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# Austrian Aviation State Safety Programme

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Austrian Ministry for Transport, Innovation and Technology  
Section IV "Transport"  
Unit "Safety Management and Air Navigation Services"

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## Amendment Records

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Initial Issue	10.04.2014
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## Foreword

The safety of the aviation industry is paramount to its ability to maintain the confidence of the travelling public as it continues to grow and to connect people, communities and nations.

Austria supports the efforts of the International Civil Aviation Organization (ICAO) to establish Safety Programs for member States to better ensure effective integration of aviation safety standards and practices. This builds on the approach endorsed by ICAO to have air transport operators, airports, air navigation and maintenance service providers and other critical aviation operations establish comprehensive safety management systems to guide the management of the range of activities involved in ensuring safety.

Austria's State Safety Programme plays an important part in identifying, monitoring and maintaining the effectiveness of the various elements of the safety systems. The Programme identifies and describes current arrangements and outlines the steps necessary to continue to respond to safety challenges in the future.

## Overview

The Austrian Aviation State Safety Programme is a description of the various regulations and measures for maintaining and improving the safety of the Austrian civil aviation in compliance with the Annexes to the Chicago Convention and the regulations of the European Union.

The AASSP describes the implementation of safety management systems in Austria, the State monitoring and the respective roles and responsibilities. It also serves as an explanatory guideline aiming for safety improvement in Austria. The Austrian Aviation State Safety Programme also serves as a "direction finder" through the complex network of regulations and accountabilities with the objective of improving aviation safety in Austria.

The AASSP is, inter alia, based on the European Aviation Safety Programme (EASP), which focuses on European aviation safety and ICAO compliance. It comprises of the four components safety policy and objectives, safety risk management, safety assurance and safety promotion.

The Austrian Civil Aviation Authorities are committed to provide sufficient resources for the adoption, maintenance and development of the AASSP.

Abbreviations, which are used in this document, are summarised and explained in Appendix 5. For terms in German a translation is provided as well.

# 1 State Aviation Regulatory System

ICAO (International Civil Aviation Organisation) was founded in 1944. The Legal Basis is the Convention on International Civil Aviation (also known as Chicago Convention), signed on 7 December 1944 by 52 States. By 5 March 1947 the necessary 26th ratification was received. ICAO came into being on 4 April 1947. In October of the same year, ICAO became a specialised agency of the United Nations.

Austria joined the organisation in 1948<sup>1</sup>. Currently ICAO consists of 191 Member States. ICAO sets standards and regulations necessary for aviation safety, security, efficiency and regularity, as well as for aviation environmental protection. The implementation of the standards lies in the responsibility of the Member States. Therefore ICAO standards need to be transposed into the Austrian national legislation.

In the Republic of Austria, civil aviation is governed by national and European Union (EU) law. Where applicable, EU regulation supersedes national legislation and is directly applicable. The *Federal Constitution* of the State B-VG (*Bundes-Verfassungsgesetz*) grants the competence for regulation and oversight of civil aviation to the Federal Government.

Austria's primary aviation legislation is the *Aviation Act (Luftfahrtgesetz, LFG)*.

The civil aviation authorities in Austria are established based on the legal framework that rests on the following acts:

- a) the *Federal Act of Austrian Ministries BMG (Bundesministeriengesetz)* describes the organisation of the Federal Ministries, including the Austrian Ministry for Transport, Innovation and Technology – bmvit (Bundesministerium für Verkehr, Innovation und Technologie).
- b) the Aviation Act establishes competent Authorities directly within the bmvit as the superior civil aviation authority in Austria, performing supervision over Austro Control GmbH and the OeAeC. The bmvit is the only authority empowered to promulgate civil aviation regulations and to carry out certification and continuous oversight in the areas of aerodromes (AGA) and air navigation services (ANS). In the respect of shared military / civil aerodromes the responsibilities are shared between the bmvit and bmlvs (Bundesministerium für Landesverteidigung (MoD) und Sport).
- c) the *Federal Act of Austro Control GmbH ACGG (Austro Control GmbH Gesetz)* establishes Austro Control not only as a service provider for air navigation services (ANSP), but also as the State's authority for air operators, certification and surveillance of aircraft, aircraft maintenance and training organisations and personnel licensing (for the majority of civil aviation). The authority tasks are accordingly separated from service provision at organisational level and are internally referred to as ACG-Luftfahrtagentur (LFA).
- d) According to the *Regulation on the Delegation of Powers and Tasks to the Aero Club of Austria OeAeCVO (OeAeC-Zuständigkeitsverordnung)*, the Aero Club of Austria (OeAeC) is responsible for the certification and surveillance of light and recreational aviation as described in Paragraph 2.2.2.
- e) Responsibilities for tasks which are closely linked to regional aspects are discharged by the Heads of the Federal Provinces and the Heads of the Federal Districts. More details on the responsibilities of the authorities with regional responsibilities can be found in Paragraph 2.2.2 of this document.

The adoption of a new national act and the amendment of existing legislation follow the same process. A draft act or amendment is first developed by the bmvit, then submitted for review by the Council of Ministers and then approved by Parliament (in the Parliament, the draft act or amendment is first discussed in the Transportation Committee before its submission to the First Chamber and Second Chamber of Parliament). Following parliamentary approval, the act or amendment is signed by the President of the Republic and by the Chancellor before it is published in the Official Journal of National Acts.

The Aviation Act designates the Minister for Transport, Innovation and Technology as the sole authority for formulating regulations in all civil aviation fields. It also stipulates the respective authority responsible for certification, licensing and surveillance in each specific civil aviation field. As a general rule, Article 141 of the Aviation Act states that the authority

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<sup>1</sup> Austrian date of deposit of instrument of ratification or notification of adherence: 27 August 1948

which has delivered the initial licence, certificate or other approval to an individual or Organisation is also responsible for the continuous surveillance of said individual or Organisation.

The Aviation Act provides the inspectors of the Austrian authorities with all the necessary access and inspection powers. In terms of enforcement, the Aviation Act also grants the authorities, which issue the licence, certificate or other aviation document the power to suspend or revoke said document. In addition, Article 169 of the Aviation Act outlines the sanctions (i.e. financial penalties and/or imprisonment) for infringement of the applicable civil aviation legislation and regulations.

Within the Austrian Aviation System interfaces to other regulatory areas and authorities exist to enable a safe and effective operation:

With respect to Security the competences are shared between two Federal Ministries. Passenger and baggage security oversight are dealt with by the Austrian Ministry of Interior; access control to airports, air cargo and supplies lie in the responsibility of the Austrian Ministry of Transport, Innovation and Technology. These competences are defined in the aviation security law. The competences of private entities are specified in the National Security Programme, a national regulation issued by the Austrian Ministry of Interior. The Austrian Ministry for Transport, Innovation and Technology, Division of Civil Aviation assumes the representation of Austria towards the European Commission, the International Civil Aviation Organisation (ICAO) and the European Civil Aviation Conference (ECAC).

The regulation for marking of obstacles has a major impact on the building regulation (Bauordnung) which is in force for the whole Austrian territory.

The competence for marking of obstacles is shared between the Heads of Federal Provinces in respect of obstacles higher than 100 m or higher than 30 m if the object is built on a naturally or made soil survey, which protrudes more than 100 m from the surrounding landscape and the Austrian Ministry of Transport in respect of obstacles in nationally regulated civil limitation surfaces of civil aerodromes as well as the Ministry of Defense in respect of obstacles in nationally regulated military limitation surfaces of military aerodromes.

The radiation protection law is the basic body of laws to prevent exposure to radiation of flying personnel. The Austrian Ministry of Agriculture, Forestry, Environment and Water Management ("Lebensministerium") has the competency to execute the regulation concerning provisions for protecting flight crews against cosmic radiation. The Austrian Ministry for Transport, Innovation and Technology and Austro Control LFA support the execution of this regulation by monitoring the air operators.

Emission of carbon dioxide by aviation in Europe is regulated by Directive 2003/87/EC establishing a scheme for greenhouse gas emission allowance trading within the Community. In Austria the Austrian Ministry of Agriculture, Forestry, Environment and Water Management ("Lebensministerium") is responsible for reporting and verification. Aircraft noise at airports is regulated by directive 2002/30/EC on the establishment of rules and procedures with regard to the introduction of noise-related operating restrictions at Community airports. As this directive concerns airports with more than 50.000 movements per year, only Vienna International Airport (VIE) is affected. In 2005 a mediation process ended up in an agreement containing measures to mitigate aircraft noise at locations around VIE and thresholds for noise that are more restrictive than those contained in the regulative framework.

Under the Radiotelephony Act, anyone operating on published air traffic frequencies must hold a radiotelephony certificate.

These aviation personnel include pilots, flight navigators, flight engineers, and air traffic controllers who are also required to attain a language proficiency level equivalent to Level 4 in terms of speaking and understanding the language used for radiotelephony communications.

In addition, radiotelephony equipment (airborne and ground based) must receive a operational certificate by the responsible radiotelephony authority.

With respect to aircraft operations, EU Member States are required to deliver an operating licence and an Air Operator Certificate (AOC). Additional details regarding the granting of such approvals are outlined in the Aviation Act and in the Air Operator Certificate Regulation (AOCV). In particular, the Aviation Act authorises the bmvit to issue the operating licence and Austro Control LFA to issue the AOC.

The transport of dangerous goods by air is covered by the *Transport of Dangerous Goods Act* (*Gefahrgutbeförderungsgesetz* or *GGBG*).

The GGBG is a multi-modal act which governs the transport of dangerous goods by road, rail, inland waterways, sea, and air. Section 8 of this Act addresses specifically the transport of dangerous goods by air. The GGBG refers to *ICAO Annex 18 - The Safe Transport of Dangerous Goods by Air* and the *Technical Instructions for the Safe Transport of Dangerous Goods by Air (Doc 9284)* as the bases of the dangerous goods regulations. The GGBG thus puts directly into force many of the provisions of ICAO Annex 18 and the Technical Instructions; but in some cases, it is also supplemented by additional national provisions to ensure implementation of certain provisions of these ICAO documents.

In the field of airworthiness and maintenance of aircraft, the European Commission paved the way for a centralised EU system of air safety and environment regulations and for the establishment of EASA, which was launched in September 2003.

The areas currently covered by EU regulations are: approval of type certificates (TCs), supplemental type certificates (STCs), modifications and repairs; certificates of airworthiness, environmental certificates and special flight permits; approval of maintenance Organisations, approval of continuing airworthiness management organisations, maintenance training organisations, design organisations and production Organisations; licensing of maintenance engineers; and surveillance of airworthiness activities. EASA is also directly responsible for the approval of TCs, STCs, modifications and repairs as well as for the approval and oversight of design organisations.

National provisions on the registration of aircraft are laid down in the Aviation Act. Aircraft shall have a nationality mark and an individual identification mark, both assigned by Austro Control LFA and OeAeC.

With respect to ANS, Article 120(1) of the Aviation Act stipulates that Austro Control is the provider for ATS, MET, AIS and CNS services, is responsible for ASM, ATFM and procedure design in Austria and is subject to supervision by the bmvit in accordance with Article 120c. Under Article 135(1) of the Act, Austro Control LFA provides SAR services within Austria. The European SES legislation, the Aviation Act, the Austrian ANS Regulatory Framework (AASREF) and its respective directives form the legal basis for ANS provision and supervision in Austria.

With respect to aerodromes, the Aviation Act lays down provisions regarding the issuance of an aerodrome operating approval for the construction and operation of aerodromes in Austria. Aerodrome regulatory staff is entrusted to carry out safety oversight responsibilities under Article 141 of the Aviation Act.

The Accident Investigation Act UUG 2005 (*Unfalluntersuchungsgesetz*) governs the safety investigation of occurrences in aviation, which are not covered by the Regulation (EU) No 996/2010 and Regulation (EU) No 376/2014. A Federal Safety Investigation Authority (SIA) as the investigation authority for occurrences is established.

## 2 State Safety Policy and Objectives

### 2.1 State Safety Legislative Framework

#### 2.1.1 Primary Legislation

##### 2.1.1.1 National Legislation

Before passing a law there must be a proposal to initiate the legislative procedure. In most cases this proposal will be submitted by the federal government. Besides a legislative procedure can be initiated by the National Council, the Federal Council, a motion of 100.000 voters or by one sixth of the voters of three of the nine provinces.

A typical legislative process concerning a Federal Law is outlined:

Usually the need for legislative action will be identified by the Federal Ministries. The Federal Ministries usually employ experts with all the information and knowledge required to draft a legislative proposal. This proposal will be assessed by several stakeholders and institutions who are invited to give comments in order to have a broad assent for the following legislative process. After the completion of the assessment procedure the proposal has to be agreed by the Federal Government and handed over to the parliament. In the parliament the legislative powers are executed by the two chambers, the National Council in conjunction with the Federal Council. The National Council has primary responsibility for legislation. Several committees of the National Council are established to prepare effectively the proposals for the next step: the plenary session. In this session the debate and the voting, which are open to the public and the media, takes place. If the voting obtains the required majority the decision will be passed to the Federal Council. The Federal Council can invoke just a suspensive veto against legislation by the National Council. After the parliamentary process is completed the Federal President authenticates the constitutional enactment of a federal law. The Federal Chancellor countersigns this authentication and publishes the law in the Federal Law Gazette in the Internet ([www.ris.bka.gv.at](http://www.ris.bka.gv.at)). The law enters into force the following day or a different date if ordered in the respective law.

##### 2.1.1.2 EU-Legislation

With Austria's participation, the Council of the EU may enact legislation that is as binding on Austria as its own internal laws without having been enacted by the National Council. If an initiative of this nature is undertaken by the EU, and the subject matter would fall by law within the competence of the federal government, the National Council may issue an opinion to the responsible Federal Minister that is binding for the subject Minister in the negotiations and voting within the Council of the EU. Union law regulations are directly applicable in Austria, (almost) no implementing measures are necessary. Although in many cases national law determines competent authorities and provides for sanctions. Union law directives are binding as to the result to be achieved and must be transposed into national law.

#### 2.1.2 Subsidiary Legislation

According the "hierarchy of norms" below a Federal law an authority (e.g. a Federal Minister as the administrative body) can issue an ordinance. Ordinances specify a law. Proposals of ordinances usually run through an assessment procedure as described above. Ordinances have to be published in the Federal Law Gazette as well.

#### 2.1.3 Operating Regulations/ Requirements

The Federal Minister for Transport, Innovation and Technology may determine by ordinance that competent authorities may issue instructions within a defined scope. The relevant ordinance has to determine to what extent the relevant competent authority is entitled to issue such provisions in the way of directives, notices, safety instructions or guidance material for the enforcement of the national and EU law with regard to provisions on airworthiness, operation of aircraft, civil aviation personnel, training of civil aviation personnel and any other relevant area in aviation safety matters.

#### 2.1.4 Industry Guidance Material

Similar to Operating Regulations/Requirements described in Paragraph 2.1.3. an authority might also issue guidance material (Operational Information Letters, Airworthiness Directives, etc.)

## 2.1.5 Civil Aviation Authority Framework and Accountabilities

The general structure and the main responsibilities of the Austrian Civil Aviation authorities are described in Chapter 1 and in Paragraph 2.2.2.

## 2.1.6 Framework/ Regulations Review

In order to maintain a high level of safety the national legal framework is reviewed twice a year or when deemed necessary under the auspices of the Director General for Civil Aviation.

A Legal Strategic Advisory Group (LSAG) was established. This advisory group monitors the efficiency of the Austrian legal framework and shall identify necessary changes in the context of all national regulations; make proposals related to changes of the legal framework.

The advisory group members include the following:

- the Director General Civil Aviation
- the representatives nominated by the Civil Aviation Authorities

The advisory group members are proposed by the respective organisations.

Tasks and competences of the advisory group are as follows:

- Identification of necessary changes to the Austrian legal framework
- Developing proposals to the Austrian legal framework
- Strategic coordination
- Performance of a periodic review to ensure the continuing improvement of the Austrian legal framework
- Coordination as necessary with other bodies

The advisory group is chaired by the Director General Civil Aviation. The Chairman of the advisory group signs the documents enacted by the advisory group in accordance with its competences.

## 2.1.7 SSP Documentation & Records

A documentation system that ensures appropriate storage, archiving, protection and retrieval of all documents relating to SSP activities is in place for the development of the SSP Document (Extranet) and the GAP Analysis (iSTARS).

## 2.2 State Safety Responsibilities and Accountabilities

### 2.2.1 AASSP Development

In Austria the Director General Civil Aviation has been assigned by the deputy minister as the Accountable Executive for the AASSP, discharging the final responsibility for its development and implementation.

For this purpose a project headed by the Accountable Executive has been launched, involving all national stakeholders as shown in figure 1.

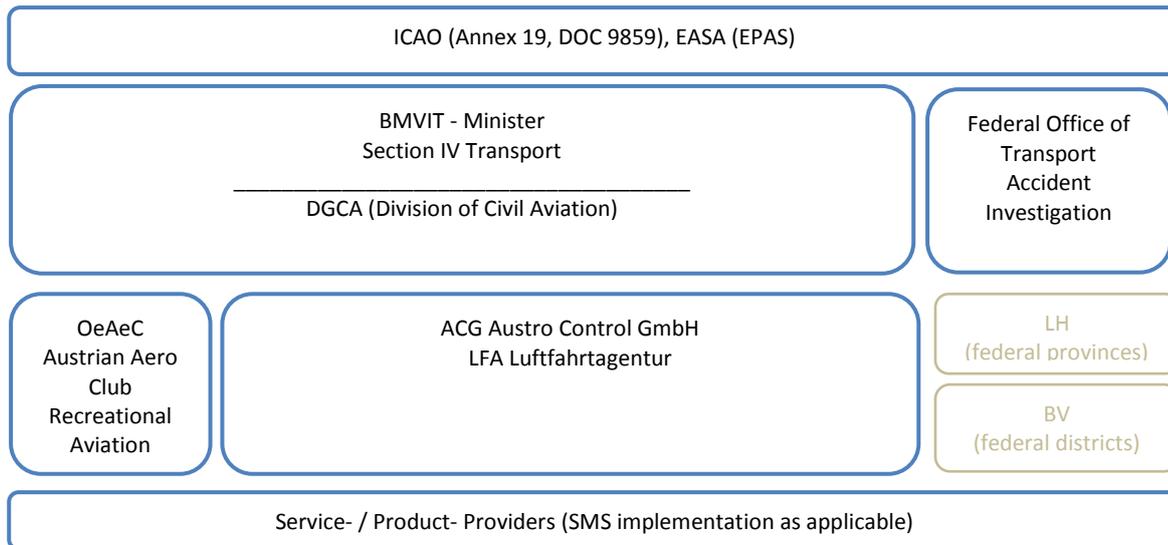


Figure 1 - aviation stakeholders within the Austrian Aviation SSP environment

The project development and implementation is coordinated by the bmvit department Safety Management and ANS (SMF). In addition, SMF is responsible for the representation in and implementation of deliverables of international safety fora (e.g. EASA EPAS). With the deliverable of version 1 of the Austrian Aviation State Safety Programme the project was finalised. However, the same project structure is also kept for the continuous development of the Austrian Aviation SSP in order to ensure consistency.

To consider both – thematic and organisational aspects – a matrix-structure was set up for the AASSP establishment and the further development. Each team-member represents an organisation within the Austrian Civil Aviation Authorities (see chapter 2.2.2) and is, at the same time, acting as an expert for a certain topic. Subgroups have been established along the lines of the SSP Framework defined in Attachment A of ICAO Annex 19 as follows:

- Safety Policy and Objectives
- 1-1 State safety legislative framework
- 1-2 State safety responsibilities and accountabilities
- 1-3 Accident and incident investigation
- 1-4 Enforcement policy
- 2 State Safety Risk Management
- 3 State Safety Assurance
- 4 State Safety Promotion
- SSP Management

## 2.2.2 AASSP Responsibilities & Resources

Responsibilities for civil aviation safety oversight in Austria are principally shared between the bmvit, Austro Control LFA and the Austrian Aero Club. The accident investigations are carried out by the Federal Office for Transport. Some tasks, which are closely linked to regional aspects, are carried out by the Heads of the Federal Provinces and the Heads of the Federal Districts.

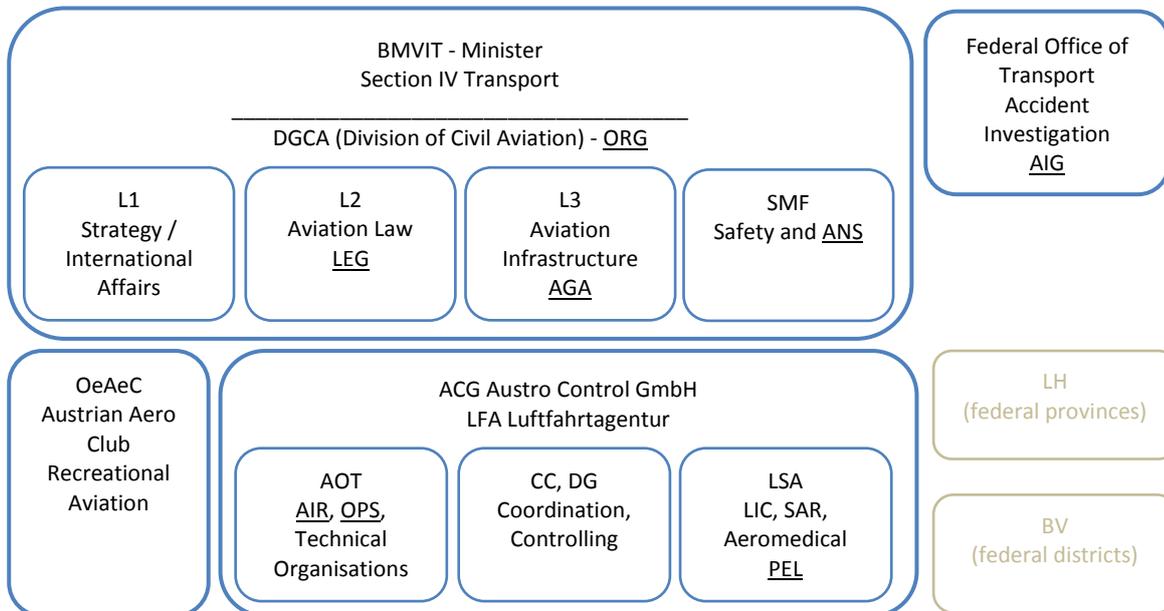


Figure 2 - Organisational Overview of the Austrian Civil Aviation Authorities

As the superior civil aviation authority in Austria, the bmvit performs supervision over Austro Control and the OeAeC. In addition to that the bmvit is also the only authority empowered to promulgate civil aviation regulations and to carry out certification and continuous oversight in the areas of aerodromes (AGA) and air navigation services (ANS).

Organisationally, the bmvit is divided in four Sections, with Section IV responsible for all transport areas including aviation.

Accident and incident investigation is carried out by the Federal Safety Investigation Authority (SIA), which is established in the Federal Office for Transport. The Federal Office for Transport is established under Section IV of the bmvit, as well (see Organisational Chart above).

The Division of Civil Aviation (DCA) of Austria is established under Section IV of the bmvit and acts as the regulatory authority on civil aviation matters. It is headed by the Director General Civil Aviation and has a specific department for Safety Management and Air Navigation Services together with three departments (see Organisational Chart above):

- Department "Safety Management and Air Navigation Services", in charge of the SSP, the USOAP Continuous Monitoring Approach, compliance management and standardisation, oversight over Austro Control LFA and the Austrian Aero Club, certification and oversight over air navigation service providers
- Department IV/L1, responsible for Strategy and international Affairs, negotiation of traffic rights, coordination with the bodies of the European Union and with ICAO, Economic Affairs, environmental protection, passenger rights and facilitation
- Department IV/L2, in charge of Legal Affairs, Rulemaking and Operating Licencees
- Department IV/L3, responsible for the certification and supervision of aerodromes and ground handling organisations, the approval of aviation obstacles, ground aids and the supervision of aviation Security

Austro Control GmbH, established under the ACGG, is a company with limited liability and fully owned by the Republic of Austria. It is an autonomous organisation under the supervision of the bmvit. Part of its activity is to perform licensing, certification and surveillance tasks in the areas of personnel licensing, aircraft operations, airworthiness of aircraft and

dangerous goods. Under a separate sub-structure, Austro Control is the service provider for Air Navigation Services in Austria.

The safety oversight responsibilities of the LFA are discharged by a supporting staff unit to the CEO and two departments within the Aviation Agency. These two departments each have three Divisions and a Supporting Staff Unit:

- a) Operations and Technical Department (AOT), in charge of airworthiness, technical organisations and aircraft operations
- b) Licensing Department (Licensing, Search and Rescue, Aeromedical Section or LSA), in charge of personnel licensing (for pilots, air traffic controllers and aircraft maintenance engineers) and the oversight of aviation training Organisations. LSA also has responsibilities related to the provision of SAR services and to the system for collecting and processing data of accidents, incidents and other safety occurrences in civil aviation within Austria.
- c) Supporting staff unit to the CEO (Dangerous Goods and Coordination Unit), in charge for safety oversight in the field of Dangerous Goods and for the coordination between LFA and DCA.

The Austrian Aero Club is performing licensing of pilots for microlight aircraft, sailplanes, balloons, hang- and paragliders and of parachutists, certification and surveillance of motorised hang- and paragliders including maintenance organisations for these aircraft and training organisations for above mentioned licenses, checks of airworthiness for sailplanes and microlight aircraft, register for sailplanes, balloons, microlight aircraft and motorised hang- and paragliders.

In contrast to the organisations described above (their scope of responsibility covers the whole territory of the Republic of Austria) the Heads of the Federal Provinces and the Heads of the Federal Districts only have responsibilities within their specific geographical area that is assigned to them. The tasks that the Aviation Act specifies are closely linked to regional aspects. Responsibilities of the Heads of the Federal Provinces are such as:

- Take-off and landing outside aerodromes
- Approvals for organisations that lease out aircraft
- Aviation events
- Approvals for flying tethered balloons, kites, etc.
- Approvals for dropping goods from aircraft

Responsibilities of the Heads of the Federal Districts are such as:

- Approval and certification of aerodromes other than international airports
- Enforcement and penalties
- Expropriation procedures for aviation purposes

### 2.2.3 Austrian SSP Steering Committee

The Austrian SSP Steering Committee (ASSC) was established by the Austrian Ministry of Transport, Innovation and Technology. The Committee shall monitor the implementation of the SSP; make proposals related to measures for elimination and/or mitigation of risks to Aviation Safety.

The Committee members shall include the following:

- a) the Director General Civil Aviation/Accountable Executive,
- b) the representatives nominated by the bmvit,
- c) three representatives nominated by LFA,
- d) a representative nominated by the Austrian Safety Investigation Body,
- e) a representative nominated by the Austrian Aeroclub,
- f) the State Safety Programme coordinator,
- g) two representatives of the aviation industry proposed by the Austrian Economic Chamber WKO,
- h) a representative proposed by the Air Navigation Service Provider,
- i) a representative of the Austrian Aerodromes

The tasks and competences of the Committee shall be as follows:

- Strategic coordination of the AASSP
- Periodic review of the Safety Policy Statement
- Coordination of the maintenance of the AASSP
- Assurance of the continuous monitoring of the State Safety Plan
- Periodic internal review to ensure the continuing improvement and effectiveness of the SSP
- Advice in the adequate reporting to the political level

The Committee shall be chaired by the Director General Civil Aviation/Accountable Executive who signs the documents by the Committee in accordance with her competences.

Rules of procedures shall be established by the Committee to the acceptance by the Director General Civil Aviation. The Steering Committee shall hold a meeting and submit a written report at least once a year.

### 2.2.4 State Safety Policy

One of the duties of the Republic of Austria is to create an environment in which the aviation sector can perform its activities at the highest possible safety level. The Austrian Ministry for Transport, Innovation and Technology is responsible, on behalf of the Austrian government, for developing and maintaining the State Safety Programme (SSP) in accordance with the requirements of the International Civil Aviation Organization (ICAO).

To illustrate the commitment that safety will always have the highest priority compared to commercial, operational, environmental or social interests Austria has established a State Safety Policy Statement (see Appendix 1) that is meant to define the basic principles to be followed by all parties involved in the Austrian aviation system .

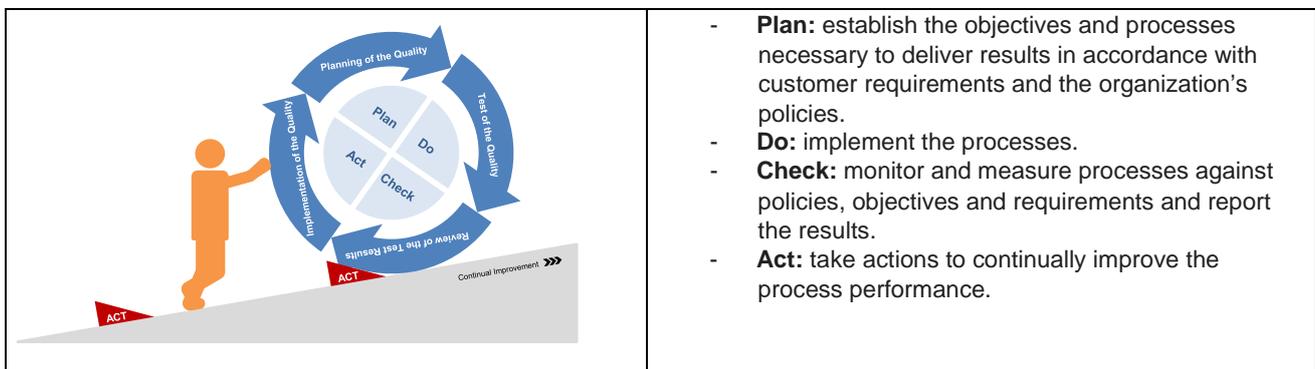
The State Safety Policy Statement will be regularly reviewed by the SSP Steering Committee. Whenever amendments are deemed to be beneficial the Committee shall make an adequate proposal.

## 2.2.5 State Acceptable Level of Safety Performance (ALoSP)

The acceptable level of safety performance (ALoSP) for Austria is achieved through the implementation and maintenance of safety performance indicators and targets as outlined in appendix 4 - State Safety Key Performance Indicators, ensuring that safety is effectively managed.

## 2.2.6 SSP Improvement/ Review

Based on legal and organisational or contextual changes, a regular review of the AASSP is essential to ensure compliance and consistency. In addition nationally gathered safety information should serve as one basis for the continuous improvement of the AASSP. A typical process to serve those needs is best described with the ISO 9001 PDCA Cycle (also known as Deming Cycle) as generally illustrated in figure 5.



### 2.2.6.1 Process approach:

As derived from a generic quality management perspective, the process based approach is suitable when developing, implementing and improving a safety management system.

Such an approach emphasises the importance of

- understanding and fulfilling the requirements,
- the need to consider processes and resources in terms of added value,
- obtaining results of process performance and effectiveness, and
- continual improvement of processes based on objective measurement.

Interested parties play a significant role in defining the needs and monitoring (feedback) is therefore a crucial element of a management review.

### 2.2.6.2 AASSP Review

The Accountable Executive shall ensure a regular review of the AASSP in order to ensure its continuing suitability, adequacy and effectiveness. This review shall include opportunities for improvement and the need for changes to the management system including the State Safety policy and the State Safety objectives. Records from management reviews shall be maintained. Amendments to the SSP document will be particularly necessary when organizational changes occur or in cases when the content of legal documents (national, European or ICAO Standards and Recommended Practices (SARPs)) is changed.

The input to the management review typically includes information on

- results of audits,
- process performance including key performance indicators (KPIs)
- status of preventive and corrective actions,

- follow-up actions from previous management reviews,
- changes that could affect the quality management system, and
- recommendations for improvement.

The output from the management review does typically include any decisions and actions related to management system and process improvements and resource needs.

### 2.2.7 Link between the GASP, the EASP and the Austrian SSP

The GASP (Global Aviation Safety Plan, ICAO) sets out a continuous improvement strategy for States to implement over the next 15 years through the establishment of core, and then more advanced, aviation safety systems. Broad objectives are formulated to address

- Implementation of an effective safety oversight system (by 2017)
- Full implementation of the ICAO State safety programme framework (by 2022) and
- Advanced safety oversight system including predictive risk management (by 2027)

The **Global Aviation Safety Plan (GASP)** has three main purposes to assist ICAO States and regions around the world in their air navigation safety policy, planning and implementation. Firstly, it sets out the global air navigation safety objectives including specific milestones and priorities to be addressed by State and regional aviation safety planners. Secondly, it provides a planning framework, timetable and guidance material for States and regions. Finally, it outlines implementation strategies and best practice guidance material to assist States and regions in their efforts to tailor State and regional solutions to address the global objectives and priorities. The framework is a familiar one to ICAO States, to make improvements in safety through the use of the four Safety Performance Enablers: standardization, collaboration, resources and safety information exchange. The full implementation of a SSP is a central element toward reaching those objectives [GASP 2014-2016, ICAO].

In December 2015 the EC communicated the **European Aviation Safety Programme (EASP, 2<sup>nd</sup> edition)**, adding a proactive element to the current EU aviation safety system. The EASP describes the process to update and develop **EPAS (European Plan for Aviation Safety)**, giving safety planning a regional (European) dimension.

The EPAS is detailing the progress made in addressing the identified safety risks at EU level. It involves all the stakeholders in the EU aviation system. This process ensures that the MS, the industry and the Agency act on safety risks proactively, systematically and globally. EPAS takes into consideration the objectives and global accident categories identified in GASP. The GASP objectives are addressed in a section of EPAS.

Safety risks at global and EU level as well as risks identified within the Austrian risk management process are addressed within the Austrian Plan for Aviation Safety (APAS). Experts of various domains are requested on a regular basis to carry out an assessment on the EPAS proposed actions for member states. The assessment is based on a form that includes inter alia the proposed mitigation action, the risk assessment in the national context, the proposal for a more detailed action catalogue and a resources estimation. The results are collected centrally and are discussed in within the ASSC to draw conclusion on safety measures to be implemented in Austria to the acceptance of the DGCA. The result forms the basis of the Austrian Plan for Aviation Safety (APAS).

## 2.3 Austrian Strategic Safety Objectives

The Austrian Safety Policy is presented on the highest possible level as regards the constitutional responsibilities within the State, indicating the high commitment to aviation safety. Moreover it is presented in such a detailed manner that allows specific interpretation already along the lines of strategic safety objectives.

However, the following strategic safety objectives are formulated by the Accountable Executive in order to clarify and derive in more detail some statements of the Austrian Safety Policy.

- The Accountable Executive fully recognises the State Safety Policy as promoted by the Minister of Transport and takes all appropriate measures for its implementation with the support of DCA.
- The development and periodical review of a safety implementation plan that is concurrent with the risks identified in Civil Aviation shall be ensured. Safety measures are not only derived from the national Aviation System, but also considers identified risks and mitigation proposals on international level.
- The development and periodical review of performance indicators and targets is a crucial element of a pro-active risk management.
- In order to promote the policy of an effective and pro-active management of aviation safety, the exchange of best practices and lessons learnt amongst parties shall be ensured on national and international level, while applying the principles of a just culture.
- The Accountable Executive reports periodically to the respective managerial structures within the bmvit to ensure in particular the provision of adequate human and financial resources for the effective implementation of the SSP.

## 2.4 State Accident and Incident Investigation

Aviation safety meets ethical and economic requirements. In accordance with international standards for accident and incident investigation, taking into account concepts and strategies of EU transport safety policy and relating obligations of the community and of the ICAO safety investigation into accidents and serious incidents in civil aviation conducted independently by a permanent national safety investigation authority (SIA) aims to improve aviation safety by learning lessons from accidents and incidents to prevent future accidents and incidents and improving aviation safety.

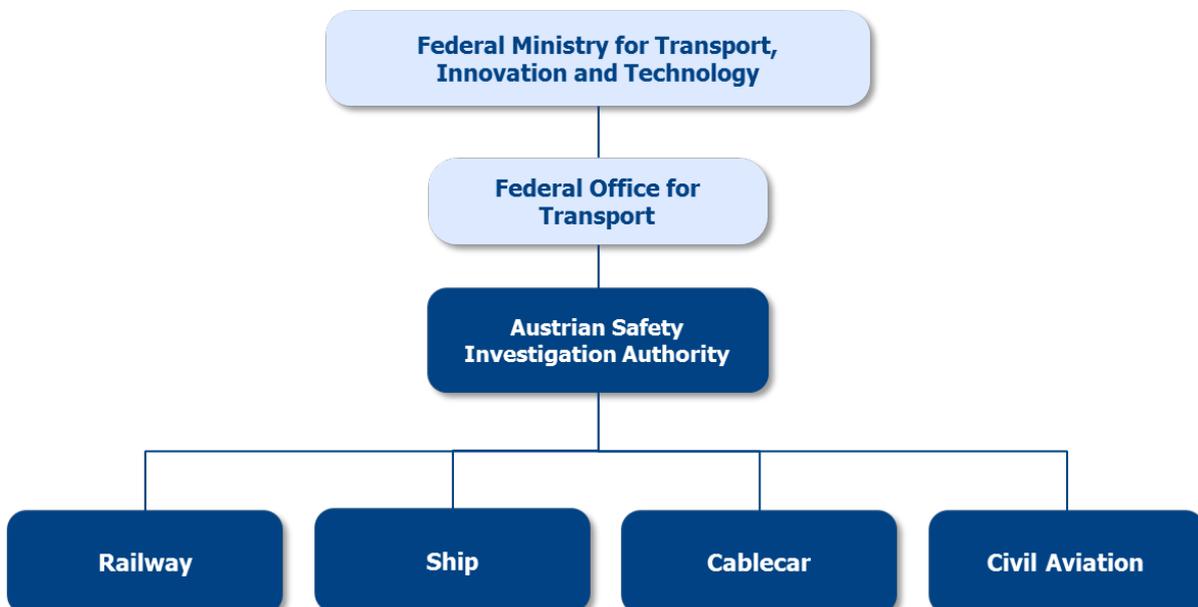


Figure 3: Organisation Structure of the Safety Investigation Authority, source: Federal Office for Transport

The SIA established in Austria is functionally independent. In the conduct of the safety investigation the SIA neither seeks nor takes instructions from anybody and has unrestricted authority over the conduct of the safety investigation.

The task entrusted to the SIA is conducting such safety investigations on the basis of predefined procedures aiming at determination of the probable cause(s) of an accident or incident being investigated and, when appropriate, the making of safety recommendations to improve aviation safety. The procedures to be followed in conducting such safety investigations are subject to continuous quality assurance to improve these procedures.

Safety investigations shall in no case be concerned with apportioning blame or liability and shall be independent of and separate from any judicial or administrative proceedings to apportion blame or liability. Safety investigations shall be conducted in a simple and appropriate manner without delay.

Upon initiation of the safety investigation the investigator-in-charge is appointed, who is charged with responsibility for the organisation, conduct and control of the safety investigation. The entitlements of the investigator-in-charge are listed in Regulation (EU) No 996/2010.

The SIA ensures safe treatment of all evidence and takes all reasonable measures to protect such evidence and for maintaining safe custody. Pending the arrival of safety investigators, no person shall modify the state of the site of the accident, except where such action may be required for safety reasons or to bring assistance to injured persons, or under the express permission of the authorities in control of the site.

Protection of sensitive safety information including the prerequisites on the disclosure of records are covered by Regulation (EU) No 996/2010 and Regulation (EU) No 376/2014. Records referred to shall not be made available or used for purposes other than safety investigation respectively other purposes aiming at the improvement of aviation safety.

Each safety investigation is concluded with a report in a form appropriate to the type and seriousness of the accident or incident stating the sole objective of the safety investigation. The report protects the anonymity of any individual involved in the accident or incident. The format of the report meets the guidelines of ICAO Annex 13; however, it may be adapted to the circumstances of the accident or incident. The report contains, where appropriate, safety recommendations.

Final reports are made public. Before publication of the final report, the SIA sends a copy of the draft final report to the authorities and entities concerned inviting their significant and substantiated comments on the report.

Safety recommendations are proposals based on information derived from a safety investigation, made with the intention of preventing accidents and incidents. A safety recommendation shall in no case create a presumption of blame or liability for an accident, serious incident or incident. The SIA recommends to the authorities and entities concerned, regarded capable to take appropriate actions. Any preventive action is taken under the responsibility of the authorities and entities concerned.

Cooperation between safety investigation authorities are subject to mutual agreement. The Austrian decree "Erlass vom 7. August 2012 über die Anwendung des Unfalluntersuchungsgesetzes" ensures in particular the coordination between the SIA and the criminal related investigation and their independence as regards the usage of data. In addition, Austria ensures that their SIA participates in the European Network of Civil Aviation Safety Investigation Authorities seeking further improvement of the quality of investigations conducted by safety investigation authorities as well as encouragement of high standards in investigation methods and investigator training.

Annually, the SIA submits a status report to the Austrian parliament on the SIA's activities in the preceding year including information on the status of safety investigations, safety recommendations made (and preventive actions taken by the addressees) as well as a safety review containing information on accidents and serious incidents notified to the SIA.

## 2.5 State Enforcement System

If the competent authority detects deviations from requirements it can intervene through administrative measures, based on article 169 of the Austrian Aviation Act. The administrative measures are warnings, prohibition, limitation or revocation of permissions. The competent authority will take any adequate action to ensure safety in response to any occurrences which have been reported or observed. Immediate actions may include contact with the operator and temporary restriction of its operations. Longer term actions may include the targeting of oversight activities or intervention through regulatory measures.

Occurrence data received through air safety reports are used in accordance with the just culture principles: no legal action will be taken in cases of unplanned or unintended violations that come to the authorities' attention as a result of compliance with the requirement of occurrence reporting, except actions punishable under criminal law.

In case of intent or negligence the authority has to inform the competent district commission for financial penalty. Voluntary reported deviations are not prosecuted unless gross negligence is obvious.

In accordance with safety management principles the service providers also have the duty to manage any occurrences in their operations and take the necessary corrective measures regardless of whether the competent authority takes any action.

The confidentiality of occurrence information is assured by the national law governing data protection and the obligation to ensure confidentiality for all public employees involved.

The established voluntary incident reporting system protects the source from which the information has been obtained from.

## 3 State Safety Risk Management

### 3.1. Enabling requirements for service providers' safety management systems (SMS)

Austria meets its obligations with respect to licensing, certification, authorization and approval activities in compliance with the relevant international, supranational and national provisions. The following Subchapters constitute the applicable requirements on SMS implementation by service providers under the authority of the respective Austrian oversight entity.

#### 3.1.1. Approved training organizations (ATOs)

SMS requirements concern ATOs exposed to safety risks related to aircraft operations during service provision. The international provisions of Annex 1 to the Chicago Convention are transposed into Commission Regulation (EU) 1178/2011 laying down technical requirements and administrative procedures related to civil aviation aircrew .

#### 3.1.2. Air operators of aeroplanes or helicopters authorized to conduct international commercial air transport

The international provisions of Annex 6, Parts I or III, Section II, to the Chicago Convention are transposed into Commission Regulation (EU) 965/2012. The respective SMS shall be made acceptable to the State of the Operator.

#### 3.1.3. Continuing airworthiness management organizations (CAMOs)

The international provisions of Annex 6, Parts I or III, Section II, to the Chicago Convention are transposed into Commission Regulation (EU) 1321/2014. The requirements address CAMOs providing continuing airworthiness management to air operators of aeroplanes or helicopters engaged in international commercial air transport as part of their Air Operator Certificate (AOC).

As far as SMS requirements for CAMOs providing continuing airworthiness management for aircraft not falling under Commission Regulation (EC) 216/2008 are concerned, national requirements are stipulated in Luftfahrtgesetz LFG and ZLLV.

#### 3.1.4. International general aviation

[chapter reserved]

#### 3.1.5. Approved maintenance organizations

The international provisions of Annex 6, Parts I or III, Section II, to the Chicago Convention are transposed into Commission Regulation (EU) 1321/2014. The requirements address AMOs providing services to air operators of aeroplanes or helicopters engaged in international commercial air transport.

As far as SMS requirements for AMOs providing maintenance for aircraft and/or components not falling under Commission Regulation (EC) 216/2008 are concerned, national requirements are stipulated in the Aviation Act and ZLLV.

### 3.1.6. Organizations responsible for the type design or manufacture of aircraft, engines or propellers

The international provisions of Annex 8 to the Chicago Convention are transposed into Commission Regulation (EU) 748/2012.

As far as SMS requirements for organizations responsible for the type design or manufacture of aircraft, engines or propeller AMOs providing maintenance for aircraft and/or components not falling under Commission Regulation (EC) 216/2008 are concerned, national requirements are stipulated in the Aviation Act and ZLLV.

### 3.1.7. Air traffic services (ATS) providers

The international provisions of Annex 11 to the Chicago Convention are transposed into Commission Regulation (EU) 1035/2011. The Austrian Safety Regulatory Framework (AASREF) is applicable for ANS providers prescribing supplementary and more specific requirements.

### 3.1.8. Operators of certified aerodromes and ground handling service providers on certified aerodromes

The international provisions of Annex 14, Volume I to the Chicago Convention are transposed into Commission Regulation (EU) 139/2014. As far as SMS requirements for aerodromes not falling under Commission Regulation (EC) 216/2008 are concerned, national requirements are stipulated in the Aviation Act and FZV. Ground handling service providers in respect of Commission Regulation (EC) 96/67 are not covered at the moment by Commission Regulation (EUC) 139/2014, but have to follow Commission Regulation (EC) 376/2014 in respect of basic modules of a Safety Management System.

## 3.2. Hazard identification and safety risk assessment

Austria is in the process of establishing and further maintaining a process for the identification of hazards and the associated subsequent conduct of risk assessments. Once in place, safety risks and safety issues will be systematically result in actions to be taken, i.e. acceptance, avoidance, mitigation, or transfer. Along with this process, the root cause and/or factors will be analyzed.

## 3.3. Agreement of Product or Service Providers' Safety Performance

An acceptable level of safety performance (ALoSP) for the State can be achieved through the implementation and maintenance of safety performance indicators and targets showing that safety is effectively managed. The Austrian state safety key performance indicators are implemented in a two stage approach: first on authority level (see Appendix 4) and subsequently the implementation is planned to be extended to service provider level.

## 3.4. Periodic Assessment of Product or Service Providers' SMS

The periodic assessment of Service Providers Safety Management System is an integrated element of the overall safety oversight system in Austria. Each responsible aviation authority (bmvit, LFA) has developed oversight processes which ensure that periodical assessments of the overseen Service Providers SMS's are performed as relevant. Details regarding the established oversight systems in Austria can be found in chapter 4 – State Safety Assurance.

## 4 State Safety Assurance

State safety assurance is accomplished through oversight and surveillance activities of service providers as well as the State's internal review of its regulatory and administrative processes. The important role of safety data and collection, analysis and sharing of that data are also addressed. The Austrian aviation surveillance programmes are data-driven so that its resources may be focused and prioritized according to areas of highest risk or safety concerns [ICAO Doc 9859, edition 3].

### 4.1 Oversight and surveillance obligations

Whereas the State's safety oversight system includes obligations related to the initial approval and continued surveillance of its aviation service providers to assure compliance with national regulations established in accordance with ICAO SARPs and regulations, the aim of surveillance is to assure that holders of licences, certificates, authorizations and approvals meet applicable requirements on a continuous basis.

The Austrian civil aviation authorities have established and implemented documented surveillance processes, procedures and programmes. Surveillance activities comprise inspections, audits, and monitoring.

The organizational structure and associated functions and responsibilities of the Austrian civil aviation authorities are described in Chapter 1 and in paragraph 2.2.2 of this document.

### 4.2 Personnel licensing system

Under the Aviation Act, the Licensing Department (LSA) of the LFA is responsible for personnel licensing activities including the licensing for ATCOs. LSA has a Personnel Licensing Division and an Aeromedical Section (AMS).

Austria uses the services of both medical assessors and designated medical examiners. Each medical examiner is designated in writing as an authorised aviation medical examiner of the LFA.

Under the Aviation Act, the Austrian Aero Club is responsible for the licensing of pilots for microlight aircraft, gliders, balloons, parachutes, hang gliders and para gliders. The staff of the civil aviation authority division (FAA) is handling the licensing affairs according to the law and written directives, which are approved by the bmvit.

#### 4.2.1 Certification, authorisation, approval and surveillance

##### 4.2.1.1 Oversight responsibilities

The organizational structure and associated functions and responsibilities of the Austrian civil aviation authorities are described in Chapter 1 and in paragraph 2.2.2 of this document.

For the oversight of ATOs, the LSA Personnel Licensing Division has established a safety performance evaluation model for their organisations, based on defined quantitative parameters to deploy a risk profile for each organisation. The oversight activities are prioritized based on this model.

Surveillance of safety oversight of commercial and complex motor powered aircraft operations is also under the responsibility of the LFA -the Aircraft Operations Division established within the AOT. The Aircraft Operations Division is responsible for investigation and issuance of the AOC and for the continuous surveillance of AOC holders and administration and review of declarations for complex motor powered aircraft operation. The Division is also responsible for the surveillance of the aircraft operator's programme for the safe transport of dangerous goods by air in close coordination with the DG unit as it is part of the requirements for the issuance and maintenance of an AOC.

For the oversight of operators, the Aircraft Operations Division has established a safety performance evaluation model for their organisations, based on defined quantitative parameters to deploy a risk profile for each organisation. The oversight activities are prioritized based on this model.

Surveillance of General Aviation operation of non-complex aircraft is/will be part of a modified Aircraft Continued Airworthiness Monitoring Programme (ACAM), a sampling inspection programme, performed by AOT. ACAM, originally intended for aircraft airworthiness surveillance purposes only, has been extended to survey also operational aspects of the Austrian non-complex General Aviation fleet in the course of random ramp inspections.

Under the Aviation Act the Austrian Aero Club is responsible for the safety oversight of parachute, hang glider and para glider operations. These duties are performed by designated personnel in the course of random examinations.

In the field of aircraft registration and airworthiness, the AOT within the LFA is responsible for safety oversight and has two dedicated divisions for that purpose: the Airworthiness and Certification Division (ACE) and the Technical Aviation Organisations Division (TEO).

The ACE Division's duties include: the issuance of certificates of registration and maintenance of the aircraft registry; initial and continuing airworthiness responsibilities as the State of Registry (except for the products, parts and components for which initial airworthiness responsibility is being directly discharged by the European Aviation Safety Agency) ; airworthiness aspects of air operator-specific operating provisions; issuance of certificates of airworthiness, environmental certificates and special flight permits; and the surveillance and oversight of airworthiness activities.

Oversight on continued airworthiness of the Austrian registered fleet is performed by the means of aircraft in-depth and ramp inspections of the Aircraft Continued Airworthiness Monitoring Programme (ACAM). This random sampling programme is part of the State of Registry continued airworthiness obligations contained in EU Regulation 2042/2003, Part M and has been extended to include also Annex II aircraft, as defined by EU Basic Regulation 216/2008

The TEO Division's duties include:

- 1) the issuance of approval certificates and continuing surveillance for the following approved organisation under the Basic Regulation EC 216/2008:
  - Design organisations according to Part-21 (on behalf of EASA)
  - Production organisations according to Part-21
  - Maintenance organisations according to Part-145 and Part-M Subpart F
  - Continuing Airworthiness Management Organisations according to Part-M Subpart G
- 2) the issuance of approval certificates and continuing surveillance for the following approved organisations under the national Regulation ZLLV:
  - Design and Production organisations according to ZLLV § 53
  - Maintenance organisations according to ZLLV § 51 and § 52
  - Continuing Airworthiness Management Organisations according to ZLLV § 57
- 3) Continuing surveillance of organisations are performed in cooperation with bmvit with the national privilege of airworthiness reviews according to ZLLV § 40 (4)
- 4) Issuance of approval recommendations or certificates and continuing surveillance under the various international bilateral aviation safety agreements between the European Union and different third countries of EASA Part-145 approved maintenance organisations (e.g. U.S. / FAA, Canada / TCCA, Brazil / ANAC)

For the oversight of technical organisations, the TEO Division has established a safety performance evaluation model for their organisations, based on defined quantitative parameters to deploy a risk profile for each organisation. The oversight activities are prioritized based on this model.

The Dangerous Goods Department inspects and conducts surveillance of individuals and Organisations involved in activities such as packing, shipping or handling of dangerous goods to be transported by air. Established within the bmvit the Department ST3, is responsible for regulatory oversight of the transport of dangerous goods by air. ST3 is a multi-modal department the transport of dangerous goods by air, road, rail and ship.

The Austrian Aero Club is responsible for the registration of powered hang- and para-gliders, balloons, gliders and microlight aircraft and performs the assigned tasks with the FAA office staff.

The responsibility of the Austrian Aero Club also includes the survey and assurance of the airworthiness of powered hang and para gliders, microlights and gliders not falling under Regulation (EU) 216/2008

The National Supervisory Authority (NSA) situated in bmvit/SMF, is responsible for ANS providers and their oversight and surveillance as defined in the AASREF and additional directives. Safety surveillance takes into account safety performance data to allow for for optimisation of resources by focusing and prioritising on areas of highest risk or safety concerns.

In the area of aerodromes under the scope of EU-regulation 216/2008 and EU-regulation 139/2014 and ground handling service providers a dedicated team at the bmvit has been established to perform the oversight on aerodromes and ground handlers doing audits as well. Oversight is done based on the Aviation Act and EU-regulation 139/2014 as well as FBG in respect of ground handling service providers. In respect of the remaining airfields in Austria no regulation had been developed so far and oversight is done by the authorities of the districts at their responsibilities due to the Aviation Act.

#### **4.2.1.2 Oversight of integrated management systems**

Safety management systems may be integrated into or combined with other management systems. It is to ensure, that safety performance is not impaired by this integration. This subchapter refers to the EASA System only as there might be circumstances where a combined management system is only related to national regulation.

##### **4.2.1.2.1 Purpose of a Management System**

The whole set of manuals of an organisation (organisation's documentation) describing philosophies, policies, responsibilities and key processes related to safety, is considered as Management System Documentation. The purpose of a Management System is to establish a policy, to deploy objectives from this policy and to achieve those objectives by means of the consistent implementation of clearly defined procedures and responsibilities. A Management System of an organisation can include different sub-systems, related to quality management, safety management, financial management or environmental management.

##### **4.2.1.2.2 Documentation and Implementation of a Management System**

As stated in the Basic Regulation (EC) No 216/2008, the organisation must implement and maintain a Management System to ensure compliance with the essential requirements, to provide safe services and to aim for continuous improvement of this system.

"Implementation" and "Maintenance" of the Management System means that:

- 1) Philosophies, policies, procedures and tasks including responsibilities, accountabilities and course of action must be documented in an appropriate set of manuals and implemented.
  - a) Organisation's Documentation
  - b) Management System Documentation
- 2) Employees must be trained based on this documentation.
  - a) Training
- 3) The qualification and performance of individuals, their adherence to the documentation and last but not least, the outcome of their work must be verified.
  - a) Checking
  - b) Compliance Monitoring
  - c) Testing
- 4) Experiences made shall help to further develop the organisation (including its Management System) as well as the products and services.
  - a) Feedback
  - b) Continuous improvement

**Conclusion:**

The Management System Documentation consists of the whole set of documents / manuals, which are maintained in an organisation (= Organisation's Documentation).

**4.2.1.2.3 The Possibility to develop an Organisation's Management Manual**

As stated above in "Duplicated Definitions (undesired redundancies)" the aviation industry suffers from duplicated definitions in the manuals. The new EU Regulations regarding "Organisations' Requirements" now permit to avoid duplicated definitions of organisational aspects. This approach provides the chance for an enormous simplification especially for combined organisations.

For combined organisations, it is recommended to develop a controlling manual describing the general organisation, responsibilities, procedures, etc., which are common and valid also for other manuals / documents of the organisation. Whereas specific topics related to operations, training, maintenance for example still remain documented in the respective manuals (e.g. MOE, CAME, TM, OM, FSTD) as required by the respective Part.

The controlling manual may be named as Organisation Management Manual (OMM), as this OMM is describing the organisation as a whole. This is also in line with the description and guidelines as published in the "Foreign ATO .

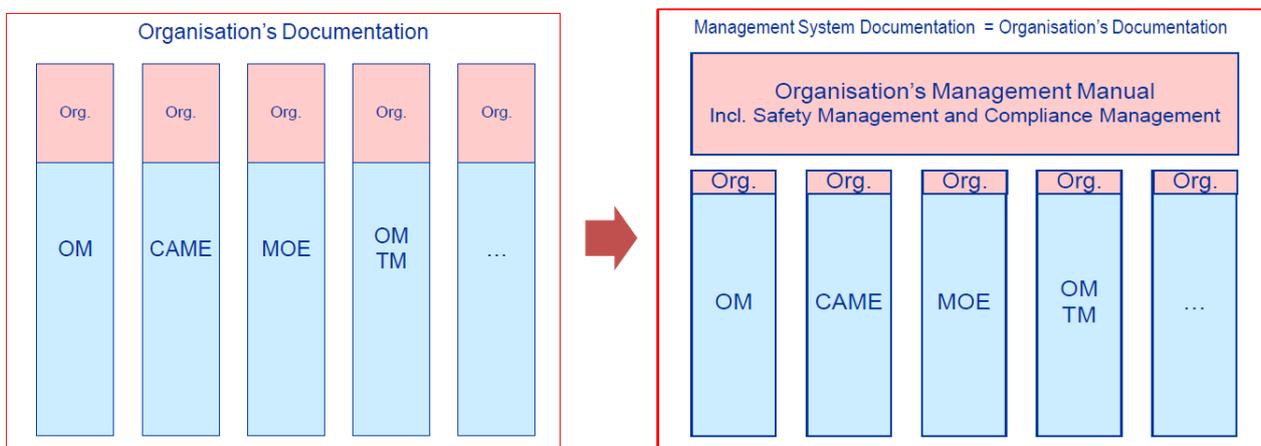


Figure 4: Manuals for Integrated Management Systems, source: EASA

#### 4.2.1.2.4 Safety Management System and Compliance Monitoring System

The AMC and GM to Regulation Air Operations; Annex III: Part-ORO (Organisation Requirements Air Operations), and to Regulation Aircrew; Annex VII; Part-ORA (Organisation Requirements Aircrew) stipulate within the requirements of the Management System that the organisations also have to establish and maintain a:

- 1) Safety Management System SMS; and
- 2) Compliance Monitoring System CMS.

The EASA clearly states that these requirements do not impose a separate Safety Management System or a separate Compliance Monitoring System.

Instead of an add-on-approach - which would lead to a separate SMS-Manual and a separate CMS-Manual in addition to the Organisation's Management Manual - it is strongly recommended to strive for an integrated system, where safety is one of the parameters to be taken into account with each decision.

Integrated management enables managers to recognise and take into account all significant influences on their organisation, such as the strategic direction of their business, relevant legislation and standards, internal policies and culture, risks and hazards, resource requirements and the needs of those who may be affected by any aspect of the organisation's operation.

### 4.2.2 Internal SSP Review / Quality Assurance

Based on Article 3, paragraph 1 of the ACGG and based on article 4, paragraph 1 of the OeAeCVO the bmvit is conducting oversight over LFA and the Austrian Aero Club. The surveillance process includes the AASSP implementation.

### 4.2.3 External SSP Review / Audit

The Austrian SSP will be reviewed by ICAO and EASA using their Continuous Monitoring Approach. The Austrian Authorities play an active role to support these monitoring processes.

#### 4.2.3.1 ICAO Continuous Monitoring Approach

ICAO has evolved the Universal Safety Oversight Audit Programme (USOAP) to a continuous monitoring approach (CMA), incorporating the analysis of safety risk factors on a universal basis in order to assess States' oversight capabilities.

The USOAP CMA is designed to continuously monitor the safety oversight capabilities of States and ensure that States develop, maintain and apply national regulations in accordance with ICAO Standards and Recommended Practices (SARPs). CMA incorporates principles of safety management using safety risk management and safety assurance concepts. The methodology provides a mechanism for ICAO to collect safety information from member States and other stakeholders, and to analyse this information using a risk-based approach. This allows for the identification and prioritization of appropriate strategies to rectify deficiencies and reduce or eliminate risk.

State activities are continuously monitored through the CMA online framework which is available for interactive use in 'real time' through a suite of web-based integrated application systems. The on-going collection of data allows ICAO to determine which activities are appropriate for each State and to focus resources where required. The primary on-site activities conducted under USOAP CMA are: ICAO Coordinated Validation Missions (ICVMs), Comprehensive System Approach (CSA) Audits, and Safety Audits (on request).

More detailed information about the ICAO Continuous Monitoring Approach can be found in Chapter 3 of ICAO Doc 9735.

#### 4.2.3.2 EASA Standardisation

In order to monitor the application of Regulation (EC) No 216/2008 and its implementing rules, as well as other aviation safety rules stemming from existing Regulations and agreements efficiently, EASA has established a Standardisation Inspection System to review the working methods Safety Oversight Authorities in the Member States, which was purely compliance oriented. The Standardisation Inspection System has evolved to follow a more continuous monitoring approach more focused on safety performance, notably to ensure inspectors become more system oriented, provide for more efficient use of resources in order not to generate an undue burden on the competent authorities and include a

feedback loop to the Agency's rulemaking activities. The working methods also reflect the definitions and principles of auditing as defined in ISO 19011:2011.

The following principles are applicable to monitoring:

- 1) The Agency shall monitor the application by competent authorities of the European requirements referred in Article 1 as well as their uniform implementation according to the methodology laid down in the Standardisation Regulation and shall report thereon.
- 2) The monitoring shall be continuous and risk-based, on the basis of the information available to the Agency. It shall entail assessing the competent authorities' ability to discharge their safety oversight responsibilities, conducting inspections as necessary, as well as the follow-up of findings stemming from inspections, in order to ensure that appropriate corrections and corrective actions are timely implemented.
- 3) The monitoring shall follow a system approach. It shall address all domains and critical elements of the safety oversight system as defined by ICAO. Particular attention shall be given to interfaces between domains.
- 4) The monitoring shall be conducted in a transparent, efficient, effective, harmonised and consistent manner.
- 5) The Agency shall analyse the outcome of its monitoring activities in order to identify the need for regulatory improvements.

## 4.3 Safety Data Collection, Analysis and Exchange

### 4.3.1 Occurrence Reporting System

Based on Regulation (EU) 376/2014, the occurrence reporting system in Austria is required in §136 of the Aviation Act and the subsidiary regulation "Zivilluftfahrt-Meldeverordnung" (ZMV). Persons and indirectly organisations with a defined role in the aviation system are required to mandatory report occurrences to the "Zentrale Meldestelle" (reporting office) hosted by Austro Control LFA. The regulation also allows any person involved in aviation in Austria to voluntarily report any occurrence which might affect the safety in aviation.

The Austrian occurrence reporting system is a key element of the safety information management process, which allows retrieving measures to improve safety through lessons learned from occurrences reported. The data processed through this process are the main source for the risk based safety oversight approach in Austria.

The integrated reporting system has the objective to enable a user friendly, effective and efficient interface for the Mandatory and the Voluntary Reporting System (MORS and VORS). The seamless integration provides for a user friendly filing, treating mandatory and voluntary reports the same way. Consequently the protection of the information source is assured at the same high level of either report types.

It shall support the obligation of reporters in the MORS to easily provide the report with the necessary data needed to fulfil their obligations under the protection of Just Culture. Additionally it shall encourage all users of the VORS to file any event, to be seen reportable quick, easy, confidential, anonymous and under the protection of Just Culture.

The main tasks are grouped into 3 groups:

- Collection of Reports – Provision of the interface to the community
- Quality Assurance of information reported – Initial dissemination of reports
- Transfer and storage in the National Database (ECCAIRS)



#### 4.3.1.2 Validating and processing reports

All reports are validated (4C validation method) against the criteria of:

- Completeness,
- Correctness,
- Consistency,
- Currency.

Data defined as mandatory according Zivilluftfahrtmeldeverordnung (ZMV) §7, which is missing will be investigated and added. Reports filed by error or without any underlying reportable event according ZMV §1(1) are filtered, but archived to avoid influence to the safety statistics of Austria.

In the case, where one occurrence is reported by different persons (e. g. airport and operator or ANSP and operator) all reports will be merged to a single set of data including data from all reports. This is performed during the validation process.

##### 4.3.1.2.1 Pre-assignment of occurrences

After positive conclusion of the validation process, each occurrence will be pre-classified in two schemes:

- a) According the ICAO SOA areas of oversight (LEG, ORG, AGA, AIR, OPS, ANS, AIG, PEL, GEN)
- b) According the distribution of responsibility of the safety oversight authority structure in Austria (bmvit, ACG LFA, OeAeC, SIA, federal districts)

This pre-classification generates a unique file-number in the ECCAIRS-system, which indicates a pre-assignment to a safety oversight authority and area of oversight (=safety oversight organisation as representation of an organisational structure responsible for an area of oversight in an authority).

##### 4.3.1.2.2 ECCAIRS system and National Database

Regulation (EU) No 376/2014 in accordance with AR.GEN.135 and ICAO Annex 19 Chapter 5.2.1 requires states to operate a National Database for safety-related information, namely occurrences. The Aviation Act §136 (4) requires Austro Control LFA to use the "ECCAIRS" software, provided by the EU Commission's Joint Research Centre (JRC) for the Austrian National Database.

###### 4.3.1.2.2.1 Occurrence analysis / investigation:

Once an occurrence is entered into the National Database, the assigned oversight authority analyses the occurrence to determine any actions required for the enhancement of safety (e. g. specific oversight activities). If further investigation is carried out, the results shall be stored in the National Database as well as prior performed immediate safety actions, if applicable.

To enable further analysis in the National Database and specifically the ECR, the occurrence is coded in accordance with the "SHELL-Model" during the analysis activity.

###### 4.3.1.2.2.2 Transfer to the ECR:

A selected subset of occurrences is periodically transferred to the European central repository (ECR). According to the Aviation Act §136(4), Regulation (EU) No 996/2010 Article 19 and Regulation (EU) No 376/2014 the National Database does not contain any data, where neither the reporter, nor the operator / holder of an aircraft involved or any persons involved can be retrieved directly. Furthermore the Austrian data protection law (Datenschutzgesetz DSG2000) ensures adequate protection of personal data, which is incorporated throughout the authorities processes. If confidential data is requested by any entity for safety analysis, the originator of this data is asked for permission by Safety Data Management (SDM). If the permission is not granted, the LSA legal support is consulted to balance the interest of data protection against the interest of safety analysis and either grant or deny authorisation.

## 4.3.2 Other Sources of Safety Data

### 4.3.2.1 State level

Besides occurrences, reported by the MORS and the VORS, there are some more sources available, to give an indication, where the risk areas in the Austrian aviation system are visible. In general, there are two categories of sources available.

- 1) internal sources, such as
  - Results from oversight activities (findings)
  - Safety recommendations from SIA investigations
  - Indications from service provider 's SMSs
  - Personal experiences of oversight authority staff in aviation activities under full application of just culture (e. g. as active pilots, flight instructors, "Flugplatzbetriebsleiter")
  - Unstructured Information from the community (e. g. aviation forums, aviation news)
  
- 2) External sources, such as
  - Results from international safety oversight activities (EASA, ICAO)
  - Safety recommendations from foreign SIA investigations
  - Results from the SAFA/SANA-programme (Safety Assessment of Foreign Aircraft/Safety Assessment of National Aircraft)
  - Information, transmitted through sharing of safety information.

The information coming from these sources has to be

- Verified to ensure the correctness
- Validated to ensure the relevance of the information
- Weighted to balance the associated risk
- Prioritised to enable effective and efficient reaction

to ensure a consistent and valid set of safety data.

### 4.3.2.2 Safety Oversight / Service Provider level

Also on the level of oversight of service providers, a variety of safety data is available, to identify the risks, the oversight of an individual service provider has to focus on. The information can be assigned either on the level of the aviation industry sector or on the level of an individual service provider.

Available sources are the same as on state level (described in Paragraph 4.3.1.), but the granularity is higher and the focus is set on a specific sector or service provider.

Also this information has to be verified, validated, weighted and prioritised using an industry specific risk classification scheme to enable risk based oversight.

## 4.4 Safety Data Driven Targeting of Oversight

This chapter will focus on 2 aspects:

- The risk based oversight approach
- Oversight risks

### 4.4.1 Risk based oversight

As resources to perform oversight are limited, the idea of this approach is, to target the safety oversight to those areas of the industry or an individual service provider, where safety oversight can be more effective in identifying and mitigating risks.

This approach may be used in conjunction with the “extension of oversight cycles based on safety performance of the service provider” as stated in EASA AR.GEN.305 (c), but both approaches are independent.

To enable an effective and consistent approach and to avoid discrimination of service providers, a validated and structured risks scheme for each sector of the aviation industry has to be developed and implemented, considering also environmental conditions and modes of operation.

### 4.4.2 Oversight risks

Risks in the aviation system can also be induced by the safety oversight activities as such. The philosophy behind this approach is, that safety oversight is an essential component to ensure safety in the Austrian aviation system. Like any other component in the system (human, equipment, procedures), a failure in this component could jeopardise safety.

#### 4.4.2.1 Oversight programme risks

The main risks for oversight programmes lie in the lack of effectiveness in performing oversight. This is the case, if the objectives of an oversight programme are not reached - or even worse - are not known or defined. Possible causes of this failure are in general:

- Planning – Lack of or incorrect definition of oversight objectives  
Consequence: Oversight focuses on “convenient” or wrong themes
- Resources – Lack of competent personal a/o budget to perform effective oversight (e. g. travel budget, keeping competency (licenses), staff workload)
- Team composition – Lack of shared competence will lead to either less depth or overload of auditors
- Preparation – Lack of empowerment, time pressure in preparation planning (less preparation time in programme planning)
- Evidences – Lack of evidences to enable measures to be taken, even in front of court.
- Validation – Lack of regular validation of oversight programmes (Feed-Back cycle)
- Improvement – Lack of “closing the loop” by setting improvement measures out from failures and lessons learned

#### 4.4.2.2 Oversight activities risks

As in the level of the oversight programme, each individual oversight activity (e. g. audit, inspection) has an effect on the safety of the system. This is the case, if the objectives of an oversight activity are not reached - or even worse - are not known or even defined has a direct impact on the effectiveness of the related oversight program. Possible causes are the same as in the chapter 4.4.2.1 above:

Everybody planning and performing an oversight activity shall be aware, that this oversight activity could disturb the normal operation of a service provider. To mitigate this risks, any measure shall be taken in planning an performing the oversight task to minimise the effects on safety.

## 5 State Safety Promotion

### 5.1 Communication Strategy

The communication strategy of the AASSP consists of 2 Elements:

1. To 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
2. To 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.

This strategy includes the necessity of a living programme in the mind of stakeholders and involved personell within the Civil Aviation Authorities. Information respectively training shall be given to the defined target groups by the applicable communication channels.

Details, how to reach the target groups, are defined in the following chapter.

### 5.2 Target Groups

The following target groups are identified relating state safety promotion

- General Austrian public
- Civil Aviation stakeholder (more than 13000)
  - o Stakeholder, such as
    - Flying Clubs
      - o Aeromodelling
      - o Ballooning
      - o Parachuting
      - o Hang Gliding and Paragliding
      - o Gliding
      - o Powered Flying incl. Microlight and Helicopter
    - Training Organisations (Flight Schools)
  - o flight / maintenance training organisations (aeroplane and helicopter, balloon, glider)
  - o Commercial operator (aeroplanes and helicopter)
  - o Balloon operator
  - o Design and Production organisations (DOA/POA)
  - o Maintenance organisations
  - o Continuing Airworthiness Management Organisations (CAMOs)
  - o Air Navigation Service Providers (ANSP)
  - o International airports
  - o Small airfields
  - o Helicopter airfields
  - o Ground service/handling organisations
  - o Personnel licenses (pilots, technicians, controllers)
  - o Sub contractors
- Safety Oversight
  - o Aircraft Maintenance Engineers (AMEs)
- Safety Reporting: Reportable persons / organisations according to the Aviation Act § 136, ZMV and EU 376/2014
- Civil Aviation Oversight Authorities
  - o Ministry of Transport
  - o Austro Control LFA
  - o Austrian Aero Club
  - o Safety Investigation Authority Accident Investigation Board
  - o Heads of the Federal Provinces
  - o Heads of the Federal Districts

## 5.3 Development of Target Group Specific Promotion Programmes

The main parts of the Austrian promotion programmes for the defined target groups are training and communication / information about civil aviation safety issues and requirements.

### 5.3.1 Training within the Austrian oversight authorities

The responsible oversight authorities of Austria attach a great deal of importance to providing its personnel with training in the area of aviation safety. Both its safety and its oversight policy specify that personnel must be trained in the area of aviation safety and are required to review and expand their know-how on a periodical basis. The various Austrian oversight authorities constantly endeavour to strengthen the understanding on the part of its employees regarding the concept of a uniform safety culture within the field of civil aviation.

Therefore as part of the initial training programme, all new employees receive training on the topics of assuming personal responsibility for compliance with safety regulations and the purpose and use of the State Safety programme and the applicable Safety Management System Manual of the relevant oversight authority. In addition, all inspectors receive safety management system training (based on the course content of the EASA and ICAO requirements and documents) as part of their initial programme, and also have to attend an internal safety management training course based on the relevant authority procedure manuals. After this initial training programme further detailed training has to be performed if required for the specific duties and responsibilities.

Courses offered by e.g. respective national oversight authority, ICAO, Euro control, EASA, Joint Aviation Authorities Training Organisation (JAA TO), and various universities and colleges are used to provide expert training for specific oversight functions.

To ensure continuous improvement of expertise all employees are required to attend refresher training courses. The content of such training courses is defined by the applicable management and procedure manuals. Normally these courses combine elements of the initial training with information about new developments in the area concerned by the training. All trainings are planned and coordinated between the applicable departments and the human resource management.

For details about the specific training requirements of the applicable oversight authority please refer to their procedure manuals and the workplace and job descriptions.

### 5.3.2 Training provided for various Civil Aviation stakeholders

The various Austrian oversight authorities offer training in certain areas for various external civil aviation stakeholders. In addition, sometimes the know-how transfer is ensured via external experts who act on a contractual basis of the applicable authority. All trainings include information about new regulations on European and international level as necessary and relevant safety information relating to the concerned subject of the specific training together with measures taken or to be taken to improve safety.

For example the following trainings are provided on a regular basis:

1. Organised by the Ministry of Transport
  - State Safety Programme initial information and major changes
2. Organised by Austro Control LFA
  - continuous on-going training held for medical specialists, flight examiners and various staff including management staff of approved organisations within the responsibilities of Austro Control LFA (training offers are published on the website)
3. Organised by the Austrian Aero Club
  - Education / training for Authority staff and training for Examiners (to reach the relevant persons)

Sometimes external specialists are used for specific tasks to work on behalf of one or more Austrian oversight authorities. Such specialists have to be in close contact with applicable oversight authority to ensure to be up to date with the latest developments relating to regulations and safety requirements, which they have to observe and follow when performing their various duties.

All external providers have to provide evidence of their comprehensive education and expertise for their assigned duties and also receive training for missing or changed subjects from the relevant oversight authority as necessary which includes also the latest developments within the EASA and the ICAO. If necessary specific safety issues are discussed in detail with the relevant experts and the applicable oversight authority collects practical feedback from the aviation industry.

If major changes take place in a certain area, the applicable aviation companies from all affected segments of the industry are invited to information meetings organised by the relevant Austrian oversight authority. The various oversight authorities also work together with the industry association (normally one to two meetings a year), which offers also partly its own courses.

In the event of an increase in the frequency of aviation incidents and accidents, the applicable Austrian oversight authority may respond by providing specific courses (data-based training).

Specialists from Austrian oversight authorities hold lectures upon request at safety seminars organised by the industry. Furthermore, the websites of the relevant oversight authority contain a great deal of material and information relating to aviation safety.

### 5.3.3 Communication and Information exchange

Annex 19 to the Chicago Convention and the relevant European and national requirements strive for the continuous evolution of a proactive strategy to improve safety performance. Austria's State Safety Programme (SSP) provides the foundation for this proactive safety strategy.

Safety risks and safety issues, including suitable mechanisms for their effective management and timely resolution, are among the topics on the agenda of the established SSP Steering Committee. Furthermore, this Committee discusses during its periodic meetings safety relevant matters associated to the areas of personnel licensing, aircraft operations (commercial and general aviation), airworthiness of aircraft, air navigation services, and aerodromes (airports and airfields).

Austrian aviation authorities personnel is kept informed about changes to the AASSP via the bmvit distribution mechanisms on top of the training as prescribed in chapters 5.3.1 and 5.3.2.

Statistics are drawn up providing information on aircraft accident and incident data, along with progress assessments of Austria's level of safety performance within its civil aviation sector. Significant achievements and other relevant information will be made available to the public. In addition, periodic Newsletters are disseminated to concerned stakeholders.

## Appendix 1a – State Safety Policy Statement

Conscious of the safe nature of the International Aviation System and of the sustained efforts of all stakeholders to maintain this high level of safety, Austria embraces the philosophy and policy of the International Civil Aviation Organisation (ICAO) and the European Aviation Safety Agency (EASA) as follows.

Within the Austrian Civil Aviation System safety has highest priority. Austria is committed to developing, implementing, maintaining, and constantly improving strategies and processes to ensure that all aviation activities taking place within the sphere of competence of the Republic of Austria achieve a high level of safety. In following the principle of “*Safety First*” Austria sets out to keep the risks in the Austrian Civil Aviation System as low as reasonably practicable.

The Republic of Austria strives to

- a. implement and maintain an effective, evidence-based, and pro-active management of aviation safety;
- b. ensure that the Austrian Civil Aviation Authorities have sufficient resources and competent personnel to meet their responsibilities in their capacity as safety oversight bodies;
- c. assume a leading role in the development and implementation of realistic safety objectives based on public perception and ensuring that a sustainable level of safety is achieved;
- d. monitor the implementation of the State Safety Programme using defined safety indicators and safety targets;
- e. ensure that safety oversight in civil aviation facilitates the achievement of highest safety standards;
- f. oversee the implementation of Safety Management Systems within aviation organisations;
- g. interact effectively with service providers in the resolution of safety concerns;
- h. comply with and - wherever possible - even exceed national and international safety requirements and standards;
- i. ensure preparation for future developments in the field of Aviation Safety through strategic planning;
- j. promote Aviation Safety and to ensure training of the aviation industry staff on modern, preventive, and risk-based safety management concepts and principles with a focus on encouraging all stakeholders to understand the benefits of a safety culture;
- k. support the management of aviation safety within Austria through the establishment of an effective system for the collection and processing of safety information, while applying the principles of “Just Culture”;
- l. establish provisions for the protection of safety data to encourage people to provide essential safety-related information and to enable a continuous exchange of safety information between the authorities and the aviation industry; and
- m. ensure that no information derived from the State Safety Programme and from Safety Management Systems respectively will be used for enforcement actions as far as possible under the provisions of Austrian national penal law.

On behalf of the Republic of Austria



Doris Bures, Federal Minister for Transport, Innovation and Technology

## Anhang 1b – State Safety Policy Statement<sup>i</sup>

Im Bewusstsein um die Sicherheit im internationalen Flugverkehr und die nachhaltigen Bestrebungen, dieses hohe Niveau an Sicherheit zu bewahren, macht sich Österreich die Philosophie und die Grundsätze der Civil Aviation Organisation (ICAO) und der European Aviation Safety Agency (EASA) wie folgt zu Eigen.

In der österreichischen Zivilluftfahrt hat Sicherheit höchste Priorität. Österreich engagiert sich aktiv in der Entwicklung, Umsetzung, Erhaltung und ständigen Verbesserung von Strategien und Prozessen, um sicherzustellen, dass alle Aktivitäten der Luftfahrt im Zuständigkeitsbereich der Republik Österreich hohe Anforderungen an die Sicherheit erfüllen. In Anwendung des Prinzips „*Safety first*“ verfolgt Österreich basierend auf nationalen, europäischen und internationalen Rechtsvorschriften das Ziel, die Risiken innerhalb der österreichischen Zivilluftfahrt so niedrig wie möglich zu halten.

Die Republik Österreich ist bestrebt

- a. ein wirkungsvolles Sicherheitmanagement für die Luftfahrt umzusetzen;
- b. ausreichend Ressourcen und kompetente Mitarbeiter für eine effektive Aufsicht sicherzustellen;
- c. führend in der Entwicklung und Erreichung von Sicherheitszielen zu agieren, um Sicherheitsniveaus nachhaltig zu erreichen;
- d. die Umsetzung des State Safety Programme an den Sicherheitszielen orientiert zu überwachen;
- e. Sicherheitsaufsicht nach höchsten Sicherheitsstandards auszurichten;
- f. die Umsetzung von Safety Management Systemen der Luftfahrtorganisationen zu überwachen;
- g. mit Luftfahrtorganisationen bei der Beseitigung potentieller Sicherheitsmängel effektiv zusammenzuarbeiten;
- h. nationale und internationale Sicherheitsanforderungen einzuhalten und nach Möglichkeit zu übertreffen;
- i. vorausschauend auf Entwicklungen im Bereich der Luftfahrtsicherheit vorbereitet zu sein;
- j. ein weitreichendes Verständnis für moderne Sicherheitskonzepte sowie eine Sicherheitskultur nachhaltig zu stärken;
- k. die Entwicklung eines Sicherheitsinformationssystem nach den Prinzipien der „Just Culture“ zu fördern;
- l. Vorkehrungen zum Schutz der Sicherheitsdaten zu treffen, um so den gezielten Austausch von Sicherheitsinformationen zu ermöglichen; und
- m. dass Informationen im Rahmen des Sicherheitsmanagements der Luftfahrt keine Verwendung zur Einleitung von Strafverfahren finden, sofern dies im Rahmen des nationalen Rechts möglich ist.

Für die Republik Österreich



Doris Bures, Bundesministerin für Verkehr, Innovation und Technologie

<sup>i</sup> Für Zwecke der regelkonformen Umsetzung des State Safety Programmes ist die englische Fassung im Appendix 1a heranzuziehen.

## Appendix 2 – State Enforcement Policy Statement

### Purpose

- 1.1. The enforcement policy statement is aimed at promoting compliance with aviation safety regulations and requirements through enforcement functions in an equitable manner.
- 1.2. The implementation of safety management systems (SMS) requires the Austrian Civil Aviation Authorities<sup>2</sup> to have an equitable and discretionary enforcement approach in order to support the SSP-SMS framework.
- 1.3. The Austrian Civil Aviation Authorities' enforcement policies and procedures allow service providers to deal with, and resolve, certain events involving safety deviations, internally, within the context of the service provider's SMS, and to the satisfaction of the authority. Intentional contraventions of the Civil Aviation Regulations are investigated and may be subject to conventional enforcement action where appropriate. (There are clear provisions in the enforcement framework for due consideration in order to distinguish between premeditated violations and unintentional errors or deviations.)
- 1.4. This enforcement policy statement and associated enforcement procedures apply to service providers operating in accordance with ICAO Annex 1 — Personnel Licensing; Annex 6 — Operation of Aircraft, Part I — International Commercial Air Transport — Aeroplanes, and Part III — International Operations — Helicopters; Annex 8 — Airworthiness of Aircraft; Annex 11 — Air Traffic Services; and Annex 14 — Aerodromes, Volume I — Aerodrome Design and Operations.

### Policy

- 2.1. Service providers<sup>3</sup> will establish, maintain and adhere to an SMS that is commensurate with the size, nature and complexity of the operations authorised to be conducted under its approval/certificate.
- 2.2. To maintain this enforcement policy that supports the implementation of SMS, the inspectors of the Austrian Civil Aviation Authorities will maintain an open communication channel with service providers.
- 2.3. No information derived from safety data collection and processing systems (established under an SMS) relating to reports classified as confidential, voluntary or equivalent category shall be used as the basis for enforcement action in accordance with the national legal framework.
- 2.4. When a service provider operating under an SMS unintentionally contravenes Civil Aviation Regulations, specific review procedures will be used. These procedures will allow the authority-inspector responsible for the oversight of the service provider the opportunity to engage in dialogue with the SMS-approved organisation. The objective of this dialogue is to agree on proposed corrective measures and an action plan that adequately addresses the deficiencies that led to the contravention and to afford the service provider a reasonable time to implement them. This approach aims to nurture and sustain effective safety reporting, whereby service providers' employees can report safety deficiencies and hazards without fear of punitive action. A service provider can therefore, without apportioning blame and without fear of enforcement action, analyse the event and the organizational or individual factors that may have led to it, in order to incorporate remedial measures that will best help to prevent recurrence.
- 2.5. The Austrian Civil Aviation Authorities, through the inspector responsible for the oversight of the service provider, will evaluate the corrective measures proposed by the service provider and/or the systems currently in place to address the event underlying the contravention. If the corrective measures proposed (including any appropriate internal disciplinary actions) are considered satisfactory and likely to prevent recurrence and foster future compliance, the review of the violation should then be concluded with no further punitive enforcement

<sup>2</sup> For details see chapter 2.2.2

<sup>3</sup> As defined in ICAO Annex 19, Paragraph 3.1.3.

action by the regulator<sup>4</sup>. In cases where either the corrective measures or the systems in place are considered inappropriate, the Austrian Civil Aviation Authorities will continue to interact with the service provider to find a satisfactory resolution that would prevent enforcement action. However, in cases where the service provider refuses to address the event and provide effective corrective measures, the Austrian Civil Aviation Authorities will consider taking enforcement action or other administrative action deemed appropriate.

In case of intent or negligence the authority has to inform the competent Head of the Federal District for financial penalty. Voluntary reported deviations are not prosecuted unless gross negligence is obvious.

2.6. Breaches of aviation regulations may occur for many different reasons, from a genuine misunderstanding of the regulations, to disregard for aviation safety. The Austrian Civil Aviation Authorities have a range of enforcement procedures in order to effectively address safety obligations under the Civil Aviation Regulations in light of different circumstances. These procedures may result in a variety of actions such as:

- a. counselling;
- b. remedial training; or
- c. variation, suspension or cancellation of authorizations.

2.7. Enforcement decisions must not be influenced by:

- a. personal conflict;
- b. personal gain;
- c. considerations such as gender, race, religion, political views or affiliation; or
- d. personal, political or financial power of those involved.

## Proportionality of Responses

Enforcement decisions must be proportional to the identified breaches and the safety risks they underlie, based on three principles:

- a. Austrian Civil Aviation Authorities will take action against those who consistently and deliberately operate outside Civil Aviation Regulations;
- b. the Austrian Civil Aviation Authorities will seek to educate and promote training or supervision of those who show commitment to resolving safety deficiencies; and
- c. the Austrian Civil Aviation Authorities will give due and equitable consideration to distinguish premeditated violations from unintentional errors or deviations.

## Natural Justice and Accountability

Enforcement decisions must:

- a. be fair and follow due process;
- b. be transparent to those involved;
- c. take into account the circumstances of the case and the attitude/actions of the service provider or individual when considering action;
- d. be consistent actions/decisions for like/similar circumstances; and
- e. be subject to appropriate internal and external review.

The confidentiality of occurrence information is assured by the national law governing data protection and the obligation to ensure confidentiality for all public employees involved.

The established voluntary incident reporting system protects the source from which the information has been obtained from.

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<sup>4</sup> As far as it is laid down in § 169 Abs. 4 Aviation Act

## Exceptions

- 5.1. This policy is not applicable if there is evidence of a deliberate effort to conceal non-compliance.
- 5.2. This policy is not applicable if the service provider fails to maintain an acceptable SMS or its agreed safety performance.
- 5.3. This policy is not applicable if the service provider is deemed by the Authority as a recurrent violator.
- 5.4. In the above circumstances, the Authority may deal with such non-compliance or violations according to established enforcement procedures as deemed appropriate.
- 5.5. This policy does not constitute a legal title for service providers
- 5.6. This policy does not affect any penal proceedings.

## Appendix 3 – SSP Implementation Planning

The AASSP implementation is carried out by means of a project that was set up involving all relevant stakeholders. In accordance with ICAO Annex 19, the regulatory system description was established which is part of the AASSP. Furthermore the gap analysis was carried out and the resulting implementation needs and milestones were defined in course of the project, suitably documented. As the AASP is further to be developed based on the growing legal requirements and the needs of the Austrian aviation system, the AASP implementation project team is kept for maintaining and advancing the AASP. The ongoing implementation planning is carried out in course of the regular meetings of the ASSC since coordination of the maintenance of the SSP is one of its defined tasks. The department SMF in the bmvit is the project lead, involving the various stakeholders for implementation.

## Appendix 4 – State Safety Key Performance Indicators

As referred to in Chapter 2.2.5 the acceptable level of safety performance (ALoSP) is achieved through the implementation and maintenance of safety performance indicators and targets. The state safety key performance indicators are outlined and defined in a separate document.

## Appendix 5 – Abbreviations / Definitions

### List of Abbreviations

AASREF	Austrian ANS Safety Regulatory Framework
AASSP	Austrian Aviation State Safety Programme
ACAM	Aircraft continued Airworthiness Monitoring Programme
ACG	Austro Control GmbH
ACE	Airworthiness and Certification (Division within ACG LFA)
AGA	Aerodromes and Ground Aids
AIG	Accident Investigation
AIR	Airworthiness
AIS	Aeronautical Information Service
ALoSP	Acceptable Levels of safety Performance
AMC	Acceptable Means of Compliance
AME	Aircraft Maintenance Engineer
AMO	Approved Maintenance Organisation
AMS	Aeromedical Section
ANS	Air Navigation Service
ANSP	Air Navigation Service Provider
AOC	Air Operator Certificate
AOT	Airworthiness, Operations, Technical Organisations (Division within ACG LFA)
ASM	Air Space Management
ASSC	Austrian SSP Steering Committee
ATC	Air Traffic Control
ATFM	Air Traffic Flow Management
ATO	Approved Training Organisation

ATS	Air Traffic Services
bmvit	Bundesministerium für Verkehr, Innovation und Technologie / Austrian Ministry for Transport, Innovation and Technology
CAME	Continuous Airworthiness Management Exposition
CAMO	Continuous Airworthiness Management Organisation
CMA	Continuous monitoring approach
CNS	Communications, Navigation and Surveillance
CMS	Compliance Management System
DCA	Division of Civil Aviation
DOC 9859	ICAO Safety Management Manual
EASA	European Aviation Safety Agency
EASp	European Aviation Safety Plan
EASP	European Aviation Safety Programme
ECCAIRS	European Co-ordination Centre for Accident and Incident Reporting Systems
EC	European Community
ECR	European Central Repository
EU	European Union
FAA (OeAeC)	Staff of the civil aviation authority division of the Austrian Aero Club
FDM	Flight Data Monitoring
FSTD	Flight Simulation Training Device
GEN	General
GM	Guidance Material
ICAO	International Civil Aviation Organization
ICAO SOA	ICAO Safety Oversight Audit
ICVMs	ICAO Coordinated Validation Missions
ISO	International Standardisation Organization
JAA TO	Joint Aviation Authorities Training Organisation
JRC	EU Commission's Joint Research Centre
KPIs	Key performance indicators
LEG	Legislation
LFA	Luftfahrtagentur (Authorities Sector within ACG)
LSA	Licensing, S and R, Aeromedical Section (Division within ACG LFA)
LSAG	Legal Strategic Advisory Group
MET	Meteorological Services
MOE	Maintenance Organisation Exposition
MORS	Mandatory Occurrence Reporting System
MTO	Maintenance Training Organisation
NSA	National Supervisory Authority (for Air Navigation Services)
OeAeC	Austrian Aero Club
OM	Operational Manual
OMM	Organisation Management Manual
OPS	Operations
ORA	Organisation Requirements Aircrew
ORG	Organisation
ORO	Organisation Requirements Air Operations
PDCA-Cycle	Plan - Do - Check - Act - Cycle
PEL	Personal licensing

SAFA	Safety Assessment of Foreign Aircraft
SANA	Safety Assessment of National Aircraft
SAR	Search and Rescue
SARPs	ICAO Standards and Recommended Practices
SDM	Safety Data Management
SES	Single European Sky
SIA	Safety Investigation Authority
SM ICG	Safety Management International Collaboration Group
SMF	Safety management and Air Navigation Services (Unit within bmvit)
SMM	ICAO Doc 9859 - Safety Management Manual
SMS	Safety Management System(s)
SPI	Safety Performance Indicator
SSP	State Safety Programme
SUB	Sicherheitsuntersuchungsstelle des Bundes (SIA - Safety Investigation Authority)
TEO	Technical Aviation Organisation (Division within ACG LFA)
TM	Training Manual
USOAP	Universal Safety Oversight Audit Programme (ICAO)
VORS	Voluntary Occurrence Reporting System
WKO	Austrian Economic Chamber (Wirtschaftskammer Österreich)

## List of national Legislation

Reference	Title	Subject
AASREF	Austrian ATM Safety Regulatory Framework	Austrian ATM Safety Regulatory Framework
ACGG	Bundesgesetz über die Austro Control Gesellschaft mit beschränkter Haftung, mit dem das Luftfahrtgesetz und das Bundesgesetz über den zwischenstaatlichen Luftverkehr geändert werden, BGBl.Nr. 898/1993	Federal Act of Austro Control GmbH
AIZ	Abkommen über die internationale Zivilluftfahrt, BGBl. Nr. 97/1949, 06.05.1949	Convention on International Civil Aviation
AOCV 2008	Verordnung des Bundesministers für Verkehr, Innovation und Technologien betreffend die Voraussetzungen für die Erteilung und Aufrechterhaltung des Luftverkehrsbetreiberzeugnisses (AOC) 2008 (Luftverkehrsbetreiberzeugnis-Verordnung 2008 – AOCV 2008), BGBl. II Nr. 254/2008	Air Operator Certificate Regulation
AVG	Allgemeines Verwaltungsverfahrensgesetz	General law for administrative procedures
ATMM/G	Air Traffic Management Manual / General	General Procedures for Air Traffic Management
BMG	Bundesministeriengesetz 1986	Federal Act of Federal Ministries
B-VG	Bundes-Verfassungsgesetz, BGBl. Nr. 244/1948, 30.12.1948	Federal Constitution of the Republic of Austria
DSG 2000	Bundesgesetz über den Schutz personenbezogener Daten (Datenschutzgesetz 2000 - DSG 2000) BGBl. I Nr. 165/1999	Data Protection Law
FBG	Bundesgesetz über die Öffnung des Zugangs zum Markt der Bodenabfertigungsdienste auf Flughäfen (Flughafen-Bodenabfertigungsgesetz - FBG) BGBl. I Nr 97/1998	Ground Handling Act
FTEG	Bundesgesetz, mit dem ein Bundesgesetz über Funkanlagen und Telekommunikationsendeinrichtungen erlassen wird und das Telekommunikationsgesetz, BGBl. I Nr. 134/2001	Telecommunication Equipment Act
FZG	Bundesgesetzblatt betreffend Funker-Zeugnisse (Funker-Zeugnisgesetz 1998), BGBl. I Nr. 26/1999	Radiotelephony Act
GGBG	Bundesgesetz über die Beförderung gefährlicher Güter (Gefahrgutbeförderungsgesetz - GGBG) BGBl. I Nr. 145/1998	Transport of Dangerous Goods Act
GGBV	Gefahrgutbeförderungsverordnung BGBl. II Nr. 303/1999 idF BGBl. II Nr. 43/2013	Transport of Dangerous Goods Regulation
LADV	Luftfahrt-Aufsichtsorgane-Dienstkarten-Verordnung BGBl. Nr II 44/2005	Inspectors Credentials Regulation
LFG	Bundesgesetz vom 2. Dezember 1957 über die Luftfahrt (Luftfahrtgesetz), BGBl.Nr. 253/1957	Aviation Act
LVR 2010	Luftverkehrsregeln 2010 - BGBl. II Nr. 106/2013	Rules of the Air
MEG	Maß- und Eichgesetz, BGBl.Nr. 152/1950	Measurement and Calibration Act
OeAeCVO	Verordnung des Bundesministers für öffentliche Wirtschaft und Verkehr betreffend die Übertragung von Zuständigkeiten an den Österreichischen Aero Club (OeAeC-Zuständigkeitsverordnung – OeAeCVO)	Regulation on the Delegation of Powers and Tasks to the Aeroclub of Austria
TKG 2003	Bundesgesetz, mit dem ein Telekommunikationsgesetz erlassen wird (Telekommunikationsgesetz 2003 - TKG 2003), BGBl. I Nr. 70/2003	Telecommunication Act
UUG 2005	Bundesgesetz über die Errichtung der Unfalluntersuchungsstelle des Bundes (Unfalluntersuchungsgesetz), BGBl. I Nr. 123/2005	Accident Investigation Act

ZFBO	Verordnung des Bundesministeriums für Verkehr und Elektrizitätswirtschaft vom 26. Feber 1962, betreffend den Betrieb von Zivillflugplätzen (Zivillflugplatz-Betriebsordnung - ZFBO), BGBl.Nr. 72/1962	Civil Aerodrome Operations Regulation
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Reference	Title	Subject
ZFV 1972	Verordnung des Bundesministers für Verkehr vom 1. Juli 1972 betreffend Zivillflugplätze (Zivillflugplatz-Verordnung - ZFV 1972), BGBl.Nr. 313/1972	Civil Aerodrome Regulation
ZLLV 2010	Zivilluftfahrzeug- und Luftfahrtgerät-Verordnung 2010	Airworthiness and Registration Regulation
ZLPV 2006	Zivilluftfahrt-Personalverordnung 1958, BGBl. II Nr. 205/2006, zuletzt geändert BGBl. II Nr. 260/2012	Personnel Licensing Regulation
ZLZV 2005	Verordnung des Bundesministers für Verkehr, Innovation und Technologie über die Lärmzulässigkeit von Zivilluftfahrzeugen (Zivilluftfahrzeug-Lärmzulässigkeitsverordnung 2005 – ZLZV 2005), BGBl. II Nr. 425/2005	Aircraft Noise Regulation
ZMV	Zivilluftfahrt-Meldeverordnung	Reporting of Occurrences, Serious Incidents and Accidents
ZNV	Zivilluftfahrt-Vorfall- und Notfall-Maßnahmen-Verordnung, BGBl. II Nr. 318/2007	Regulation on Civil Aviation Emergency Measures
AIP	Aeronautical Information Publication	---

## List of European Legislation

Reference	Title	Kind of Document
EC 216/2008	Regulation (EC) No 216/2008 of the European Parliament and of the Council of 20 February 2008 on common rules in the field of civil aviation and establishing a European Aviation Safety Agency, and repealing Council Directive 91/670/EEC, Regulation (EC) No 1592/2002 and Directive 2004/36/EC	Regulation
EC 549/2004	Regulation (EC) No 549/2004 of the European Parliament and of the Council laying down the framework for the creation of the single European sky (the framework Regulation)	Regulation
EC 550/2004	Commission Regulation (EC) No 550/2004 of the European Parliament and of the Council on the provision of air navigation services in the single European sky (the service provision Regulation)	Regulation
EC 551/2004	Regulation (EC) No 551/2004 of the European Parliament and of the Council on the organisation and use of the airspace in the single European sky (the airspace Regulation)	Regulation
EC 552/2004	Regulation (EC) No 552/2004 of the European Parliament and of the Council on the interoperability of the European Air Traffic Management network (the interoperability Regulation)	Regulation
EC 2042/2003	Commission Regulation (EC) No 2042/2003 of 20 November 2003 on the continuing airworthiness of aircraft and aeronautical products, parts and appliances, and on the approval of organisations and personnel involved in these tasks	Regulation
EC 2096/2005	Commission Regulation (EC) No 2096/2005 laying down common requirements for the provision of air navigation services	Regulation
EU 139/2014	Commission Regulation/Directive (EU) 139/2014 of 12 February 2014, laying down requirements and administrative procedures related to aerodromes pursuant to Regulation (EC) No 216/2008 of the European Parliament and of the Council	Regulation

Reference	Title	Kind of Document
EU 628/2013	Commission Implementing Regulation (EU) No 628/2013 of 28/06/2013 on working methods of the European Aviation Safety Agency for conducting standardisation inspections and for monitoring the application of the rules of Regulation (EC) No 216/2008 of the European Parliament and of the Council and repealing Commission Regulation (EC) No 736/2006	Regulation
EU 748/2012	Commission Regulation (EU) No 748/2012 of 03/08/2012 laying down implementing rules for the airworthiness and environmental certification of aircraft and related products, parts and appliances, as well as for the certification of design and production organisations	Regulation
EU 805/2011	Commission Regulation (EU) No 805/2011 of 10/08/2011 laying down detailed rules for air traffic controllers	Regulation
EU 923/2012	Commission Implementing Regulation (EU) No 923/2012 of 26/09/2012 laying down the common rules of the air and operational provisions regarding services and procedures in air navigation and amending Implementing Regulation (EU) No 1035/2011 and Regulations (EC) No 1265/2007, (EC) No 1794/2006, (EC) No 730/2006, (EC) No 1033/2006 and (EU) No 255/2010	Regulation
EU 965/2012	Commission Regulation (EU) No 965/2012 of 05/10/2012 laying down technical requirements and administrative procedures related to air operations pursuant to Regulation (EC) No 216/2008 of the European Parliament and of the Council	Regulation
EU 996/2010	Regulation (EU) No 996/2010 of the European Parliament and of the Council of 20/10/2010 on the investigation and prevention of accidents and incidents in civil aviation and repealing Directive 94/56/EC	Regulation
EU 376/2014	Regulation (EU) No 376/2014 of the European Parliament and of the Council of 03/04/2014 on the reporting, analysis and follow-up of occurrences in civil aviation amending Regulation (EU) No 996/2010 of the European Parliament and of the Council and repealing Directive 2003/42/EC of the European Parliament and of the Council and Commission Regulations (EC) No 1321/2007 and (EC) No 1330/2007	Regulation
EU 2015/1018	Commission Implementing Regulation (EU) 2015/1018 of 29/06/2015 laying down a list classifying occurrences in civil aviation to be mandatorily reported according to Regulation (EU) No 376/2014 of the European Parliament and of the Council	Regulation
EU 1034/2011	Commission Implementing Regulation (EU) No 1034/2011 of 17/10/2011 on safety oversight in air traffic management and air navigation services and amending Regulation (EU) No 691/2010	Regulation
EU 1035/2011	Commission Implementing Regulation (EU) No 1035/2011 of 17/10/2011 laying down common requirements for the provision of air navigation services and amending Regulations (EC) No 482/2008 and (EU) No 691/2010	Regulation
EU 1178/2011	Commission Regulation (EU) No 1178/2011 of 03/11/2011 laying down technical requirements and administrative procedures related to civil aviation aircrew pursuant to Regulation (EC) No 216/2008 of the European Parliament and of the Council	Regulation
EU 1332/2011	Commission Regulation (EU) No 1332/2011 of 16/12/2011 laying down common airspace usage requirements and operating procedures for airborne collision avoidance	Regulation
ESARR1	Safety Oversight in ATM	Eurocontrol safety regulation
ESARR2	Reporting and Assessment of Safety Occurrences in ATM	Eurocontrol safety regulation
ESARR3	Use of Safety Management Systems by ATM Service Providers	Eurocontrol safety regulation
ESARR4	Risk Assessment and Mitigation in ATM (ECAC Safety Minima for ATM)	Eurocontrol safety regulation
ESARR5	Safety Regulatory Requirement for ATM Services Personnel	Eurocontrol safety regulation
ESARR6	Software in ATM Systems	Eurocontrol safety regulation

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