

ශ්‍රී ලංකා ප්‍රජාතාන්ත්‍රික සමාජවාදී ජනරජයේ ගැසට් පත්‍රය

අති විශේෂ

The Gazette of the Democratic Socialist Republic of Sri Lanka

EXTRAORDINARY

අංක 2065/38 - 2018 අප්‍රේල් මස 05 වැනි බ්‍රහස්පතින්දා - 2018.04.05

No. 2065/38 - THURSDAY, APRIL 05, 2018

(Published by Authority)

PART I : SECTION (I) — GENERAL

Government Notifications

L. D. B. 6/2017

CIVIL AVIATION ACT, No. 14 OF 2010

REGULATIONS made by the Minister of Civil Aviation under Section 117(2)(i) read with Sections 11(1)(b), 17(2) and 31(d), (e), (f), (g) and (h) of the Civil Aviation Act, No. 14 of 2010.

NIMAL SIRIPALA DE SILVA,
Minister of Transport and Civil Aviation.

Colombo,
02nd April, 2018.

Regulations

1. These Regulations may be cited as Civil Aviation Safety Management Regulations No. of 2018.

STATE SAFETY PROGRAMME

2. (1) The Authority shall, for the purpose of safe operation of aircrafts, establish and maintain a State Safety Programme (hereinafter referred to as the “SSP”) in accordance with Standards of the International Civil Aviation Organization (hereinafter referred to as the “ICAO”)

(2) The Authority shall specify the requirements in accordance with and circumstances in which a licensed Service Provider with a Safety Management System (hereinafter referred to as the ‘SMS’) is permitted to carry out their functions and duties under the SSP.

(3) The Authority shall specify operating regulations relating to SSP.

(4) The Director General of Civil Aviation (hereinafter referred to as the Director General) shall have the power to implement and oversee-



- (a) the State Safety Policy, Objectives and Resources ;
- (b) the State Safety Risk Management ;
- (c) the State Safety Assurance ; and
- (d) the State Safety Promotion.

and issue directives to a licensed Service Provider in respect of the above, as set out in the Schedule I hereto for the purpose of implementing the SSP.

SAFETY MANAGEMENT SYSTEM OF A SERVICE PROVIDER

3. The Director General, for the purpose of giving effect to the SSP and ensuring the compliance of a Service Provider therewith, shall -

- (a) require a Service Provider to establish and maintain a Safety Management System ; and
- (b) monitor and inspect operations of the SMS periodically.

4. SMS shall -

- (a) correspond with the size of such Service Provider and the complexity of its aviation products or services ;
- (b) cater for the type of service or operations to be provided or carried out ;
- (c) include an implementation plan ; and
- (d) be in conformity with the requirements set out by the ICAO or by the requirements set out in the *Annex 19* to the Convention.

5. The Director General may provide guidelines and manuals for implementing standards for the effective implementation of the SSP.

DATA COLLECTION AND PROCESSING SYSTEM

6. (1) The Authority shall establish and maintain a safety Data Collection and Processing Systems (SDCPS) of the SSP to capture, store and collect safety data and safety information with a view to analysing the same.

(2) The Director General shall specify the requirements and procedure for the implementation of the SDCPS as set out in Schedule II hereto.

INTERPRETATION

7. For the purposes of these Regulations -

“Authority” means the Civil Aviation Authority of Sri Lanka established by the Civil Aviation Authority of Sri Lanka Act, No. 34 of 2002 ;

“Service Provider” means a Service Provider appointed under Section 6 of the Civil Aviation Act, No. 14 of 2010 and includes any licensed entity engaged in the implementation of a SMS ;

“Standards” means Standards adopted by the Council of the International Civil Aviation Organization under Article 37 of the Convention on International Civil Aviation and to which Sri Lanka has not filed a difference under Article 38 of the Convention and the recommended practices adopted by the Council of the International Civil Aviation Organization under Article 37 of the Convention which is duly implemented and enforced in Sri Lanka.

8. The Civil Aviation Safety Management Regulations, No. 01 of 2014 published in *Gazette Extraordinary* No. 1882/49 of 3rd October, 2014 are hereby rescinded, without prejudice to anything done thereunder

SCHEDULE I

STATE SAFETY RISK MANAGEMENT

LICENSING, CERTIFICATION, AUTHORIZATION AND APPROVAL OBLIGATIONS

A1. The Director General shall satisfy himself that the licensing, certification, authorization and approval obligations in respect of the entities are met in accordance with the applicable provisions in the *Annex - 19* relating to :-

- a. training organizations approved in accordance with *Annex I* to the Convention ;
- 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, to the Convention respectively ;

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

- c. Approved maintenance organizations providing services to operators of aeroplanes or helicopters engaged in international commercial air transport, in accordance Annex 6, Part I or Part III, section II, respectively ;
- d. Organizations responsible for the type design or manufacture of aircraft, engines or propellers in accordance with Annex 8 ;
- e. Air Traffic Services (ATS) providers in accordance with Annex II ; and
- f. Operators of certified aerodromes in accordance with Annex 14, Volume I.

A2. The Director General shall ensure that safety performance indicators and targets established by service providers and operators are acceptable to the Director General.

A3. When Sri Lanka is the State of Registry, the Director General shall establish criteria for international general aviation operators of large or turbojet aeroplanes in accordance with Annex 6, Part II, section 3, to implement a SMS.

A4. The criteria established in respect of aircraft registered in Sri Lanka shall address the SMS framework and elements contained in the Implementing Standards to be published by the Director General.

Note :- Guidance establishing the criteria to implement a SMS for international general aviation operators is contained in the Safety Management Manual.

Accident and incident investigation

There shall be established a process to investigate accidents and incidents in accordance with Annex 13 to the Convention in support of the safety management in Sri Lanka.

Hazard identification and safety risk assessment

- B1. The Director General shall establish and maintain a process to identify hazards from collected safety data, as advocated by ICAO.
- B2. The Director General shall develop and maintain a process that ensure the assessment of safety risks associated with identified hazards.

Management of Safety Risks

The Director General shall establish mechanism for the resolution of safety issues in accordance with relevant provisions in the Annex - 19

The Director General shall develop and maintain a process to manage safety risks.

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

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

STATE SAFETY ASSURANCE

Surveillance obligations

- C1 : The Director General shall satisfy himself that the surveillance obligations are met in accordance with relevant provisions in the Annex - 19 as to the performance of the entities referred to in paragraph A 1.

Note : The surveillance over the entities referred to in Paragraph A1 takes into consideration the safety performance as well as the size and complexity if its aviation products or services.

- C2: The Director General shall establish procedures to prioritize inspections, audits and surveys in those areas where greater safety concern or need is required.

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

- C3: The Director General shall periodically review the safety performance of an entity referred to in paragraph A1.

State Safety Performance

- D1. The Director General shall establish an Acceptable Level of Safety Performance to be achieved through the SSP.

Note : An Acceptable Level of Safety Performance for Sri Lanka can be achieved by 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.

D2. The Director General shall develop and maintain a process to evaluate the effectiveness of actions taken to manage safety risks and resolve safety issues.

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

D3. The Director General shall evaluate the effectiveness of the individual SMS to maintain or continuously improve the individual SMS overall level of safety performance.

STATE SAFETY PROMOTION

Internal communication and dissemination of safety information.

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

External communication and dissemination of safety information.

The Director General shall promote safety awareness and the sharing and exchange of safety information with the aviation community to foster the maintenance and improvement of safety and to support the development of a positive safety culture.

Note : Promoting safety awareness could include indentifying accessible safety training for the aviation community.

For the purposes of this Regulation -

“Annex - 1” means the current edition of the Annex - 1 on Personnel Licencing, to the Convention.

“Annex - 6 ” means the current edition of the Annex - 6 on Operation of Aircraft, to the Convention.

“Annex - 8” means the current edition of the Annex - 8 on Airworthiness of Aircraft, to the Convention.

“Annex - 14” means the current edition of the Annex - 14 on Aerodromes, to the Convention.

“Annex - 19” means the current edition of the Annex - 19 on Safety Management, to the Convention.

SCHEDULE II

Safety Data and Safety Information Collection, Anylysis, Protection, Sharing and Exchange

A. The Director General shall establish safety data collection and processing systems (hereinafter referred to as the “SDCPS”) to capture, store, aggregate and enable the analysis of safety data and safety information.

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

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

- e) self-disclosure reporting systems, including automatic data capture systems, as described in Annex 6, Part 1, Chapter 3, as well as manual data capture systems ;

Provided however, exchange or dissemination of such data or information are not prohibited under Annex 13.

Note 2 : The term “safety database” may refer to a single or multiple database.

Note 3 : 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 4 : 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 data and safety information from all sources.

- B. The Director General shall establish a mandatory safety reporting system that includes the reporting of incidents.
- C. The Director General shall establish a voluntary safety reporting system to collect safety data and safety information not captured by mandatory safety reporting systems.
- D. The Director General including the Sri Lanka Aircraft Accident Investigation Bureau shall have access to the SDCPS to support his safety responsibilities, in accordance with the principles in Annex - 19.
- E. The safety database should use standardized taxonomy to facilitate safety information sharing and exchange.

Note : Director General is encouraged to use an ADREP - compatible system.

Safety data and safety information analysis

The Director General shall establish and maintain a process to analyse the safety data and safety information from the SDCPS and associated safety databases.

Note 1 : The purpose of the safety data and safety information analysis performed by the Director General 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 2 : The process may include predictive methods of safety data analysis

Safety data and safety information protection.

- A1. The Authority shall accord protection to safety data captured by, and safety information derived from, voluntary safety reporting systems and related sources in accordance with Annex - 19.

Note : Sources include individuals and organization.

- A2. The Authority shall extend the protection referred to above to safety data captured by, and safety information derived from, mandatory safety reporting system and related sources.

Note : 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.

- A3. Safety data or safety information collected, stored or analyzed in accordance with A and B paragraphs for purposes other than maintaining or improving safety shall not be made available or used unless the competent authority determines that a principle of exception applies.
- A4. Notwithstanding paragraph C, the Director General shall not be prevented from taking, corrective or remedial action that is necessary to maintain or improve aviation safety.
- A5. The Director General shall take necessary measures, including the promotion of a positive safety culture, to encourage safety reporting through the systems referred to in paragraph B and C.
- A6. In support of the determination referred to in paragraph C, Authority should institute and make use of appropriate advance arrangements between the State entities entrusted with aviation safety and those entrusted with the administration of justice as stated in Annex - 19.

Safety information sharing and exchange.

- B1. If the Director General, in the analysis of the information contained in its SDCPS, identifies safety matters considered to be of interest to other States, the Director General shall forward such safety information to them as soon as possible only where the dissemination or such data and information are not prohibited under Annex 13. Prior to sharing such information, Director General and the respective State 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 Annex - 19.
- B2. The Director General shall promote the establishment of safety information sharing or exchange networks among users of the aviation system, and facilitate the sharing and exchange of safety and information, unless national law provides otherwise.

For the purposes of this Schedule -

“ADREP” means Accident or Incident Data Reporting ;

“Annex - 6” means the current edition of the Annex - 6 on Operation of Aircraft, to the Convention ;

“Annex - 13” means the current edition of the Annex - 13 on Aircraft Accident and Incident Investigation, to the Convention ;

“Annex - 19” means the current edition of the Annex - 19 on Safety Management, to the Convention ;

“PANS” means the Procedures for Air Navigation Services ; and

“SUPP” means the Regional Supplementary Procedures.

04-710