investigation*

Annex 14 — *Aerodromes*

Volume I — *Aerodrome Design and Operations*

Volume II — *Heliport*

Manuals¹

Global Aviation Safety Plan (GASP, Doc 10004)

Manual of Civil Aviation Medicine (Doc 8984)

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

Manual on Human Performance (HP) for Regulators (Doc 10151)

Manual on Regional Accident and Incident Investigation Organization (Doc 9946)

Manual on Remotely Piloted Aircraft Systems (RPAS) (Doc 10019)

Manual on the Development of Regional and National Aviation Safety Plans (Doc 10131)

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

Policy and Guidance Material on the Economic Regulation of International Air Transport (Doc 9587)

Safety Management Manual (SMM) (Doc 9859)

Safety Oversight Manual (Doc 9734)

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

Part B — *The Establishment and Management of a Regional Safety Oversight Organization*

Safety Intelligence Manual (Doc 10159)

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

FOREWORD

Historical background

The provisions in this Annex have been developed in response to recommendations provided by the Directors General of Civil Aviation Conference on a Global Strategy for Aviation Safety (Montréal, 20 to 22 March 2006) (DGCA/06) and the High-level Safety Conference (Montréal, 29 March to 1 April 2010) (HLSC/2010) regarding the need for an Annex dedicated to safety management. The Air Navigation Commission (186-8), having determined these issues to be of sufficient scope and importance, agreed to establish the Safety Management Panel (SMP) to provide recommendations for the development of this Annex.

The Standards and Recommended Practices (SARPs) in this Annex are intended to assist States in managing aviation safety risks. Given the increasing complexity of the global air transportation system and its interrelated aviation activities required to assure the safe operation of aircraft, this Annex supports the continued evolution of a proactive strategy to improve safety performance. The foundation of this proactive safety strategy is based on the implementation of a State safety programme (SSP) that systematically addresses safety risks.

Effective SSP implementation is a gradual process, requiring time to mature fully. Factors that affect the time required to establish an SSP include the complexity of the air transportation system as well as the maturity of the aviation safety oversight capabilities of the State.

This Annex consolidates material from existing Annexes regarding SSP and safety management systems (SMSs), as well as related elements including the collection and use of safety data and State safety oversight activities. The benefit of drawing together this material into a single Annex is to focus States' attention on the importance of integrating their safety management activities. It also facilitates the evolution of safety management provisions.

Certain State safety management functions required in Annex 19 may be delegated to a regional safety oversight organization or a regional accident and incident investigation organization on behalf of the State.

This Annex that contains SARPs related to responsibilities and processes underlying the safety management by States was first adopted by the Council on 25 February 2013 pursuant to the provisions of Article 37 of the Convention on International Civil Aviation (Chicago, 1944) and designated as Annex 19 to the Convention. The SARPs were based on provisions for safety management initially adopted by the Council in Annexes 1; 6, Parts I, II and III; 8; 11; 13 and 14, Volume I, and on recommendations of the first special meeting of the SMP (Montréal, 13 to 17 February 2012).

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

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

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

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

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

Amendment 2 is an evolution of the safety management SARPs, stemming from the outcomes of various meetings and information collected through ICAO implementation support initiatives, as well as the collective experience of SMP members in implementing SSP and SMS in their own organizations. The enhancements are intended to support States and service providers in the effective implementation of SSP and SMS, respectively, including the addition of links between SSP and SMS as well as their components through references and Notes.

To enable the safe integration of operators holding a remotely piloted aircraft system (RPAS) operator certificate authorized to conduct international operations, Amendment 2 extends SMS applicability to these operators as well as approved maintenance organizations providing services. SMS applicability is also extended to certified heliports. Recognizing interest from some States and international organizations to extend SMS to aviation sectors outside the scope of Annex 19, Amendment 2 also includes a new provision related to SMS discretionary applicability, which provides States with the flexibility to require SMS, if deemed appropriate to support the management of safety risks, for any sector in the aviation system,

Further to a Recommendation from AN-Conf/13, challenges related to establishing an acceptable level of safety performance (ALoSP), the provision related to ALoSP has been replaced by more foundational safety performance management SARPs. The structure of the safety performance management provisions in the SMS framework have also been aligned for consistency.

Provisions to support States in the development of safety intelligence are further enhanced to support a more proactive and integrated approach to safety management. The provisions clarify the safety data collection and processing system (SDCPS) SARPs and strengthen the provisions related to the sharing and exchange of safety information and safety intelligence within the aviation community. A definition for safety intelligence has also been introduced.

As a result of the adoption of Amendment 2, the third edition of Annex 19 was published. This edition reflects the extensive nature of the amendment to reflect the evolution of the Annex. Amendment 2 was adopted by the Council on xx March 2024, became effective on xx July 2024 and applicable on 26 November 2026.

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

Action by Contracting States

Notification of differences. The attention of Contracting States is drawn to the obligation imposed by Article 38 of the Convention by which Contracting States are required to notify the Organization of any differences between their national regulations and practices and the International Standards contained in this Annex and any amendments thereto. Contracting States are invited to extend such notification to any differences from the Recommended Practices contained in this Annex, and any amendments thereto when the notification of such differences is important for the safety of air navigation. Further, Contracting States are invited to keep the Organization currently informed of any differences which may subsequently occur or of the withdrawal of any differences previously notified. A specific request for notification of differences will be sent to Contracting States immediately after the adoption of each Amendment to this Annex.

Attention of States is also drawn to the provision of Annex 15 — *Aeronautical Information Services* related to the publication of differences between their national regulations and practices and the related ICAO Standards and Recommended Practices through the Aeronautical Information Service, in addition to the obligation of States under Article 38 of the Convention.

Promulgation of information. The establishment and withdrawal of and changes to facilities, services and procedures affecting aircraft operations provided in accordance with the Standards and Recommended Practices specified in this Annex should be notified and take effect in accordance with the provisions of Annex 15.

Status of Annex components

An Annex is made up of the following component parts, not all of which, however, are necessarily found in every Annex; they have the status indicated.

1.— Material comprising the Annex proper

- a) *Standards and Recommended Practices* adopted by the Council under the provisions of the Convention. They are defined as follows:

Standard: Any specification for physical characteristics, configuration, material, performance, personnel or procedure, the uniform application of which is recognized as necessary for the safety or regularity of international air navigation and to which Contracting States will conform in accordance with the Convention; in the event of impossibility of compliance, notification to the Council is compulsory under Article 38.

Recommended Practice: Any specification for physical characteristics, configuration, matériel, performance, personnel or procedure, the uniform application of which is recognized as desirable in the interest of safety, regularity or efficiency of international air navigation, and to which Contracting States will endeavour to conform in accordance with the Convention.

- b) *Appendices* comprising material grouped separately for convenience but forming part of the Standards and Recommended Practices adopted by the Council.

- c) *Definitions* of terms used in the Standards and Recommended Practices which are not self-explanatory in that they do not have accepted dictionary meanings. A definition does not have an independent status but is an essential part of each Standard and Recommended Practice in which the term is used, since a change in the meaning of the term would affect the specification.
- d) *Tables* and *Figures* which add to or illustrate a Standard or Recommended Practice and which are referred to therein, form part of the associated Standard or Recommended Practice and have the same status.

It is to be noted that some Standards in this Annex incorporate, by reference, other specifications having the status of Recommended Practices. In such cases, the text of the Recommended Practice becomes part of the Standard.

2.— *Material approved by the Council for publication in association with the Standards and Recommended Practices*

- a) *Forewords* comprising historical and explanatory material based on the action of the Council and including an explanation of the obligations of States with regard to the application of the Standards and Recommended Practices ensuing from the Convention and the Resolution of Adoption;
- b) *Introductions* comprising explanatory material introduced at the beginning of parts, chapters or sections of the Annex to assist in the understanding of the application of the text;
- c) *Notes* included in the text, where appropriate, to give factual information or references bearing on the Standards or Recommended Practices in question but not constituting part of the Standards or Recommended Practices;
- d) *Attachments* comprising material supplementary to the Standards and Recommended Practices or included as a guide to their application.

Selection of language

This Annex has been adopted in six languages — English, Arabic, Chinese, French, Russian and Spanish. Each Contracting State is requested to select one of those texts for the purpose of national implementation and for other effects provided for in the Convention, either through direct use or through translation into its own national language, and to notify the Organization accordingly.

Editorial practices

The following practice has been adhered to in order to indicate at a glance the status of each statement: *Standards* have been printed in light face roman; *Recommended Practices* have been printed in light face italics, the status being indicated by the prefix **Recommendation**; *Notes* have been printed in light face italics, the status being indicated by the prefix *Note*.

The following editorial practice has been followed in the writing of specifications: for Standards the operative verb “shall” is used, and for Recommended Practices the operative verb “should” is used.

Any reference to a portion of this document, which is identified by a number and/or title, includes all subdivisions of that portion.

Table A. Amendments to Annex 19

<i>Amendment</i>	<i>Source(s)</i>	<i>Subject(s)</i>	<i>Adopted Effective Applicable</i>
1st Edition	Secretariat; first special meeting of the Safety Management Panel (SMP/SM/1)		25 February 2013 15 July 2013 14 November 2013
1 (2nd Edition)	First meeting of the Safety Management Panel (SMP/1) together with the 14th meeting of Airworthiness Panel Working Group of the Whole (AIRP/WG/WHL/14) and the Safety Information Protection Task Force (SIP TF) relating to safety management	Further development of safety management provisions and extension of safety management system (SMS) provisions to organizations responsible for the type design and/or manufacture of engines and propellers.	2 March 2016 11 July 2016 7 November 2019
2	Fifth meeting of the Safety Management Panel (SMP/5), the 9th meeting of the Remotely Piloted Aircraft Systems Panel (RPASP) and the fifth meeting of the Aerodrome Design and Operations Panel Working Group (ADOP/WG/5)	Enhancement of State safety programme (SSP) and safety management system (SMS) provisions, as well as the extension of SMS provisions to: a) operators holding a remotely piloted aircraft system (RPAS) operator certificate and authorized to conduct international operations; b) approved maintenance organizations providing services to a); and c) operators of certified heliports. In addition, the provisions related to the development of safety intelligence are further developed to support aviation decision-making.	xx March 2024 xx July 2024 26 November 2026

<i>Origin:</i>	<i>Rationale:</i>
SMP/5	The amendment to the table of contents reflects the proposed changes to the titles of Annex 19 chapters. The abbreviations and publications are updated to include ones newly introduced and used in the document. The amendment to the Foreword describes the changes proposed to the contents of the Annex.

INITIAL PROPOSAL 2

CHAPTER 1. DEFINITIONS

When the following terms are used in the Standards and Recommended Practices for Safety Management, they have the following meanings:

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:

- a) a person is fatally or seriously injured as a result of:
 - being in the aircraft, or
 - direct contact with any part of the aircraft, including parts which have become detached from the aircraft, or
 - 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

- b) the aircraft sustains damage or structural failure which:
 - adversely affects the structural strength, performance or flight characteristics of the aircraft, and
 - 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

- c) 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 investigated is addressed in 5.1 of Annex 13.

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

Aeroplane. 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”.

Human performance. Human capabilities and limitations which have an impact on the safety and efficiency of aeronautical operations.

<i>Origin:</i>	<i>Rationale:</i>
SMP/5	The definition for “human performance” included in other ICAO Annexes has also been added to support recommended practice 3.1.2.

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 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.*~~

<i>Origin:</i>	<i>Rationale:</i>
SMP/5	<p>As noted under “Status of Annex Components” in Annex 19, “A definition does not have an independent status but is an essential part of each Standard and Recommended Practice in which the term is used, since a change in the meaning of the term would affect the specification.” As the term “industry codes of practice” is not part of a Standard or Recommended Practice in Annex 19, it is proposed to be removed to remain consistent with the status of definitions.</p> <p>Further guidance material will be developed to clarify the use of industry codes of practice as well as the use of industry assessment programmes which are referenced in Goal 5 of the <i>Global Aviation Safety Plan</i> (GASP, Doc 10004) and in the fifth edition of the <i>Safety Management Manual</i> (Doc 9859). Industry codes of practice and industry assessment programmes are being used to support States with the implementation of Standards and Recommended Practices (SARPs).</p>

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 and 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.~~

<i>Origin:</i>	<i>Rationale:</i>
SMP/5	The current note only provides limited examples of sources of safety data from reactive and proactive safety-related activities. Therefore, the Note is proposed to be deleted as Doc 9859 provides more examples of sources of safety data.

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

Safety intelligence. An outcome of the process of analysing safety data and safety information to support decision-making.

<i>Origin:</i>	<i>Rationale:</i>
SMP/5	<p>A definition of safety intelligence is introduced to provide clarity for the proposed evolution of Chapter 5 and the broader objective of supporting States in the development of safety intelligence.</p> <p>In many States today, safety management personnel are focused on establishing overarching safety objectives, while data analysis is many times performed in silos and lacks relevance in some cases. To reduce risk while achieving meaningful safety outcomes, safety intelligence is a fundamental element to support all safety processes, functions, and decision-making at different levels. In this sense, safety intelligence is considered as an outcome of the analysis process with the objective to support the decision-making that permeates all safety management related processes.</p>

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

Safety objective. A statement of a desired safety outcome.

<i>Origin:</i>	<i>Rationale:</i>
SMP/5	The proposed definition clarifies the term “safety objective” in reference to the upgraded 3.2.3.3, amended 3.4.2.1 and updated Appendix 2, 3.1.1.

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 measurable effect on safety achievement as defined by its safety performance targets and assessed through safety performance indicators, supported by qualitative means as needed.

<i>Origin:</i>	<i>Rationale:</i>
SMP/5	The definition of safety performance is updated based on 3.4.2.1 to clarify that qualitative means may also be needed to support quantitative means, such as safety performance indicators. Safety objectives are not referenced in the text as safety performance can be beyond what is stated by the established safety objectives. “Achievement” has been replaced with “measurable effect” to avoid the expectation of putting in place safety performance targets.

Safety performance indicator. A data based parameter used for monitoring and assessing safety performance metric or quantitative means used to measure and monitor the progress made by a State or a service provider towards achieving a safety objective.

<i>Origin:</i>	<i>Rationale:</i>
SMP/5	The updated definition reinforces the link between a safety performance indicator (SPI) and the safety objective, in alignment with the amended 3.4.2.1 and Appendix 2, 3.1.1. SPIs measure and monitor the achievement of safety objectives.

~~**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.~~

<i>Origin:</i>	<i>Rationale:</i>
SMP/5	Following the amendment proposals to existing 3.2.2.2, 3.4.2.1 and Appendix 2, 3.1.2, the term “safety performance target (SPT)” would not be part of any Standard or Recommended Practice in Annex 19. As such, it is proposed to remove the definition to remain consistent with the status of definitions (see also IP 13, the rationale under 3.4.2.1).

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:

- a) requires hospitalization for more than 48 hours, commencing within seven days from the date the injury was received; or
- b) results in a fracture of any bone (except simple fractures of fingers, toes or nose); or

- c) involves lacerations which cause severe haemorrhage, nerve, muscle or tendon damage; or
- d) involves injury to any internal organ; or
- e) involves second or third degree burns, or any burns affecting more than 5 per cent of the body surface; or
- f) 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, engine or propeller.

State of Registry. The State on whose register the aircraft is entered.

Note.— In the case of the registration of aircraft of an international operating agency on other than a national basis, the States constituting the agency are jointly and severally bound to assume the obligations which, under the Chicago Convention, attach to a State of Registry. See, in this regard, the Council Resolution of 14 December 1967 on Nationality and Registration of Aircraft Operated by International Operating Agencies which can be found in the Policy and Guidance Material on the Economic Regulation of International Air Transport (Doc 9587).

<i>Origin:</i>	<i>Rationale:</i>
SMP/5	<p>The update to the definition of State of Manufacture was missed during the process for the first amendment of Annex 19 to align with Amendment 105-A (applicable 10 November 2016) to Annex 8 — <i>Airworthiness of Aircraft</i> which recognized organizations responsible for the type design and manufacture of engines and propellers to support the extension of SMS applicability to these organizations. The definition for State of Manufacture required updating as the mention of aircraft needed to be expanded to include engines and propellers, however the definition for State of Design was sufficiently broad and did not require amendment.</p> <p>Added the definition for State of Registry as it is used in Chapter 4.</p>

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 laws, regulations, policies, objectives, processes and activities aimed at proactively improving managing safety.

<i>Origin:</i>	<i>Rationale:</i>
SMP/5	<p>The definition has been updated to include important aspects of a State safety programme and highlight that the purpose of an SSP is to support the State in proactively managing safety. The current definition implies that the purpose of an SSP is limited to regulations and activities, which is not in alignment with the intent described in the Foreword. The term “managing” replaces “improving” as it is broader and serves a variety of circumstances.</p>

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.

INITIAL PROPOSAL 3

CHAPTER 2. APPLICABILITY

The Standards and Recommended Practices contained in this Annex shall be applicable to safety management functions related to, or in direct support of, the safe operation of aircraft.

Note 1.— Safety management provisions for States are contained in Chapter 3 and relate to a State safety programme.

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

Note 3.— Safety management provisions for specified ~~aviation~~ service providers ~~and operators~~ addressed under 3.3.2 are in Chapter 4 and relate to safety management systems (SMSs).

Note 4.— No provision of this Annex is intended to transfer to the State the responsibilities of the ~~aviation~~ service provider ~~or operator~~ addressed under 3.3.2. This includes functions related to, or in direct support of, the safe operation of aircraft.

Note 5.— In the context of this Annex, “responsibility” (singular) refers to “State responsibility” with respect to international obligations under the Convention on International Civil Aviation, while “responsibilities” (plural) should be given its ordinary meaning (i.e., when referring to functions and activities that may be delegated).

<i>Origin:</i>	<i>Rationale:</i>
SMP/5	<p>The term “service provider” is used in a general sense in Annexes, PANS and documents other than Annex 19 and may refer to organizations outside the scope of Annex 19 (e.g. ground-handling service providers). Note 2 in Chapter 2 limits the application of the term “service provider” in the Annex exclusively to the specific organizations listed in Chapter 3, 3.3.2.1. If anyone reading Annex 19 does not see Note 2 in Chapter 2, they may assume that the reference to service provider throughout the Annex is meant in the generic sense, and also includes international general aviation operators, and that the provisions would apply to any service provider referenced as such in other ICAO documents.</p> <p>The current usage of the term “service providers and/or operators” within various provisions was intended to specify applicability to service providers in 3.3.2.1 and international general aviation operators. This referencing is problematic because some service providers listed in 3.3.2.1 (operators of airplanes or helicopters and operators of certified aerodromes) are also referred to as “operators”. The deletion of Note 2 and the addition of modifiers “addressed under 3.3.2” or “addressed under 3.3.2.1” throughout Annex 19 provide clarity on the specific service providers being referred to. The use of the reference “addressed under 3.3.2” or “addressed under 3.3.2.1” allows the inclusion or exclusion of international general aviation operators, respectively. This approach removes the need to specify between “service providers” or “service providers and operators”.</p>

	<p>The adjective “aviation” is also proposed to be deleted for consistency throughout this Annex and other ICAO provisions, and in recognition of potential future candidates for SMS applicability that may originate from outside of aviation.</p> <p>The notes were renumbered to reflect the deletion of Note 2.</p>
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INITIAL PROPOSAL 4

**CHAPTER 3. STATE SAFETY PROGRAMME (SSP)
MANAGEMENT RESPONSIBILITIES**

<i>Origin:</i>	<i>Rationale:</i>
SMP/5	<p>The title has been updated to better align with sub-chapters of Chapter 3 which reflect the components of a State safety programme (SSP). Reference to the SSP components has been added to the titles of the sub-chapters. This addresses the issues highlighted in A40-WP/484 presented by Nepal, indicating a need to clarify the link between the sub-chapters of Chapter 3, the SSP components and the critical elements found in Appendix 1.</p>

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

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

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

Note 4.— The objective of this chapter is to ensure that States implement an SSP that supports the continued evolution of a proactive strategy to manage safety risks and improve safety performance.

<i>Origin:</i>	<i>Rationale:</i>
SMP/5	<p>The objective of this Chapter has been added to better reflect the contents of the chapter and the outcome to be achieved, i.e. the effective implementation and maintenance of an SSP.</p>

3.1 State safety programme (SSP) General

3.1.1 States shall establish and manage maintain an SSP in accordance with the components detailed in 3.2, 3.3, 3.4 and 3.5, supported by a system description. that is commensurate with the size and complexity of the State’s civil aviation system, but may delegate safety management related functions and activities to another State, Regional Safety Oversight Organization (RSOO) or Regional Accident and Incident Investigation Organization (RAIO).

Note 1.— States retain responsibility for safety management related functions and activities delegated to another State, RSOO or RAIO. How an SSP is established and managed differs from one State to another due to a number of aspects including, but not limited to, the complexity of the State’s civil aviation system as captured in the system description, the State’s legal system and the State’s civil aviation priorities.

Note 2.— Guidance on an SSP and the delegation of safety management related functions and activities are contained in the Safety Management Manual (SMM) (Doc 9859). Guidance on the development of a system description and the identification of interfaces is contained in the Safety Management Manual (Doc 9859).

<i>Origin:</i>	<i>Rationale:</i>
SMP/5	<p>The title of 3.1 is renamed to “General” to avoid repetition of the updated chapter title, and to better reflect the sub-chapter’s contents.</p> <p>The phrase “commensurate with size and complexity” has been used in ICAO provisions related to the determination of resource requirements. This concept was extended to the implementation of an SSP to introduce flexibility and show that all States can implement an SSP regardless of the size or complexity of their aviation system. However, the use of this phrase has led to the expectation that an SSP can be scaled and that ICAO define this in a prescriptive way. ICAO has received repeated requests to categorize States into complex and non-complex organizations, or small and large organizations. Additionally, some interpretations of scalability have proposed that States can selectively choose the implementation of specific elements of an SSP, which was not the intent.</p> <p>Since the objectives of using “commensurate with size and complexity” were not accomplished, it is proposed to replace the phrase with “in accordance with the components detailed in 3.2, 3.3, 3.4 and 3.5, supported by a system description”. This is to emphasize the four components must be addressed with the addition of “supported by a system description of the State’s civil aviation system”. The objective was to highlight the importance of a system description to support the tailoring of an SSP with supporting Notes. The proposed amendments better highlight that all SSP components must be addressed and remove the notion that an SSP can be scaled. The portion of the Standard addressing delegation to RSOO and RAIO, along with the corresponding notes, are moved under 3.2.3 State system and functions to allow focus on higher level aspects for the general SSP provisions. See also rationale for IP 6.</p> <p>The term “manage” is added to reinforce that the implementation and maintenance of an SSP is an ongoing process. The proposed Note 1 is introduced to highlight some aspects that States may consider when establishing and managing their SSP. This aims to support flexibility in SSP implementation. The amendment to Note 2 provides more information on how the development of a system description supports the implementation of an effective SSP. The complexity of a State’s civil aviation system can be described through a system description which supports the identification of functions and responsibilities, policies, procedures, processes and activities important for managing safety at the State level.</p> <p>Note 2 has been developed to highlight the SMM contains guidance related to a system description and the identification of interfaces for the State’s civil aviation system.</p>

Note 3.— A national aviation safety plan (NASP), consistent with the Global Aviation Safety Plan (GASP, Doc 10004) and with the respective regional aviation safety plan, complements the SSP processes and activities listed in this chapter. Guidance on NASPs is contained in the Manual on the Development of Regional and National Aviation Safety Plans (Doc 10131).

<i>Origin</i>	<i>Rationale</i>
SMP/5	<p>This note clarifies and reinforces the relationship between the State safety programme (SSP) and the national aviation safety plan (NASP), which has caused some confusion amongst States. The note introduces the notion that the NASP is the document that presents the strategic direction for the management of aviation safety at the national level, for a set period, and it complements documentation required as part of a State’s safety management responsibilities.</p> <p>For a State that has implemented an SSP, the NASP is one of the key documents produced as part of the SSP documentation. The NASP is the means by which a State defines and drives the implementation of safety enhancement initiatives (SEIs) generated by the SSP process or drawn from the GASP or the regional aviation safety plan. It also allows a State to determine activities to strengthen the SSP (e.g. to achieve a certain SSP maturity level) or to achieve its SSP’s safety objectives. The NASP complements the SSP; the State can use SEIs to prioritize improvements to SSP processes and activities, and to mitigate national safety issues identified by the SSP (e.g. organizational challenges). Safety intelligence gathered through the SSP may also contribute to other national plans, such as the air navigation plan.</p>

3.1.2 Recommendation.— *In the establishment and management of an SSP, specific consideration should be given to human performance implications.*

Note.— *Guidance on human performance implications for SSP is contained in the Manual on Human Performance (HP) for Regulators (Doc 10151).*

<i>Origin:</i>	<i>Rationale:</i>
SMP/5	<p>The Recommended Practice has been developed to reflect the importance of Human Performance considerations and related principles when establishing and managing an SSP.</p> <p>The definition for “human performance” included in other ICAO Annexes has also been added to support recommended practice 3.1.2.</p> <p>A Note is also proposed to highlight the availability of guidance found in the recently published Doc 10151.</p>

INITIAL PROPOSAL 5

3.2 State safety policy, objectives and resources (SSP Component 1)

3.2.1 Primary aviation legislation

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

~~3.2.1.2 **Recommendation.**— *States should establish an enforcement policy that specifies the conditions and circumstances under which service providers with an SMS are allowed to deal with, and resolve, events involving certain safety issues, internally, within the context of their SMS and to the satisfaction of the appropriate State authority.*~~

<i>Origin:</i>	<i>Rationale:</i>
SMP/5	<p>The title of 3.2 is amended to include reference to the related SSP component, which clarifies on the issues highlighted in A40-WP/484 presented by Nepal (See IP 4).</p> <p>For the relocation and upgrade of Recommended Practice 3.2.1.2 to a Standard, see rationale to 3.4.1.4 in IP 12.</p>

3.2.2 Specific operating regulations

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

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

INITIAL PROPOSAL 6

3.2.3 State system and functions

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

3.2.3.2 **Recommendation.** ~~States should identify, define and document their requirements, SSP obligations, functions, processes 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 the State's safety objectives.~~ States shall establish their SSP functions and activities but may delegate them to another State, Regional Safety Oversight Organization (RSOO) or Regional Accident and Incident Investigation Organization (RAIO), where appropriate.

Note.— States retain responsibility for SSP functions and activities delegated to another State, RSOO or RAIO. Guidance on the delegation of SSP functions and activities is contained in the Safety Management Manual (Doc 9859). Additional guidance on the establishment of RSOOs and RAIOs is contained in the Safety Oversight Manual (Doc 9734), Part B — The Establishment and Management of a Regional Safety Oversight Organization, and the Manual on Regional Accident and Incident Investigation Organization (Doc 9946), respectively.

<i>Origin:</i>	<i>Rationale:</i>
SMP/5	<p>The proposed upgrade of 3.2.3.2 to a Standard reflects the essential nature of this aspect of an SSP so that States have a clear understanding of the functions required for an SSP and the roles and responsibilities to carry them out. The proposal simplifies the previous language in the Recommended Practice by reducing the long list of verbs and nouns to focus on the establishment of SSP functions and activities and is also in alignment with the updated definition of an SSP. The “continuous improvement” of an SSP is addressed in 3.4.4 and therefore has been deleted to avoid duplication. The mention of meeting the State’s safety objectives is implicit throughout the Chapter 3 provisions and has also been removed.</p>

	<p>The option for States to delegate functions and activities to another State, RSOO or RAIO has been moved here from 3.1 as it is more related to 3.2.3 State system and functions and to allow 3.1 to focus more on more general aspects of an SSP in line with the proposed new Chapter subtitles.</p> <p>The new proposed note under 3.2.3.2 was previously linked to 3.1. It is improved and relocated to reflect that guidance materials on the delegation of SSP functions and activities and the establishment of RSOOs and RAIOs are provided through the SMM, Doc 9734, Part B and Doc 9946.</p>
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3.2.3.3 **Recommendation.**—States ~~should~~shall establish a safety policy and safety objectives that reflect their commitment regarding safety and facilitate the promotion of a positive safety culture in the aviation community.

<i>Origin:</i>	<i>Rationale:</i>
SMP/5	The proposed upgrade reinforces the importance of the State safety policy and objectives and is aligned with the proposal amending Standard 3.4.2.1, which highlights that State safety objectives are a key aspect of the State safety performance management process.

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

<i>Origin:</i>	<i>Rationale:</i>
SMP/5	<p>The Recommended Practice is proposed to be upgraded to a Standard as it is considered essential to document and periodically review the safety policy and safety objectives to support SSP Component 1. SSP functions have been added as it is necessary to provide relevant personnel with a common understanding of SSP roles and responsibilities to support SSP implementation.</p> <p>The use of “published” was ambiguous as it was not clear whether the publication should be internal or external. The communication of the SSP functions, safety policy and safety objectives is addressed in the proposed 3.5.1.1 (Initial Proposal 17).</p>

3.2.3.5 States shall ensure that the role of Civil Aviation Authorities is appropriately reflected in Emergency Response Planning and Crisis Management at the State level, to effectively address the impacts on aviation.

<i>Origin:</i>	<i>Rationale:</i>
SMP/5	<p>At SMP/4, Recommendation 6/1 – Coordination of Emergency Response Planning was endorsed and stated that further work be undertaken to improve the coordination of emergency response planning, including:</p> <ul style="list-style-type: none"> a) the development of definitions for emergency and emergency response plans; b) the addition of emergency response plan provisions in Annex 6, Part I for air operators engaged in international commercial operations; c) whether there is a benefit to requiring other service providers to have an emergency response plan; d) the development of provisions to prompt States to ensure that aviation and the role it plays are appropriately addressed in broader emergency response plans at the State level; and e) consider coordination with the Air Transport Bureau to widen the scope beyond safety. <p>The proposed Standard aims to address Recommendation 6/1 d) and seeks to ensure CAAs specifically have the opportunity to be actively involved in the management or crisis events at the State level. This is considered something a State shall address in defining the SSP functions and related roles.</p>

3.2.4 Qualified technical personnel

States shall establish requirements for the qualification of technical personnel in accordance with section 4 of Appendix 1.

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

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

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

3.3 State safety risk management (SSP Component 2)

3.3.1 Licensing, certification, authorization and approval obligations

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

<i>Origin:</i>	<i>Rationale:</i>
SMP/5	Reference to the SSP component number was added in the title to align with proposal in Chapter 3 (see IP 4). This addresses the issues highlighted in A40-WP/484 presented by Nepal.

INITIAL PROPOSAL 7

3.3.2 Safety management system obligations

3.3.2.1 States shall require that the following service providers under their authority implement an SMS:

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

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

- c) operators holding a remotely piloted aircraft system (RPAS) operator certificate and authorized to conduct international operations in accordance with Annex 6, Part IV;

Note.— When maintenance activities are not conducted by an approved maintenance organization in accordance with Annex 6, Part IV, they are included in the scope of the operator’s SMS.

- d) approved maintenance organizations providing services to operators of aeroplanes or helicopters engaged in international commercial air transport, in accordance with Annex 6, Part I or Part III, ~~Section II~~, respectively;
- e) approved maintenance organizations providing services to operators authorized to conduct international RPAS operations in accordance with Annex 6, Part IV;

<i>Origin:</i>	<i>Rationale:</i>
SMP/5	References to specific sections of Annex 6, Part III have been removed. This is consistent with the referencing of Annexes in SARPs under 3.3.2. The change also avoids the need to continue updating specific references within Annex 6 when it is updated.
RPASP/9	<p>There is an increasing demand for RPAS operators to be able to operate in non-segregated airspace and at aerodromes. Provisions of the <i>Chicago Convention</i> apply; however, they cannot be implemented as written for manned aviation. States, industry and operators need guidance on how to safely and efficiently address RPAS (Job Card RPASP.007.06 refers).</p> <p>At SMP/4 in April 2019, the SMP endorsed extending SMS applicability to international instrument flight rules (IFR) RPAS operations in controlled airspace in accordance with Annex 6, Part IV, which constitute the most complex operations. These operations correspond to the third category “certified/regulated increased risk (manned aviation approach)”. The extension of an SMS also applies to approved maintenance organizations providing services to such operators, in accordance with Annex 6, Part IV.</p>

INITIAL PROPOSAL 8

- df) organizations responsible for the type design or manufacture of aircraft, engines or propellers in accordance with Annex 8;
- eg) air traffic services (ATS) providers in accordance with Annex 11; and
- fh) operators of certified aerodromes or certified heliports in accordance with Annex 14, Volume I and Volume II, respectively.

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

<i>Origin:</i>	<i>Rationale:</i>
ADOP/WG/5	<p>The fifth edition of the <i>Heliport Manual</i> (Doc 9261) was published in 2021 containing two parts of extensive guidance material concerning onshore and offshore heliports. With the publication of the new manual, the Heliport Design Working Group (HDWG) worked on the provisions related to heliport certification and implementation of an SMS.</p> <p>Amendments to Annex 14, Volume II — <i>Heliports</i> are proposed following the provisions related to the aerodrome certification specifications provided in Annex 14, Volume I — <i>Aerodromes</i>. The proposed specifications establish the need to certify heliports used for international operations as a standard and certification of public use heliports as a recommended practice.</p> <p>It is essential for heliport operators to demonstrate effective organization and management of the heliport by having a safety management system at the time of certification.</p>

INITIAL PROPOSAL 9

~~3.3.2.2 **Recommendation.**— States should ensure that safety performance indicators and targets established by service providers and operators are acceptable to the State.~~

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

<i>Origin:</i>	<i>Rationale:</i>
SMP/5	<p>The proposed removal of 3.3.2.2 and supporting note aim to avoid duplication with the proposed new Standard 3.4.1.3 and new Recommendation 3.4.2.2, since the “means of safety performance measurement” addressed by the new 3.4.2.2 already include quantitative SPIs established by those service providers addressed by 3.3.2.1.</p> <p>For the removal of SPTs from SARPs in the Annex, see rationale to 3.4.2.1 in IP 13.</p>

3.3.2.32 The State of Registry shall establish criteria for international general aviation operators of large or turbojet aeroplanes in accordance with Annex 6, Part II, Section 3, to implement an SMS.

Note.— Further provisions related to the implementation of SMS by international general aviation operators can be found in Chapter 4. Guidance on the establishment of criteria for service providers to implement an SMS is contained in the Safety Management Manual (Doc 9859).

3.3.2.43 The criteria established by the State of Registry in accordance with 3.3.2.32 shall address the SMS framework and elements contained in Appendix 2.

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

<i>Origin:</i>	<i>Rationale:</i>
SMP/5	Renumbering of SARPs following deletion of old 3.3.2.2. The note is amended to highlight other mechanisms States can use to establish SMS requirements which may carry less administrative burdens when compared with the promulgation of regulations.

INITIAL PROPOSAL 10

3.3.3 Accident and incident investigation

States shall establish a process to investigate accidents and incidents in accordance with Annex 13, in support of the management of safety in the State.

3.3.4 Hazard identification and safety risk assessment

3.3.4.1 States shall establish and maintain a process to identify State’s civil aviation system level 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 States shall develop and maintain a process that ensures the assessment of safety risks associated with identified hazards.

Note.— Additional provisions related to safety intelligence that support the identification of State’s civil aviation system level hazards and the assessment of safety risks can be found in 5.2 and 5.3.

3.3.4.3 Recommendation.— States should periodically review hazards and associated safety risks related to emerging issues across the State civil aviation system.

<p><i>Origin:</i></p> <p>SMP/5</p>	<p><i>Rationale:</i></p> <p>The addition of the expression “<u>State’s civil aviation system level</u>” in 3.3.4.1 is intended to clarify that the focus should be on the identification of hazards which look across the aviation system rather than a duplication of the efforts by individual service providers who identify hazards specific to them.</p> <p>Note 1 to 3.3.4.1 is replaced by more specific references to Chapter 5 in the new note under 3.3.4.2 which aims to build a link between safety intelligence and safety risk management.</p> <p>The new Recommended Practice 3.3.4.3 was introduced to address the emerging issues, as noted in the GASP, including concepts of operations, technologies, public policies, business models or ideas that might impact safety. It is important that States remain vigilant on emerging safety to identify safety risks, collect relevant data and proactively develop mitigations to address them. The management of emerging issues, particularly safety risks, can also provide opportunities to foster innovation. The use of new technologies, procedures and operations should therefore be encouraged. Proactive efforts such as the prioritization and periodic review of existing hazards and safety risks may support States in proactively managing the safety impact of emerging safety issues.</p>
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INITIAL PROPOSAL 11

3.3.5 Management of safety risks

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

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

3.3.5.2 States shall develop, maintain and document the processes to manage safety risks.

~~Note 1.— Actions taken to manage safety risks may include: acceptance, mitigation, avoidance or transfer. Guidance on the process for managing safety risks is contained in the Safety Management Manual (Doc 9859).~~

~~Note 2.— Safety risks and safety issues often have underlying factors which need to be carefully assessed. In order to reduce the overall risk in the aviation system when managing safety risks, it is beneficial to consider the impact on aviation safety from risk management strategies implemented in other domains (for example, aviation security, facilitation, economics and environment) and vice versa.~~

<p><i>Origin:</i></p> <p>SMP/5</p>	<p><i>Rationale:</i></p> <p>The existing recommended practice is proposed now as a Standard. Upgrading this Recommendation to a Standard would also provide for a uniform application of risk management among States. A change is made to reflect that States may not have a unique process to manage safety risks and the importance of documenting the process and outcomes, for example, as means to register the acceptance of the residual risk.</p>
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	<p>Note 1 was added to reflect that guidance material on the process for managing safety risks is provided through the SMM. The other two existing notes were deleted, as the content is a common understanding from a risk management perspective and differentiating safety issues from hazards may not be needed.</p> <p>Risk management in aviation is often conducted from an individual domain, which can result in a limited view of the collective risk under analysis. The individual assessment can also pose additional risks, as mitigations can produce unintended consequences. For example, the ban on the carriage of portable electronic devices in the passenger cabin imposed by some States to address a security threat created a risk of fire in the cargo hold for which the fire suppression system could not contain. Conversely, an example of a safety risk mitigation measure creating a potential security vulnerability would be caused by a requirement for screening for lithium batteries in hold baggage that are not permitted for safety reasons. This would detract the attention of screeners away from the detection of explosives and more towards the detection of lithium batteries, since the frequency of these items in passenger baggage is higher than the presence of explosives.</p> <p>The proposed Note 2 aims to create awareness of how the impact risk mitigation measures implemented from one domain (e.g. safety) can affect another domain (e.g. security). Guidance to support States on this task will be developed by the Integrated Risk Management Study Group (IRM SG).</p>
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3.3.5.3 Recommendation.— *States should periodically review the need to extend the SMS applicability to additional aviation sectors beyond those covered under 3.3.2, in accordance with the SMS framework contained in Appendix 2, as a safety risk control.*

<p><i>Origin:</i></p> <p>SMP/5</p>	<p><i>Rationale:</i></p> <p>Under a State safety programme (SSP), each State is responsible for identifying its top systemic cross-cutting safety risks which includes risks potentially introduced by aviation organizations outside the scope of Annex 19. Chapter 1.2.2 in the fourth edition of the SMM provides specific guidance for States considering extension of an SMS applicability to service providers outside the scope of Annex 19. By adopting discretionary SMS applicability for specific sectors of the aviation system, each State is able to tailor its approach to achieve the desired improvement in safety performance through careful consideration of various risk control options available to them which includes but is not limited to: establishing compliance-based requirements, the implementation of alternative management systems (e.g. quality management systems), promoting voluntary SMS implementation, and mandating an SMS to aviation organizations outside the scope of Annex 19. The addition of “safety risk control” is to justify the location of the proposal under 3.3.5, Management of safety risks.</p> <p>There is an opportunity to reinforce the existing guidance contained in the fourth edition of the SMM with a Recommended Practice addressing SMS discretionary applicability. Elevating the existing guidance to the level of a Recommended Practice increases visibility and encourages consistent application of existing practice.</p>
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INITIAL PROPOSAL 12

3.4 State safety assurance (SSP Component 3)

3.4.1 Surveillance obligations

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

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

<i>Origin:</i>	<i>Rationale:</i>
SMP/5	<p>The title of 3.4 is amended to include reference to the related SSP component which clarifies on the issues highlighted in A40–WP/484 presented by Nepal, and ensures consistency with proposed changes to Chapter 3 (see IP 4).</p> <p>The note to 3.4.1.1 is deleted with its elements reincorporated into the updated note to standard 3.4.1.2, which outlines elements for consideration in prioritizing surveillance activities.</p>

3.4.1.2 **Recommendation.**—~~States should establish procedures to prioritize inspections, audits and surveys towards those areas of greater safety concern or need.~~ States shall establish procedures to prioritize surveillance activities towards those areas of greater safety concern or need.

Note.— Organizational risk profiles, including outcomes of hazard identification and risk assessment, and surveillance activities outcomes, SMS assessments and safety performance monitoring, may provide information for the planning, prioritization, and preparation of surveillance activities.~~inspections, audits and surveys.~~

<i>Origin:</i>	<i>Rationale:</i>
SMP/5	<p>States must establish a data-driven, risk-based methodology that allows the prioritization of surveillance activities to those areas that represent higher risk. This will result in a more effective way of allocating resources. The methodology and related procedures consider the principles of risk-based surveillance (RBS). The methodology should be results-oriented rather than focusing on varying the number of inspections, audits and surveys only. This should be a collaborative process involving multiple instances at the CAA level and service providers. The proposed upgrade of 3.4.1.2 and amendments to the supporting note aim to capture this notion.</p> <p>The proposal replaces “prioritize inspections, audits and surveys” with “prioritize surveillance activities” which, in accordance with the guidance in the <i>Safety Oversight Manual</i> (Doc 9734), is broader. In addition, the supporting notes make mention not only of the prioritization of the activities themselves, but also their planning and preparation.</p>

3.4.1.3 **Recommendation.**— ~~States should periodically review the safety performance of an individual service provider.~~ States shall implement mechanisms to:

- a) periodically assess the SMS of service providers addressed under 3.3.2.1; and
- b) monitor the safety performance of service providers addressed under 3.3.2.

Note.— Guidance on the periodic assessment of the SMS of service providers is contained in the Safety Management Manual (Doc 9859).

<i>Origin:</i>	<i>Rationale:</i>
SMP/5	<p>The proposed upgrade of RP 3.4.1.3 is intended to address the role of the State in monitoring the SMS of service providers after the initial implementation in the context of State safety assurance, which should include not only the review of the safety performance but also the periodical assessment of the SMS.</p> <p>The bullet a) excludes IGA operators with regard to the assessment of an SMS, an activity that would require significant resources on the part of the State, while bullet b) includes IGA operators with regard to the monitoring of service providers’ safety performance which would requires less resources, while potentially providing a trigger to analyse adverse trends.</p>

— 3.2.1.23.4.1.4 **Recommendation.**— States ~~should~~ shall establish an ~~enforcement~~ a surveillance policy that specifies the conditions and circumstances under which service providers with an SMS are allowed to deal with, and resolve, events involving certain safety issues, internally, within the context of their SMS and to the satisfaction of the appropriate State authority.

<i>Origin:</i>	<i>Rationale:</i>
SMP/5	<p>The service provider, under the supervision of the State authority, and as part of its continuous improvement process as required by an SMS, must develop the capacity to manage, internally, and, where required, in cooperation with other service providers, the resolution of safety issues, including any operational safety deficiencies such as non-compliance with/non-existence of established standard operating procedures (SOPs) involving front line personnel investigations that do not fulfil the criteria of accidents, serious incidents and incidents as established in Annex 13 — <i>Aircraft Accident and Incident Investigation</i> which are subject to investigation by the accident investigation authorities.</p> <p>This capacity is an important feature of an SMS maturity process, focused on a system performance concept.</p> <p>These safety issues, including operational safety events, within an SMS must be managed and resolved to the satisfaction of the State authority. Conditions and limitations must be established and explained in the surveillance policy. The recommended practice was upgraded to a standard to capture this notion.</p>

INITIAL PROPOSAL 13

3.4.2 State safety performance measurement and monitoring

<i>Origin:</i>	<i>Rationale:</i>
SMP/5	The title has been updated to align with the intent of the SARPs in this subsection which focus on measuring and monitoring. It is also in alignment with the title in element 8 of the SMS framework.

3.4.2.1 States shall establish ~~the acceptable level of~~ safety performance indicators, supported by qualitative means as needed, to measure and monitor the safety performance ~~to be achieved through their SSP~~ of the State’s civil aviation system and the progress towards achieving its safety objectives.

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

~~*Note 21.— Guidance on establishing safety performance indicators and qualitative means targets, as well as an acceptable level of safety performance, to measure and monitor the State’s safety performance is contained in the Safety Management Manual (SMM) (Doc 9859).*~~

Note 2.— Additional provisions related to safety intelligence that support the establishment of safety performance indicators for State safety performance measurement and monitoring can be found in 5.3.1.

<i>Origin:</i>	<i>Rationale:</i>
SMP/5	<p>This proposal has been developed per AN-Conf/13 Recommendation 6.2.1/1 c) requesting ICAO to review the acceptable level of safety performance (ALoSP) concept taking into consideration the experience of States. The SMP conducted a two-year project to collect and analyse the identified issues with ALoSP and then developed a proposal amending 3.4.2.1 based on the following findings. The lack of consistency in interpreting and implementing the concept of ALoSP among States is partly due to the difficulty arising from translating the word “acceptable” into practical implementation.</p> <p>Regardless of the presence of the ALoSP concept, the desired safety performance outcomes are already expressed in terms of State safety performance management framework/process. In this regard, the proposal includes safety objectives and SPIs in the standard as they are essential aspects of the State safety performance management process. In addition, the proposed change reflects that some safety objectives may be qualitative in nature and not fully measurable through safety performance indicators. Under such circumstances, an overall view of the State’s safety performance may require qualitative means in addition to SPIs. However, qualitative assessments should not be used alone.</p> <p>The mention of an SSP is removed, as State safety performance is not only achieved through an SSP but also through SMSs implemented by service providers of the civil aviation system. As the use of SPTs may be counter-productive or drive undesirable behaviour, the reference to SPTs has been removed from the Standard.</p> <p>A new Note 2 is added under 3.4.2.1 to build a link to 5.3.1 a).</p>

INITIAL PROPOSAL 14

3.4.2.2 Recommendation.— *States should ~~develop and maintain a process to evaluate the effectiveness of actions taken to manage safety risks and resolve safety issues.~~ ensure that the means of safety performance measurement established by service providers addressed in 3.3.2.1 consider, and support where appropriate, the safety performance measurement and monitoring at the State level.*

Note.— *Safety assessment results may be used to support the prioritization of actions to manage safety risks. Collaboration between the State and service providers, and RSOOs where applicable, facilitates the development of effective safety performance measurement and monitoring across the State’s civil aviation system.*

~~**3.4.2.3 Recommendation.**— *States should evaluate the effectiveness of their individual SSPs to maintain or continuously improve their overall level of safety performance.*~~

<i>Origin:</i>	<i>Rationale:</i>
SMP/5	<p>As a Recommendation, the proposed new 3.4.2.2 does not force the relevant service providers to take the means that is only in line with those established at the State level. The intention is to build a link between the means of State safety performance measurement and monitoring (see 3.4.2.1 in IP 13) and individual service providers’ safety performance measurement and monitoring (see Appendix 2, 3.1 in IP 45) and RSOOs where applicable, facilitating the implementation of the amended 3.4.2.1. The origin of this new Recommendation is 3.3.2.2, with text reworded to align with the other safety performance management-related initial proposals.</p> <p>The original 3.4.2.2 and 3.4.2.3 have been moved under the new sub-section 3.4.4 “Continuous improvement of the SSP” with relevant changes.</p>

INITIAL PROPOSAL 15

3.4.3 Management of change

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

Note.— *Guidance on the management of change is contained in the Safety Management Manual (Doc 9859).*

<i>Origin:</i>	<i>Rationale:</i>
SMP/5	<p>The aviation industry is faced with continuous and often rapid changes including emerging technologies and innovative business practices that will have a significant impact on the way that States, CAAs, RSOOs and Industry manage risks.</p> <p>While the SMM has guidance on the management of change, upgrading this to the level of a Recommended Practice reflects best practice and places importance on the need to have a documented process. The process provides a trigger for the State to assess and manage the associated risks since hazards may unintentionally be introduced into the system whenever change occurs. This will ensure that all the direct and indirect consequences are fully understood well before the change is implemented, and the desired outcomes are achieved.</p>

INITIAL PROPOSAL 16

3.4.4 Continuous improvement of the SSP

3.4.4.1 States shall develop and maintain a process to evaluate the effectiveness of actions taken to manage safety risks and resolve safety issues.

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

~~3.4.2.34.2~~ **Recommendation.**— *States should periodically assess—evaluate the effectiveness of their individual SSPs processes and activities to maintain or continuously improve their overall level of safety performance SSP.*

<i>Origin:</i>	<i>Rationale:</i>
SMP/5	<p>The proposed sub-chapter aims to consolidate the provisions related to continuous improvement of the SSP which are currently scattered in various sections of the Annex. This is also consistent with the SMS framework found in Appendix 2 which has a specific element related to continuous improvement of the SMS under Component 3 Safety Assurance. Standard 3.4.1.1 is an upgrade of existing Recommended Practice 3.4.2.2, which has been moved to this sub-chapter. The term “risk” is added to the note for consistency of terminology used throughout Annex 19 and the <i>Safety Management Manual</i> (Doc 9859).</p> <p>Recommendation 3.4.2.2 is modified for clarification to indicate that the effectiveness should be assessed versus evaluation for consistency, with the notion of this being done periodically and the language is clarified to mention the effectiveness of the SSP processes and activities and its impact on the overall effectiveness of the SSP.</p>

INITIAL PROPOSAL 17

3.5 State safety promotion (SSP Component 4)

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

~~— **Recommendation.**— States should 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~~

~~— **Recommendation.**— States should 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.~~

3.5.1 Safety awareness

3.5.1.1 States shall communicate the SSP functions, safety policy and safety objectives across their aviation community and with other stakeholders impacting aviation safety.

3.5.1.2 States shall establish means to promote safety in support of the achievement of its safety objectives and the development of a positive safety culture across their aviation community and with other stakeholders impacting aviation safety.

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

<p><i>Origin:</i></p> <p>SMP/5</p>	<p><i>Rationale:</i></p> <p>Safety awareness is an important aspect of promotion activities as it supports the improvement of safety performance and the development of a positive safety culture. The current usage of internal communication and external communication in the titles of 3.5.1 and 3.5.2, respectively, poses challenges in understanding who the target audience is when promoting safety. To address this, the proposed changes remove the need to distinguish between internal and external communications especially as the Annex does not define this. Standard 3.5.1.1 is proposed to reinforce the importance of communicating the SSP functions, safety policy and safety objectives as part of addressing State safety promotion (SSP Component 4). The documentation of the SSP functions, safety policy and safety objectives is addressed as part of SSP Component 1, 3.2.3.4, which is proposed to be upgraded to a Standard (Initial Proposal 6).</p> <p>Proposed Standard 3.5.1.2, aims to provide States with the flexibility to determine where safety promotion actions need to be targeted. Categorizing communication as internal and external is no longer an accurate reflection of the current aviation system which continues to become increasingly complex and interconnected. The current structure also implies States’ responsibilities are solely limited to communication. The proposed standard dissociates safety promotion from the provisions for sharing and exchange of safety information which are covered extensively under Chapter 5. The proposed changes further simplify the structure of 3.5, making it more robust and facilitating the addition of provisions that may not necessarily fit into internal or external communications. The reference to “other stakeholders” highlights the importance of promoting safety to new entrants, the judicial authorities and others which may have an impact on achieving safety objectives.</p> <p>Many resources and tools are available to support States in establishing their safety promotion actions. The proposed note emphasizes the importance of selecting the most appropriate means for addressing safety promotion needs as the approach to promoting safety should be tailored.</p> <p>The title of 3.5 is amended to include reference to the related SSP component, which clarifies on the issues highlighted in A40–WP/484 presented by Nepal (See IP 4).</p>
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INITIAL PROPOSAL 18

CHAPTER 4. SAFETY MANAGEMENT SYSTEM (SMS)

Note 1.— Compliance with safety regulations to obtain a licence, certificate, authorization or approval provides the foundation for the implementation of an SMS. Guidance on implementation of an SMS is contained in the Safety Management Manual (SMM) (Doc 9859).

<i>Origin:</i>	<i>Rationale:</i>
SMP/5	The extra text proposed for Note 1 is based on the original note under 3.1.1 of Appendix 2 and aims to highlight the connection between compliance with the respective safety regulations and the implementation of an SMS by service providers addressed in this Chapter.

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

<i>Origin:</i>	<i>Rationale:</i>
SMP/5	Note 2 as written does not make it clear that the extension of a single SMS across more than one service provider role is to address the case when one organization carries out the role of different service providers, such as an operator who also carries out maintenance or a designer that is also a manufacturer. The revision is for clarification.

Note 3.— ~~Some service providers may choose to integrate their SMS with other management systems. Important considerations related to this approach for States and service providers are contained in the Safety Management Manual (Doc 9859).~~

<i>Origin:</i>	<i>Rationale:</i>
SMP/5	Note 3 is proposed to highlight that organizations who may also have other management systems in addition to a safety management system could integrate these into one management system which can result in improved effectiveness and efficiency of organizational resources. However, as this model may not be beneficial to all organizations, this information is therefore provided as a note and not proposed as a recommended practice or a standard.

INITIAL PROPOSAL 19

4.1 General

4.1.1 The SMS of ~~each~~ service provider ~~addressed under 3.3.2.1 of this Annex~~ shall:

- a) be established ~~and managed~~ in accordance with the framework elements contained in Appendix 2;
~~and~~
- b) ~~cover a defined scope of products and services; and be commensurate with the size of the service provider and the complexity of its aviation products or services.~~
- c) be supported by the identification of relevant organizational interfaces.

<p><i>Origin:</i></p> <p>SMP/5</p>	<p><i>Rationale:</i></p> <p>The deletion of Note 2 to Chapter 2 and the addition of modifiers “addressed under 3.3.2” or “addressed under 3.3.2.1” throughout the Annex provide clarity on the specific service providers being referred to (see IP 3). In this instance, 4.1.1 refers to service providers excluding IGA operators and therefore removes the need to specify between “service providers” or “service providers and operators”. SMS applicability for IGA operators is addressed under renumbered 3.3.2.2 of this Annex.</p> <p>The term “managed” is added to 4.1.1 a) to reinforce that the implementation and maintenance of an SMS is an ongoing process, as noted in Appendix 2.</p> <p>The phrase “commensurate with size and complexity” has been used in ICAO provisions related to the determination of resource requirements. This concept was extended to the implementation of an SMS to introduce flexibility and show that all service providers can implement an SMS regardless of their size or the complexity of their aviation products or services. However, the use of this phrase has led to the expectation that an SMS can be scaled or, due to some interpretations of scalability, that framework elements can be implemented selectively. Similar challenges related to scalability have been raised by States with respect to SSP implementation (see rationale to IP 4). Since the objective of using “commensurate with size and complexity” for flexibility was not accomplished, it is proposed to delete old 4.1.1 b).</p> <p>Regarding 4.1.1 b), this new standard places importance on ensuring that products and services which have an impact on safety are covered by the SMS when implementing the SMS.</p> <p>Regarding 4.1.1 c), service providers need to consider how interfaces may impact their SMS across the 12 elements detailed in Appendix 2. For example, it has been observed that service providers are often overlooking risks arising from their interfaces with other organizations. Managing risks at interfaces is critical to ensure effective safety risk management. Incorporating interfaces into the existing standard highlights to service providers that they need to take into consideration the hazards related to their interfaces in their hazard identification process and therefore in the whole risk management process.</p> <p>The identification of interfaces also has a secondary benefit to facilitate the sharing and exchange of information at interfaces with other service providers where appropriate to support the effective implementation of SMS. This new standard also emphasizes and strengthens the safety accountability of a service provider when the service provider depends upon other service providers or organizations provide safety services and products in aviation.</p>
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Note 1.— The way in which an SMS is established and managed differs from one service provider to another depending on its products and services.

<i>Origin:</i>	<i>Rationale:</i>
SMP/5	<p>Note 1 is added to provide additional information following the proposal to remove “commensurate with size and complexity” in various places in the Annex, for example 4.1.1 b). The note is intended to illustrate that there is not a “one size fits all” approach to an SMS and it should be “tailored to its products and services and applicable regulatory requirements” and will reflect the organization’s safety objectives.</p> <p>This note is proposed to convey that an SMS will vary, but avoiding some of the unintended consequences of the use of the words size and complexity that, in some instances, led to a desire to classify organizations as complex and non-complex, and/or small or large organizations.</p>

Note 2.— Guidance on the development of a system description and the management of interfaces is contained in the Safety Management Manual (Doc 9859).

<i>Origin:</i>	<i>Rationale:</i>
SMP/5	<p>It is essential that service providers understand their systems and their operating environment for the achievement of high safety performance. Having a detailed system description that defines the system and its interfaces will contribute to the definition of a clear scope for SMS implementation. It will also facilitate the identification of hazards, including hazards at interfaces, recognized as a critical aspect for the effectiveness of safety management processes. The note also clarifies that interfaces extend to organizations who may be required to have an SMS, or other third parties with no requirement to have an SMS. Without this note, the proposed standard may be open to interpretation. However, including this clarification in a complementary note as opposed to the standard itself provides for brevity in the wording of the standard.</p> <p>Lastly, the note directs readers to more expansive guidance contained in Doc 9859, where additional information on both interface management and system descriptions can be found.</p>

4.1.2 The State shall ensure that ~~the~~ each service provider addressed under 3.3.2.1 of this Annex develops a plan to facilitate SMS implementation.

<i>Origin:</i>	<i>Rationale:</i>
SMP/5	<p>The addition of “addressed under 3.3.2.1” refers to service providers excluding IGA operators which provides clarity on the specific service providers being referred to following the deletion of Note 2 to Chapter 2.</p>

4.1.3 **Recommendation.**— *In the establishment and management of an SMS, specific consideration should be given to human performance implications.*

<i>Origin:</i>	<i>Rationale:</i>
SMP/5	<p>The Recommended Practice has been developed to reflect the importance of Human Performance considerations and related principles when establishing and managing an SMS.</p> <p>The definition for “human performance” included in other ICAO Annexes has also been added to support recommended practice 4.1.3.</p>

Editorial note.— Insert the following paragraphs, which have been extracted from 4.1 General, from paragraphs 4.1.3 through 4.1.9, and amended and renumbered as shown below:

INITIAL PROPOSAL 20

4.2 ~~International general aviation~~—~~aeroplanes~~ SMS acceptability

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

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

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

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

<i>Origin:</i>	<i>Rationale:</i>
SMP/5	<p>New section title added to distinguish from the general section of this chapter and group the provisions related to an SMS for service providers under 3.3.2.1 separately from those where an alternative regulatory approach is used in 4.3. This updated structure for Chapter 4 supports future extension of applicability of an SMS to other service providers using the two different approaches.</p> <p>References to specific sections of Annex 6, Part III have been removed. This is consistent with the referencing of Annexes in SARPs under 4.2. The change also avoids the need to continue updating specific references within Annex 6 when it is updated.</p> <p>Renumbering of SARPs as appropriate.</p> <p>A new note is proposed at the beginning of the section in recognition of concerns related to some service providers being in situations where they currently hold licenses/certificates/authorizations/approvals from multiple States and potential for the addition of an SMS to</p>

	<p>exacerbate the current situation. Assembly Resolution A41-6: ICAO global planning for safety and air navigation, urges Member States, the industry and financing institutions to provide the needed support for the coordinated implementation of the GASP and GANP, as well as regional and national plans, avoiding duplication of efforts. For example, approved maintenance organizations and approved training organizations are usually subject to holding multiple approvals. The airworthiness panel is currently working on addressing this. However, encouraging States to look for other means to reduce duplication where it does not add value was considered important to highlight as an underlying principle.</p>
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<p>INITIAL PROPOSAL 21</p>

4.2.3 The SMS of a certified remotely piloted aircraft system (RPAS) operator authorized to conduct international operations, in accordance with Annex 6, Part IV, shall be made acceptable to the State of the Operator.

Note.— When maintenance activities are not conducted by an approved maintenance organization in accordance with Annex 6, Part IV, they are included in the scope of the operator’s SMS.

~~4.1.5.2.4~~ 4.2.4 The SMS of an approved maintenance organization providing services to operators of aeroplanes or helicopters engaged in international commercial air transport, in accordance with Annex 6, Part I or Part III, ~~Section II~~, respectively, shall be made acceptable to the State(s) responsible for the organization’s approval.

4.2.5 The SMS of an approved maintenance organization providing services to operators authorized to conduct international RPAS operations in accordance with Annex 6, Part IV, shall be made acceptable to the State(s) responsible for the organization’s approval.

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

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

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

<i>Origin:</i>	<i>Rationale:</i>
RPASP/9	<p>At SMP/4 in April 2019, the SMP endorsed extending SMS applicability to international instrument flight rules (IFR) RPAS operations in controlled airspace in accordance with Annex 6, Part IV which arguably constitute the most complex operation. These operations correspond to the third category “certified/regulated increased risk (manned aviation approach)”. The extension of an SMS also applies to approved maintenance organizations providing services to such operators, in accordance with Annex 6, Part IV.</p> <p>References to specific sections of Annex 6, Part III have been removed. This is consistent with the referencing of Annexes in SARPs under 4.2. The change also avoids the need to continue updating specific references within Annex 6 when it is updated.</p>

INITIAL PROPOSAL 22

4.42.9 The SMS of an operator of a certified aerodrome or a certified heliport, in accordance with Annex 14, Volumes I and II, respectively, shall be made acceptable to the State responsible for the aerodrome's or heliport's certification.

<i>Origin:</i>	<i>Rationale:</i>
ADOP/WG/5	<p>The fifth edition of the <i>Heliport Manual</i>, Doc 9261, was published in 2021 containing two parts of extensive guidance material on onshore and offshore heliports. With the publication of the new manual, HDWG worked on the provisions related to heliport certification and implementation of an SMS.</p> <p>Amendments to Annex 14, Volume II – <i>Heliports</i> are proposed following the provisions related to the aerodrome certification specifications provided in Annex 14, Volume I – <i>Aerodrome Design and Operations</i>. The proposed specifications establish the need to certify heliports used for international operations as a standard and certification of public use heliports as a recommended practice.</p> <p>It is considered essential for heliport operators to be able to demonstrate effective organization and management of the heliport by having a safety management system at the time of certification. Without an adequate SMS, it is not possible for an operator to demonstrate continuous compliance with the standard and continuous safety improvements.</p>

INITIAL PROPOSAL 23

~~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.~~

<i>Origin:</i>	<i>Rationale:</i>
SMP/5	<p>The note is proposed to be removed noting the definition for industry codes of practice has been removed (see IP 2). Further guidance material will be developed to clarify the use of industry codes of practice as well as the use of industry assessment programmes which are referenced in Goal 5 of the GASP (Doc 10004) in the fifth edition of the SMM. Industry codes of practice and the use of industry assessment programmes can be used to support States with the implementation of SARPs related to areas such as certification, surveillance and establishment of regulation.</p>

4.3 Other SMS regulatory approaches

The SMS of an international general aviation operator, conducting operations of large or turbojet aeroplanes in accordance with Annex 6, Part II, Section 3, shall be established and managed commensurate with the size and complexity of the operation and to 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).

<i>Origin:</i>	<i>Rationale:</i>
SMP/5	<p>A new sub-section for 4.3 has been developed to provide flexibility for States to use other regulatory approaches when the standard approach to impose SMS requirements is overly burdensome. The provisions related to international general aviation operators are proposed to be moved from 4.2 to the new sub-section 4.3.</p> <p>The phrase “commensurate with size and complexity” was introduced in Annex 19 provisions to provide flexibility for service providers in implementing an SMS. However, this phrase has led to challenges related to scalability. Some interpretations of scalability offered that SMS framework elements can be implemented selectively which was not the intent of using the phrase. Similar challenges were raised by States regarding SSP implementation (see rationale to IP 4). Since the objective of introducing flexibility was not achieved, it is proposed to amend the provision to delete the phrase “commensurate with size and complexity”. This deletion will also ensure the provision addressing international general aviation organizations is aligned with those addressing service providers listed in 3.3.2.1. The phrase “established and managed” is added to reinforce that the implementation and maintenance of an SMS is an ongoing process.</p> <p>Note 1 is deleted following the consolidation of the provisions related to the establishment of criteria under 3.3.2.2. The existing Note 2 is renumbered on account of the deletion of Note 1.</p> <p>The definition for “State of Registry” included in other ICAO Annexes has also been added to support 4.3.1.</p>

INITIAL PROPOSAL 24

CHAPTER 5. ~~DEVELOPMENT OF SAFETY INTELLIGENCE DATA AND SAFETY INFORMATION COLLECTION, ANALYSIS, PROTECTION, SHARING AND EXCHANGE~~

Note.— The objective of this chapter is to support States in the development of safety intelligence to maintain and continuously improve the effectiveness of their State safety programme (SSP). ~~ensure the continued availability of safety data and safety information to support the safety management activities.~~

<i>Origin:</i>	<i>Rationale:</i>
SMP/5	<p>The objective of this chapter has been updated to better reflect the revised contents of the chapter and the outcome to be achieved. Rather than focussing only on the continued availability of safety data and safety information, the chapter now emphasizes the development of safety intelligence to maintain and continuously improve the effectiveness of the SSP. The note is updated to align with the proposed changes.</p> <p>The title of Chapter 5 has been updated to reflect the revised objective of the chapter, i.e. the reason why the activities defined in each subpart need to be done. (See IP 2 definition to safety intelligence.)</p>

INITIAL PROPOSAL 25

5.1 General

5.1.1 Recommendation. *States should establish a strategy for the development of safety intelligence that supports the management of safety and decision-making.*

Note.— Guidance related to the strategy for developing safety intelligence is contained in the Safety Intelligence Manual (Doc10159).

<i>Origin:</i>	<i>Rationale:</i>
SMP/5	<p>This new recommended practice is introduced to highlight the importance of developing safety intelligence as a business capability and the need for organizational commitment to make progress in this area. The term strategy is used to convey the importance of organizational leadership in the setting of goals, defining actions and ensuring appropriate resources are available to implement them.</p> <p>Within the aviation industry, developing safety intelligence is an emerging capability that is critical to maintaining and improving safety performance levels as the aviation industry expands e.g. introduction of new entrants. It is introduced as an RP in recognition that it is a new provision and flexibility is still important for States on how to implement it.</p>

INITIAL PROPOSAL 26

5.12 Safety data collection and processing systems

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

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

- a) data and information pertaining to accident and incident investigations;*

~~b) data and information related to safety investigations by State authorities or aviation service providers;~~

~~e) mandatory safety reporting systems as indicated in 5.1.2;~~

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

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

Note 1.— The SDCPS may also include some analysis functions.

Note 2.— Guidance related to an SDCPS is contained in the Safety Management Manual (SMM) (Doc 9859) the Safety Intelligence Manual (Doc 10159).

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

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

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

<i>Origin:</i>	<i>Rationale:</i>
SMP/5	<p>An SDCPS is developed through a series of integrated processes which is defined as a series of activities to achieve a specific goal, and schemes for the exchange of safety data and safety information. An SDCPS provides the foundation for safety analysis which is a key enabler in supporting the development and ongoing maturity of an organization’s safety intelligence capability. The amendments to renumbered 5.2.1 aim to capture this notion. The term “SDCPS” is amended to refer to a single system. This clarifies that the SDCPS is a system rather than a tool or tools (a database or databases).</p> <p>To better reflect the specific activities included in the functions of an SDCPS, in addition to “capture”, “store”, “aggregate”, the term “process” was added.</p> <p>The Note to the definition of “safety data” is proposed to be deleted as well as the Note 1 to 5.1.1. As an alternative to listing examples of sources of safety data to be included in an SDCPS, enhanced guidance on mechanisms to support the establishment of an SDCPS with collaboration between States and industry will be provided in guidance material. The updates to 5.1.2.1 and 5.1.2.2 address the contents of Note 3 and Note 4, making their inclusion in the annex redundant. Similarly, the contents of Note 5 are reflected in the newly introduced standard 5.2.3. Therefore, Note 3, Note 4 and Note 5 are proposed to be deleted.</p> <p>The newly proposed Note 1 clarifies that some analysis functions may be included in the SDCPS (e.g. ECCAIRS). Note 2 is revised to include a reference to guidance in the <i>Safety Intelligence Manual</i> (Doc 10159).</p>

INITIAL PROPOSAL 27

~~5.1.2 States shall establish a mandatory safety reporting system that includes the reporting of incidents.~~

5.2.2 States shall ensure that the SDCPS is based on proactive as well as reactive methods of safety data and safety information collection.

Note.— *An SDCPS may include inputs from State, industry and public sources.*

<i>Origin:</i>	<i>Rationale:</i>
SMP/5	<p>This new standard is an upgrade of Note 4 to 5.1.1. The reactive approach is the most commonly used method for data collection in today’s aviation system. It is considered that proactive methods for data collection must be used to establish and improve the effectiveness of an SDCPS.</p> <p>The supporting note is intended to maintain the notion of the sources of inputs.</p>

INITIAL PROPOSAL 28

5.2.3 States shall ensure that the safety data and safety information collected through mandatory safety reporting systems are incorporated into the SDCPS.

Note 1.— *Mandatory safety reporting systems include the reporting of hazards and safety deficiencies.*

Note 2.— *The SDCPS includes mandatory safety reporting systems established by the State in accordance with sector-specific provisions contained in other Annexes, Procedures for Air Navigation Services (PANS) and supporting guidance material. In addition, Annex 13 contains information on accident/incident data reporting (ADREP). Examples of mandatory safety reporting systems are contained in the Safety Intelligence Manual (Doc 10159).*

~~5.1.3~~ 5.4.2.4 States shall establish a voluntary safety reporting system to collect safety data and safety information not captured by mandatory safety reporting systems.

<i>Origin:</i>	<i>Rationale:</i>
SMP/5	<p>The provision is introduced to replace existing 5.1.2 to clarify that States do not need to establish a new mandatory reporting system, but rather link the sector-specific reporting provisions contained in other Annexes, PANS and guidance materials to the SDCPS that they may be using to support safety management activities.</p> <p>The supporting Note 1 is intended to highlight the importance of reporting hazards, such as fatigue reporting as required in Annex 6 — <i>Operation of Aircraft, Part I — International Commercial Air Transport — Aeroplanes</i>, inflight incapacitation reporting as required in Annex 1 — <i>Personnel Licensing</i> as well as safety deficiencies as noted in the <i>GASP</i> (Doc 10004) and the <i>Global Aviation Safety Roadmap</i> (Doc 10161), as part of mandatory safety reporting in addition to accidents and safety events.</p>

	<p>The new Note 2 is introduced to highlight the fact that the mandatory safety reporting systems referenced in sector-specific Annexes are included in the State’s SDCPS. The Note to 5.2.6 referencing ADREP has been relocated into Note 2. Reference is also made to the <i>Safety Intelligence Manual</i> (Doc 10159) which includes examples of mandatory sector-specific safety reporting systems contained in other Annexes, PANS and documents.</p> <p>Renumbering of SARPs as appropriate.</p>
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INITIAL PROPOSAL 29

~~5.1.4 **Recommendation.**— State authorities responsible for the implementation of the SSP should have access to the SDCPS as referenced in 5.1.1 to support their safety responsibilities, in accordance with the principles in Appendix 3.~~

5.2.5 State authorities responsible for the implementation of the SSP shall contribute and have access to safety data and safety information in the SDCPS to support their safety responsibilities.

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

<p><i>Origin:</i></p> <p>SMP/5</p>	<p><i>Rationale:</i></p> <p>This recommended practice has been upgraded to a standard to reflect that contributing and access to safety data and safety information is considered essential in the establishment of an SDCPS. This proposed upgrade also highlights the importance of collaboration, coordination and communication between the State authorities responsible for the implementation of the SSP. In this perspective, the State authorities involved in the SSP implementation, such as an accident investigation authority, a civil aviation authority (CAA) etc., can provide data through direct access or other channels like a memorandum of understanding with a CAA to an SDCPS. This contributes to providing usable safety data and safety information and is important to build a robust SDCPS at the State level.</p>
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INITIAL PROPOSAL 30

Note 2.— Provisions related to the protection of safety data captured by, and safety information derived from, voluntary safety reporting systems can be found in 5.4.1. Provisions related to the protection of safety data captured by, and safety information derived from, mandatory safety reporting systems can be found in Recommendation 5.4.2.

<p><i>Origin:</i></p> <p>SMP/5</p>	<p><i>Rationale:</i></p> <p>Since the protection of safety data and safety information collected through voluntary safety reporting systems is a Standard (5.4.1) and the protection of safety data and safety information collected through mandatory safety reporting systems is a Recommendation (5.4.2), this Note is introduced to build links between 5.2.5 and the protection provisions in 5.4.1 and 5.4.2. The</p>
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proposed Note will also serve as a reminder to State authorities that safety data and safety information collected through these systems are protected.

INITIAL PROPOSAL 31

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

5.2.6 States shall use a taxonomy for safety reporting that is aligned with standardized taxonomies and that facilitates the:

- a) identification of hazards at the State’s civil aviation system level as referenced in 3.3.4;
- b) consistent comparison of safety data and safety information; and
- c) sharing and exchange of safety information as referenced in 5.5.

~~Note.— *States are encouraged to use an* Guidance related to standardized taxonomies including, but not limited to ADREP taxonomy, is contained in the Safety Intelligence Manual (Doc 10159).~~—compatible system. More information on ADREP can be found in Annex 13, Chapter 7.~~~~

<i>Origin:</i>	<i>Rationale:</i>
SMP/5	<p>The recommendation is upgraded to a standard to reflect the importance of using standardized taxonomies for safety reporting within a State. The use of standardized taxonomies is important for consistent comparison of safety data and safety information, sharing and exchange of safety information, particularly across multiple languages and systems. It also ensures the consistency and quality of safety information to support the development of safety intelligence used for decision-making. This is reflected in 5.2.6 b) and c). The introduction of 5.2.6 a) addresses the need of taxonomy for States to facilitate the identification of hazards.</p> <p>An additional benefit of standardized taxonomies is its ability to support the development, application and maintenance of advanced analysis methods and machine learning technologies.</p> <p>Although this requirement is directed at States, it is understood that this will have an impact on service providers (SPs). The intent is not to place undue hardship on SPs and force changes in their respective reporting systems. When not comparable, safety data submitted and safety information shared by SPs should include the supporting assumptions and operational definitions to facilitate integration at the State level. Mechanisms such as mapping tables and export modules could automate this task.</p> <p>The note is updated to include reference to guidance on standardized taxonomies in the <i>Safety Intelligence Manual</i> (Doc 10159). The Note referring to accident/incident reporting system has been relocated to Note 2 to 5.2.3 which specifically discusses reporting systems.</p>

INITIAL PROPOSAL 32

5.2.7 Recommendation.— *States should establish a means for the governance of safety data and safety information.*

Note.— *Further guidance on safety data governance is contained in the Safety Intelligence Manual (Doc 10159).*

<i>Origin:</i>	<i>Rationale:</i>
SMP/5	<p>This new proposed recommendation is included to align with the new 5.2.1 and highlight the importance of safety data and safety information governance to support the development of safety intelligence by the States, since data governance is the foundation for a safety data strategy. Safety data, in turn, is important for managing safety risks and needs to be governed properly to ensure consistency and analytical value.</p> <p>The governance of safety data and safety information is introduced as a recommended practice to ease any perceived burden on States. It is also noted that some States are yet to improve their understanding of data management, its needs and importance.</p> <p>The supported note is to reference further guidance to support this proposed recommended practice to be provided in the <i>Safety Intelligence Manual</i> (Doc 10159).</p>

INITIAL PROPOSAL 33

5.23 Safety data and safety information analysis

5.2.3.1 States shall establish and maintain a processes to analyse the safety data and safety information from the SDCPS and associated safety databases. The processes shall include a variety of analysis methods to support the identification of:

- a) safety performance indicators, as referenced in 3.4.2.1;
- b) State’s civil aviation system level hazards, as referenced in 3.3.4, that might not otherwise be identified by the individual service providers; and
- c) existing practices and operational strategies that resulted in positive safety outcomes.

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

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

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

Note 1.— *Data and information from non-safety sources (for example, weather, terrain or security) may be included in the processes to support a more integrated analysis at the State level.*

Note 2.— Guidance on different types of analyses that can be conducted and the competencies required to conduct such analyses are contained in the Safety Intelligence Manual (Doc 10159).

<i>Origin:</i>	<i>Rationale:</i>
SMP/5	<p>The objective of safety analysis should aim to present the safety situation in ways that enable decision makers to make data-driven safety decisions. Safety data and safety information analysis can be conducted in many ways in order to provide a more accurate understanding of the overall situation and identify relationships, connections, patterns and trends. The scope of the existing standard and supporting notes suggested that the analysis process is limited to analysis of hazards which is too narrow in scope given the objective of subchapter 5.3. The proposed change of “process” to “processes” in renumbered 5.3.1 highlights that a single process is not sufficient to address the different methods States may use for analysis. The added list aims to build a link between safety analysis, safety performance, safety risk management and the development of safety intelligence at the State level which further reinforces the need to use multiple processes for safety analysis. To facilitate safety risk management and safety assurance activities, a) and b) have been introduced. Incorporating lessons learned from existing practices and operational strategies is beneficial. This supports an understanding of which parts of the system to strengthen for improvement. This is reflected with the introduction of 5.3.1 d).</p> <p>With the proposed changes to 5.3.1, old Notes 1 through 3 have been deleted as their content is now reflected in the standard. The new Note 1 links renumbered 5.3.1 to an integrated approach taken by the State to include data and information from non-safety sources which supports the development of actionable insights. The proposed new Note 2 links the renumbered 5.3.1 to new guidance contained in the <i>Safety Intelligence Manual</i> (Doc 10159).</p>

INITIAL PROPOSAL 34

5.34 Safety data and safety information protection

5.34.1 States shall accord protection to safety data captured by, and safety information derived from, voluntary safety reporting systems and related sources in accordance with Appendix 3.

Note.— For the purposes of 5.4 and Appendix 3, Sources include individuals and organizations.

<i>Origin:</i>	<i>Rationale:</i>
SMP/5	<p>The amendment of the note is proposed following the updated definition for safety data to avoid confusion between the terms “aviation-related sources” in the definition and the term “sources” used in Chapter 5.</p>

5.34.2 **Recommendation.**— *States should extend the protection referred to in 5.3 4.1 to safety data captured by, and safety information derived from, mandatory safety reporting systems 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).

5.34.3 Subject to 5.34.1 and 5.34.2, States shall not make available or use safety data or safety information collected, stored or analysed in accordance with 5.42 or 5.23 for purposes other than maintaining or improving safety, unless the competent authority determines, in accordance with Appendix 3, that a principle of exception applies.

5.34.4 Notwithstanding 5.34.3, States shall not be prevented from using safety data or safety information to take any preventive, corrective or remedial action that is necessary to maintain or improve aviation safety.

Note.— Specific provision aimed at ensuring that there is no overlap with the protection of investigation records in Annex 13 is contained in Appendix 3, 1.2.

5.34.5 States shall take necessary measures, including the promotion of a positive safety culture, to encourage safety reporting through the systems referred to in 5.1-22.3 and 5.1-32.4.

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

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

5.34.7 **Recommendation.**— *In support of the determination referred to in 5.34.3, States should institute and make use of appropriate advance arrangements between their authorities and State bodies entrusted with aviation safety and those entrusted with the administration of justice. Such arrangements should take into account the principles specified in Appendix 3.*

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

<i>Origin:</i>	<i>Rationale:</i>
SMP/5	Renumbering to update references.

INITIAL PROPOSAL 35

5.4-5 Safety information sharing and exchange

Note.— Sharing refers to giving, while exchange refers to giving and receiving in return. Guidance related to the sharing and exchange of safety information is contained in the Safety Management Manual (Doc 9859).

5.4-5.1 If a State, in the analysis of the information contained in its SDCPS, identifies safety matters considered to be of interest to other States, that State shall forward such safety information to them as soon as possible. Prior to sharing such information, States shall agree on the level of protection and conditions on which safety information will be shared. The level of protection and conditions shall be in line with Appendix 3.

5.4-5.2 States shall ~~promote~~-facilitate the establishment of means for timely safety information sharing or exchange networks among users of the aviation system to promote collaboration within the aviation community, and facilitate the sharing and exchange of safety information, unless national law provides otherwise provided that the proper measures are taken to ensure that safety information is only used for maintaining and improving safety.

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

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~~ Safety Intelligence Manual (Doc ~~10004~~10159).

<i>Origin:</i>	<i>Rationale:</i>
SMP/5	<p>Replacing “promote” with “facilitate” strengthens the responsibility of the State in creating an environment for the sharing and exchange of safety information. The term “networks” typically refers to limited platforms like forums and group meetings. To clarify on the scope of sharing and exchange, the term “network” is replaced with “means” and the new note is introduced.</p> <p>The phrase “unless national law provides otherwise” has been replaced with a protection condition to align with the provisions in renumbered 5.4.</p> <p>The Code of Conduct was removed from the last edition of the GASP. It can currently be found on the Safety Management Implementation (SMI) website, but will be included in the <i>Safety Intelligence Manual</i> (Doc 10159).</p>

INITIAL PROPOSAL 36

5.5.3 Recommendation.— *States should promote the sharing and exchange of relevant safety information and safety intelligence amongst service providers, provided that the proper measures are taken to ensure that safety information and safety intelligence are only used for maintaining and improving safety.*

<i>Origin:</i>	<i>Rationale:</i>
SMP/5	<p>Recognizing that the sharing and exchange of relevant safety information and safety intelligence among service providers cannot be mandated, the promotion of these activities is introduced as a recommendation. A caveat on protection conditions is added to align with the provisions in 5.4.</p>

APPENDIX 1. STATE SAFETY OVERSIGHT (SSO) SYSTEM CRITICAL ELEMENTS (CEs)

(See Chapter 3)

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

Note 2.— The term “relevant authorities or agencies” is used in a generic sense to include all authorities with aviation safety management and oversight responsibility which may be established by States as separate entities, such as: Civil Aviation Authorities, Airport Authorities, ATS Authorities, Accident Investigation Authority, and Meteorological Authority.

Note 3.— The SSO system CEs are applied, as appropriate, to authorities performing safety oversight functions as well as authorities performing investigation of accidents and incidents or other State safety management activities.

Note 4.— See Appendix 5 to Annex 6, Part I, and Appendix 1 to Annex 6, Part III, for provisions specific to the safety oversight of air operators.

INITIAL PROPOSAL 37

1. Primary aviation legislation (CE-1)

1.1 States 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 State.

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

<i>Origin:</i>	<i>Rationale:</i>
SMP/5	A comprehensive and effective aviation law that is consistent with the requirements contained in the <i>Convention on International Civil Aviation</i> is not necessarily “commensurate with size and complexity” of the State’s aviation activity. The phrase “commensurate with size and complexity” introduced challenges around the concept of scalability rather than provide flexibility in SSP implementation. To alleviate the challenges introduced by this phrase and to ensure consistency across Annex 19 provisions, it is proposed to delete the phrase from CE-1.

2. Specific operating regulations (CE-2)

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

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

3. State system and functions (CE-3)

3.1 States shall establish relevant authorities or agencies, as appropriate, supported by sufficient and qualified personnel and provided with adequate financial resources for the management of safety.

3.2 States authorities or agencies shall have stated safety functions and objectives to fulfil their safety management responsibility.

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

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

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

INITIAL PROPOSAL 38

3.5 **Recommendation.**— *States should 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 their State.~~*

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

<i>Origin:</i>	<i>Rationale:</i>
SMP/5	Following the proposed deletion of the phrase from Chapter 3 of Annex 19 (see IP 4), it is proposed to delete references to size and complexity in Appendix 1, 3.5 RP to ensure consistency. The deletion of the phrase is proposed as it did not achieve its objective of introducing flexibility into SSP implementation, but rather gave rise to challenges in understanding the notion of scalability and how it relates to SSP implementation. The deletion further decouples the recommendation for States to use a methodology in determining staffing requirements which is outlined in this provision, from a possible implementation method of considering size and complexity of the aviation activities in the State.

4. Qualified technical personnel (CE-4)

4.1 States 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 States shall implement a system for the maintenance of training records for technical personnel.

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

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

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

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

States 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 or approval to conduct the relevant aviation activity.

7. Surveillance obligations (CE-7)

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

8. Resolution of safety issues (CE-8)

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

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

INITIAL PROPOSAL 39

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

(See Chapter 4, 4.1.1)

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

Note 2.— The service provider's interfaces with other organizations can make a significant contribution to the safety of its products or services. Guidance on interface management as it relates to SMS is provided in the Safety Management Manual (~~SMM~~) (Doc 9859).

Note 3.— In the context of this appendix as it relates to service providers, an “accountability” refers to an “obligation” that may not be delegated, and “responsibilities” refers to functions and activities that may be delegated.

INITIAL PROPOSAL 40

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

1. Safety policy, ~~and~~ objectives ~~and~~ resources
 - 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 ~~and~~ monitoring
 - 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~~ and resources

1.1 Management commitment

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

- a) reflect 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~~ and measurement and monitoring 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.

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

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

<i>Origin:</i>	<i>Rationale:</i>
SMP/5	<p>To align with Standard 1.1.1 b), “resources” is reflected in the title for Component 1 of the SMS. To align with 3.4.2 in Chapter 3 (Initial Proposal 13) and Appendix 2, 3.1 (Initial proposal 45), an editorial change has been made to 1.1.2 a).</p> <p>The new Recommendation 1.1.3 builds a link between an SSP and an SMS, while States have a choice to implement the provision or not. It also allows flexibility for service providers to establish the safety objectives deemed pertinent to their organizations, and at the same time, indicates that the State's safety objectives signal priorities for the aviation system and, therefore, should be considered by service providers. Furthermore, the proposed provision at the level of a recommended practice is also consistent with the other safety performance-related provisions connecting the State and the service provider, for example 3.4.2.2 in Initial Proposal 14.</p>

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.

INITIAL PROPOSAL 41

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.~~ Guidance is contained in the Safety Management Manual (Doc 9859).

<i>Origin:</i> SMP/5	<i>Rationale:</i> Size and complexity considerations were used in Annex 19 to introduce flexibility in SMS implementation. However, the way in which these terms were used led to various interpretations of scalability, including the expectation that SMS can be scaled or that framework elements can be implemented selectively. To address these challenges, the phrase “commensurate with size and complexity” is removed from Chapter 4 (see IP 19). Likewise, it is proposed to remove mentions of size and complexity from the Note to Appendix 2, 1.3 to ensure consistency in SMS-related provisions. Reference to the SMM has been added where guidance on the role of a safety manager is contained.
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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.

INITIAL PROPOSAL 42

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 ~~and resources~~;
- b) SMS requirements;
- c) SMS processes and procedures; and
- d) accountability, responsibilities and authorities for SMS processes and procedures.

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

Note.— ~~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.~~

<i>Origin:</i> SMP/5	<i>Rationale:</i> Added “and resources” to 1.5.1 a) to align with changes made to SMS Component 1. It is proposed to delete references to size and complexity from the note to ensure consistency across SMS-related provisions. This follows the proposed deletion of the phrase “commensurate with size and complexity” from Annex 19 provisions which addresses the challenges related to scalability raised by the use of the phrase (see IP 9).
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INITIAL PROPOSAL 43

2. Safety risk management

2.1 Hazard identification

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

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

<i>Origin:</i>	<i>Rationale:</i>
SMP/5	<p>While Annex 19, Appendix 2 includes a note to highlight the importance of interface management, there is a need to put a stronger emphasis on this aspect to improve the effectiveness of safety risk management.</p> <p>It has been observed that service providers are often overlooking risks arising from their interfaces with other organizations. Managing risks at interfaces is critical to ensure effective safety risk management. Incorporating interfaces into the existing standard highlights to service providers that they need to take into consideration the hazards related to their interfaces in their hazard identification process and therefore in the whole risk management process. Service providers are already expected to do so but it was not clearly understood. The intent of this amendment is to make it clear that hazards at interfaces must be included in the hazard identification process.</p>

INITIAL PROPOSAL 44

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 1.— ~~The process may include predictive methods of safety data analysis.~~ Proactive and predictive methods may be used to support safety risk assessment. Additional guidance on proactive and predictive safety data analysis methods can be found in the Safety Management Manual (Doc 9859).

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

<i>Origin:</i> SMP/5	<i>Rationale:</i> Note 1 is a proposed improvement to the existing note and aims to reinforce the types of methods for analysis of safety data and safety information to support safety risk assessments. It also points to the SMM for additional guidance. Risk management in aviation is often conducted from an individual domain, which can result in a limited view of the collective risk under analysis. The individual assessment can also pose additional risks, as mitigations can produce unintended consequences. For example, the ban on the carriage of portable electronic devices in the passenger cabin imposed by some States to address a security threat created a risk of fire in the cargo hold for which the fire suppression system could not contain. Conversely, an example of a safety risk mitigation measure creating a potential security vulnerability would be caused by a requirement for screening for lithium batteries in hold baggage that are not permitted for safety reasons. This would detract the attention of screeners away from the detection of explosives and more towards the detection of lithium batteries, since the frequency of these items in passenger baggage is higher than the presence of explosives. The proposed Note 2 aims to create awareness of the impact risk mitigation measures implemented from one domain (e.g. safety) can have on another (e.g. security). Guidance to support States on this task will be developed by the Integrated Risk Management Study Group (IRM SG).
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INITIAL PROPOSAL 45

3. Safety assurance

3.1 Safety performance ~~monitoring and measurement~~ and monitoring

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.~~

The service provider shall establish means to:

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

Note.— ~~Guidance on the use of quantitative and qualitative means and the establishment of safety performance indicators for safety performance measurement and monitoring, as well as supporting processes, is contained in the Safety Management Manual (Doc 9859).~~

<i>Origin:</i>	<i>Rationale:</i>
SMP/5	This proposal consolidates the original provisions under Appendix 2, 3.1 into a standard and a new note, and also aligns them with the other safety performance management-related provisions in the Annex. As the use of SPTs is optional and may be counter-productive or drive undesirable behaviour, the reference to SPTs has been removed from the Standard.

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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INITIAL PROPOSAL 46

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

(See Chapter 5, 5.34)

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

Note 2.— In view of their different legal systems, States have the flexibility to draft their laws and regulations in accordance with their policies and practices.

Note 3.— The principles contained in this appendix are aimed at assisting States to enact and adopt national laws, regulations and policies to protect safety data and safety information gathered from their 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.

<i>Origin:</i>	<i>Rationale:</i>
SMP/5	To align with changes made to the term SDCPS in Chapter 5 (see IP 26).

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

1. General principles

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

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

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

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

2. Principles of protection

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

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

unless a principle of exception applies.

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

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

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

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

3. Principles of exception

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

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

and international impact such release is likely to have on the future collection and availability of safety data and safety information; or

- c) after reviewing the safety data or safety information, determines that its release is necessary for maintaining or improving safety, and that the benefits of its release outweigh the adverse domestic and international impact such release is likely to have on the future collection and availability of safety data and safety information.

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

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

4. Public disclosure

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

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

4.2 Where disclosure is made in accordance with section 3, States 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

States 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 appendix.

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 Annex 13 are contained therein. Provisions on the protection of flight recorder recordings during normal operations are contained in Annex 6.

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

6.2 States shall, through national laws and regulations, treat ambient workplace recordings required by national laws and regulations as privileged protected data subject to the principles of protection and exception as provided for in this appendix.

ATTACHMENT C to State letter AN 8/3-23/18

PROPOSED CONSEQUENTIAL AMENDMENT TO ANNEX 1

NOTES ON THE PRESENTATION OF THE PROPOSED AMENDMENT

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

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text to be deleted

New text to be inserted is highlighted with grey shading.

new text to be inserted

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

new text to replace existing text

TEXT OF PROPOSED AMENDMENT TO

**INTERNATIONAL STANDARDS
AND RECOMMENDED PRACTICES**

PERSONNEL LICENSING

ANNEX 1

TO THE CONVENTION ON INTERNATIONAL CIVIL AVIATION

INITIAL PROPOSAL 47

...

**CHAPTER 1. DEFINITIONS AND GENERAL RULES
CONCERNING LICENCES**

...

State safety programme (SSP). An integrated set of laws, regulations, policies, objectives, processes and activities aimed at proactively ~~improving~~ managing safety.

<i>Origin:</i>	<i>Rationale:</i>
SMP/5	The definition has been updated to include important aspects of a State safety programme and highlight that the purpose of an SSP is to support the State in proactively managing safety. The current definition implies the purpose of an SSP is limited to regulations and activities, which is not in alignment with the intent described in the Foreword. The term “managing” replaces “improving” as it is broader and serves a variety of circumstances.

...

ATTACHMENT D to State letter AN 8/3-23/18

**PROPOSED CONSEQUENTIAL AMENDMENTS
TO ANNEX 6, PARTS I AND III**

NOTES ON THE PRESENTATION OF THE PROPOSED AMENDMENT

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

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text to be deleted

New text to be inserted is highlighted with grey shading.

new text to be inserted

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

new text to replace existing text

TEXT OF PROPOSED AMENDMENT TO

**INTERNATIONAL STANDARDS
AND RECOMMENDED PRACTICES**

OPERATION OF AIRCRAFT

ANNEX 6

TO THE CONVENTION ON INTERNATIONAL CIVIL AVIATION

**PART I
INTERNATIONAL COMMERCIAL AIR TRANSPORT —
AEROPLANES**

INITIAL PROPOSAL 48

APPENDIX 5. SAFETY OVERSIGHT OF AIR OPERATORS

(Chapter 4, 4.2.1.8, refers)

Note 1.— Appendix 1 to Annex 19 contains the general provisions for a State safety oversight system.

Note 2.— This Appendix provides additional provisions for the safety oversight of international commercial air transport operators.

1. PRIMARY AVIATION LEGISLATION

The State of the Operator shall enact and implement laws that enable the State to regulate the certification and continued ~~supervision~~ **surveillance** of air operators and the resolution of safety issues identified by the authority ~~and to ensure that compliance will result in an acceptable level of safety performance for the operations undertaken.~~

Note 1.— The term authority as used in this Appendix refers to the Civil Aviation Authority as well as equivalent organizations, including inspectors and staff.

Note 2.— Guidance on the inspection, certification and continued surveillance of operations is contained in the Manual of Procedures for Operations Inspection, Certification and Continued Surveillance (Doc 8335) and the Airworthiness Manual (Doc 9760).

...

<i>Origin:</i>	<i>Rationale:</i>
SMP/5	This change is proposed to ensure the alignment of Annex 6 with the proposed Annex 19 Amendment 2, related to acceptable level of safety performance, and for consistency with 4.2.1.8 that refers to this appendix, the title of Doc 8335 that appears in Note 2 and also item 7 of this appendix.

TEXT OF PROPOSED AMENDMENT TO

**INTERNATIONAL STANDARDS
AND RECOMMENDED PRACTICES**

OPERATION OF AIRCRAFT

ANNEX 6

TO THE CONVENTION ON INTERNATIONAL CIVIL AVIATION

PART III

INTERNATIONAL OPERATIONS — HELICOPTERS

INITIAL PROPOSAL 49

APPENDIX 1. SAFETY OVERSIGHT OF AIR OPERATORS

(Section II, Chapter 2, 2.2.1.8, refers)

Note 1. — Appendix 1 to Annex 19 contains the general provisions for a State safety oversight system.

Note 2. — This Appendix provides additional provisions for the safety oversight of international commercial air transport operators.

1. PRIMARY AVIATION LEGISLATION

The State of the Operator shall enact and implement laws that enable the State to regulate the certification and continued ~~supervision-surveillance~~ of air operators, and the resolution of safety issues identified by the authority, ~~and to ensure that compliance will result in an acceptable level of safety performance for the operations undertaken.~~

Note 1.— The term authority as used in this Appendix, refers to the Civil Aviation Authority as well as equivalent organizations, including inspectors and staff.

Note 2.— Guidance on the inspection, certification and continued surveillance of operations is contained in the Manual of Procedures for Operations Inspection, Certification and Continued Surveillance (Doc 8335) and the Airworthiness Manual (Doc 9760).

...

<i>Origin:</i>	<i>Rationale:</i>
SMP/5	This change is proposed to ensure the alignment of Annex 6 with the proposed Annex 19 Amendment 2, related to acceptable level of safety performance, and for consistency with 2.2.1.8 that refers to this appendix, the title of Doc 8335 that appears in Note 2, and also item 7 of this appendix.

ATTACHMENT E to State letter AN 8/3-23/18

PROPOSED CONSEQUENTIAL AMENDMENTS TO ANNEX 13

NOTES ON THE PRESENTATION OF THE PROPOSED AMENDMENT

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

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

text to be deleted

New text to be inserted is highlighted with grey shading.

new text to be inserted

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

new text to replace existing text

TEXT OF PROPOSED AMENDMENT TO
INTERNATIONAL STANDARDS
AND RECOMMENDED PRACTICES
AIRCRAFT ACCIDENT AND INCIDENT INVESTIGATION
ANNEX 13
TO THE CONVENTION ON INTERNATIONAL CIVIL AVIATION

INITIAL PROPOSAL 50

...

CHAPTER 1. DEFINITIONS

...

State safety programme (SSP). An integrated set of laws, regulations, policies, objectives, processes and activities aimed at proactively ~~improving~~ managing safety.

<i>Origin:</i>	<i>Rationale:</i>
SMP/5	The definition has been updated to include important aspects of a State safety programme and highlight that the purpose of an SSP is to support the State in proactively managing safety. The current definition implies the purpose of an SSP is limited to regulations and activities, which is not in alignment with the intent described in the Foreword. The term “managing” replaces “improving” as it is broader and serves a variety of circumstances.

...

CHAPTER 8. ACCIDENT PREVENTION MEASURES

...

8.2 Recommendation.— *State authorities responsible for the implementation of the SSP should have access to the accident and incident database referenced in 8.1 to support their safety responsibilities.*

Note.— ~~Safety data and safety information in A an accident and incident database contribute to the safety data collection and processing system (SDCPS) of a State may be included in a safety database, which may refer to a single or multiple database(s). Further provisions on SDCPS a safety database are contained in Annex 19 — Safety Management and. Additional guidance is also included in the Safety Management Manual (Doc 9859).~~

<i>Origin:</i>	<i>Rationale:</i>
SMP/5	This change is proposed to ensure the alignment of Annex 13 to ensure consistency with 5.2.1 and 5.2.5 in Amendment 2 to Annex 19.

...

ATTACHMENT F to State letter AN 8/3-23/18

RESPONSE FORM TO BE COMPLETED AND RETURNED TO ICAO TOGETHER WITH ANY COMMENTS YOU MAY HAVE ON THE PROPOSED AMENDMENTS

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

(State) _____

Please make a checkmark (✓) against one option for each amendment. If you choose options “agreement with comments” or “disagreement with comments”, **please provide your comments on separate sheets.**

	<i>Agreement without comments</i>	<i>Agreement with comments*</i>	<i>Disagreement without comments</i>	<i>Disagreement with comments</i>	<i>No position</i>
Amendment to Annex 19 – Safety Management (Attachment B refers)					
Amendment to Annex 1 — <i>Personnel</i> (Attachment C refers)					
Amendment to Annex 6 — <i>Operation of Aircraft, Part I — International Commercial Air Transport — Aeroplanes</i> (Attachment D refers)					
Amendment to Annex 6 — <i>Operation of Aircraft, Part III — International Operations — Helicopters</i> (Attachment D refers)					
Amendment to Annex 13 — <i>Aircraft Accident and Incident Investigation</i> (Attachment E refers)					

*“Agreement with comments” indicates that your State or organization agrees with the intent and overall thrust of the amendment proposal; the comments themselves may include, as necessary, your reservations concerning certain parts of the proposal and/or offer an alternative proposal in this regard.

Signature: _____ Date: _____

— END —