

Document	BAR 19 Safety Management	
Version	02	



Brunei Department of Civil Aviation
Negara Brunei Darussalam
www.mtic.gov.bn/dca

Brunei Aviation Requirements

BAR 19 Safety Management

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Amendments

Amendment	Version	Date of Issue	Remarks
<p>1) Incorporating latest ICAO Annex 19 Amendment 1 (Annex 19, Second Edition, July 2016).</p> <p>2) Deletion of SMS requirements for providers of AIS, CNS, MET, SAR and Ground handling.</p> <p>3) SMS requirement for International General Aviation.</p> <p>4) Restructuring and renumbering of BAR 19.</p>	2.0	01 April 2020	<p>1) Amendment concerns provisions related to the further development of safety management provisions.</p> <p>2) To ensure consistency with ICAO Annex 19 SARPs.</p> <p>3) This requirement is not applicable to our current Industry.</p> <p>4) To be consistent with the structure and numbering of ICAO Annex 19, Second Edition, July 2016.</p>

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Control of this Document

DC.1 Introduction

DC.1.1 Pursuant to Civil Aviation Order 2006 and the Civil Aviation Regulations 2006 and their subsequent amendments, the following requirements are hereby established for compliance by all persons concerned, the Director of Civil Aviation is empowered to issue Brunei Aviation Requirements. This requirement shall be known as BAR 19 Safety Management and any reference to this title shall mean referring to the requirements to be met for civil aviation in Brunei Darussalam.

DC.2 Authority for this Regulation

DC.2.1 This BAR 19 Safety Management is issued on the authority of the Director of Civil Aviation.

DC.3 Applicability

DC.3.1 This BAR 19 Safety Management is applicable to the aviation industry of Brunei Darussalam.

DC.4 Scope

DC.4.1 BAR 19 Safety Management contains the requirements to be met for civil aviation in Brunei Darussalam, and shows compliance with ICAO Annex 19 – Safety Management.

DC.5 Definitions

DC.5.1 Terms not defined shall have the meaning given to them in the relevant legal instruments or international legal instruments in which they appear, especially as they appear in the Convention and its Annexes.

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Abbreviations & Acronyms

ADREP	Accident/incident data reporting
AIS	Aeronautical information services
ATS	Air traffic services
CNS	Communications, navigation and surveillance
CVR	Cockpit voice recorder
DCA	Director Civil Aviation
ICAO	International Civil Aviation Organisation
BARs	Brunei Aviation Requirements
MET	Meteorological services
PANS	Procedures for Air Navigation Services
SAR	Search and rescue
SARPs	Standards and Recommended Practices
SDCPS	Safety data collection and processing systems
SMM	Safety management manual
SMP	Safety management panel
SMS	Safety management system
SSP	State safety programme

References

ICAO Annex 19	Safety Management
ICAO Doc 7300	Convention on International Civil Aviation (Chicago Convention)
ICAO Doc 9734	Safety Oversight Manual, Part A.
ICAO Doc 9859	Safety Management Manual
ICAO Doc 1000	Global Aviation Safety Plan 2014-2016

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Chapter 1 – Definitions

1 Definitions

When the following terms are used in these Requirements for Safety Management, they have the following meanings:

Accident. An occurrence associated with the operation of an aircraft which, in the case of a manned aircraft, takes place between the time any person boards the aircraft with the intention of flight until such time as all such persons have disembarked, or in the case of an unmanned aircraft, takes place between the time the aircraft is ready to move with the purpose of flight until such time as it comes to rest at the end of the flight and the primary propulsion system is shut down, in which:

- a) a person is fatally or seriously injured as a result of:
 - being in the aircraft, or
 - direct contact with any part of the aircraft, including parts which have become detached from the aircraft, or
 - direct exposure to jet blast,
 - except when the injuries are from natural causes, self-inflicted or inflicted by other persons, or when the injuries are to stowaways hiding outside the areas normally available to the passengers and crew; or
- b) the aircraft sustains damage or structural failure which
 - adversely affects the structural strength, performance or flight characteristics of the aircraft, and
 - would normally require major repair or replacement of the affected component, except for engine failure or damage, when the damage is limited to a single engine, (including its cowlings or accessories), to propellers, wing tips, antennas, probes, vanes, tires, brakes, wheels, fairings, panels, landing gear doors, windscreens, the aircraft skin (such as small dents or puncture holes), or for minor damages to main rotor blades, tail rotor blades, landing gear, and those resulting from hail or bird strike (including holes in the radome); or
- c) the aircraft is missing or is completely inaccessible.

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

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

Note 3 - The type of unmanned aircraft system to be investigated is addressed in paragraph 5.1 of ICAO Annex 13.

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

Aeroplane. A power-driven heavier-than-air aircraft, deriving its lift in flight chiefly from aerodynamic reactions on surfaces which remain fixed under given conditions of flight.

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Aircraft. Any machine that can derive support in the atmosphere from the reactions of the air other than the reactions of the air against the earth's surface.

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

Helicopter. A heavier-than-air aircraft supported in flight chiefly by the reactions of the air on one or more power-driven rotors on substantially vertical axes.

Note. - Some States use the term "rotorcraft" as an alternative to "helicopter"

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

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

Industry codes of practice. Guidance material developed by an industry body, for a particular sector of the aviation industry to comply with the requirements of ICAO SARPs, other aviation safety requirements and the best practices deemed appropriate.

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

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

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

Regulations. This is typically used in a generic sense and includes but is not limited to instructions, rules, edicts, directives, sets of laws, requirements, policies and orders.

Safety. The state in which risks associated with aviation activities, related to, or in direct support of the operation of aircraft, are reduced and controlled to an acceptable level.

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

Safety oversight. A function performed by a State to ensure that individuals and organisations performing an aviation activity comply with safety-related national laws and regulations.

Safety performance. A State or a service provider's safety achievement as defined by its safety performance targets and safety performance indicators.

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

Safety performance target. The State or service provider's planned or intended objective for safety performance indicator(s) over a given period that aligns with the safety objectives.

Safety risk. The predicted probability and severity of the consequences or outcomes of a hazard.

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

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

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

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

State of the Operator. The State in which the operator's principal place of business is located or, if there is no such place of business, the operator's permanent residence.

State safety programme (SSP). An integrated set of regulations and activities aimed at improving safety.

Surveillance. The State activities through which the State proactively verifies through inspections and audits that aviation licence, certificate, authorization or approval holders continue to meet the established requirements and function at the level of competency and safety required by the State.

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Chapter 2. Applicability

The requirements contained in this BAR shall be applicable to safety management functions related to, or in direct support of, the safe operation of aircraft.

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

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

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

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

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

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Chapter 3 - State Safety Management Responsibilities

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

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

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

3.1 State safety programme (SSP)

- (a) The Brunei DCA in conjunction with the appropriate Ministry shall establish an SSP that is commensurate with the size and complexity of the State's civil aviation system, but may delegate safety management-related functions and activities to another State, Regional Safety Oversight Organization (RSOO) or Regional Accident and Incident Investigation Organization (RAIO).

Note 1.— States retain responsibility for safety management-related functions and activities delegated to another State, RSOO or RAIO.

Note 2.— Guidance on an SSP and the delegation of safety management-related functions and activities are contained in the Safety Management Manual (SMM) (Doc 9859).

3.2 State safety policy, objectives and resources

3.2.1 Primary aviation legislation

- 3.2.1.1 Brunei DCA shall establish primary aviation legislation in accordance with section 1 of Appendix 1.
- 3.2.1.2 Brunei DCA shall establish an enforcement policy that specifies the conditions and circumstances under which service providers with an SMS are allowed to deal with, and resolve, events involving certain safety issues, internally, within the context of their SMS and to the satisfaction of the appropriate State authority.

3.2.2 Specific operating regulations

- 3.2.2.1 Brunei DCA shall establish specific operating regulations in accordance with section 2 of Appendix 1.
- 3.2.2.2 Brunei DCA shall periodically review specific operating regulations, guidance material and implementation policies to ensure they remain relevant and appropriate.

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3.2.3 State system and functions

- 3.2.3.1 Brunei DCA shall establish State system and functions in accordance with section 3 of Appendix 1.
- 3.2.3.2 Brunei DCA shall identify, define and document the requirements, obligations, functions and activities regarding the establishment and maintenance of the SSP, including the directives to plan, organize, develop, maintain, control and continuously improve the SSP in a manner that meets the State’s safety objectives.
- 3.2.3.3 Brunei DCA shall establish a safety policy and safety objectives that reflect their commitment regarding safety and facilitate the promotion of a positive safety culture in the aviation community.
- 3.2.3.4 The safety policy and safety objectives shall be published and periodically reviewed to ensure that they remain relevant and appropriate to the State.

3.2.4 Qualified technical personnel

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

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

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

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

3.3 State safety risk management

3.3.1 Licensing, certification, authorization and approval obligations

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

3.3.2 Safety management system obligations

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

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

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

- c) approved maintenance organizations providing services to operators of aeroplanes or helicopters engaged in international commercial air transport, in accordance with Annex 6, Part I or Part III, Section II, respectively;
- d) [Not Applicable]
- e) air traffic services (ATS) providers in accordance with Annex 11; and

Note.— The provision of AIS, CNS, MET and/or SAR services, when under the authority of an ATS provider, are included in the scope of the ATS provider's SMS. When the provision of AIS, CNS, MET and/or SAR services are wholly or partially provided by an entity other than an ATS provider, the related services that come under the authority of the ATS provider, or those aspects of their services with direct operational implications, are included in the scope of the ATS provider's SMS.

- f) operators of certified aerodromes in accordance with Annex 14, Volume I.

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

3.3.2.2 States shall ensure that safety performance indicators and targets established by service providers and operators are acceptable to the State.

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

3.3.2.3 [Not Applicable]

3.3.2.4 [Not Applicable]

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3.3.3 Accident and incident investigation

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

3.3.1 Hazard identification and safety risk assessment

3.3.4.1 Brunei DCA shall establish and maintain a process to identify hazards from collected safety data.

Note 1. — Further information regarding safety data collection, analysis and the sharing and exchange of safety information can be found in Chapter 5.

Note 2.— Additional information to identify hazards and safety issues on which to base preventive actions may be contained in the Final Reports of accidents and incidents.

3.3.4.2 Brunei DCA shall develop and maintain a process that ensures the assessment of safety risks associated with identified hazards.

3.3.2 Management of safety risks

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

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

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

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

3.4 State safety assurance

3.4.1 Surveillance obligations

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

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

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

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

3.4.1.3 Brunei DCA shall periodically review the safety performance of an individual service provider.

3.4.1 State safety performance

3.4.2.1 Brunei DCA shall establish the acceptable level of safety performance to be achieved through their SSP.

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

Note 2.— Guidance on establishing safety performance indicators and targets, as well as an acceptable level of safety performance, is contained in the Safety Management Manual (SMM) (Doc 9859).

3.4.2.2 Brunei DCA shall develop and maintain a process to evaluate the effectiveness of actions taken to manage safety risks and resolve safety issues.

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

3.4.2.2 Brunei DCA shall evaluate the effectiveness of their individual SSPs to maintain or continuously improve their overall level of safety performance.

3.5 State safety promotion

3.5.1 Internal communication and dissemination of safety information

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

3.5.2 External communication and dissemination of safety information

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

Note 1.— Refer to Chapter 5, 5.4, for further details regarding safety information sharing and exchange.

Note 2.— Promoting safety awareness could include identifying accessible safety training for the aviation community.

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Chapter 4 – Safety Management System (SMS)

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

Note 2.— An organization may elect to extend one SMS across multiple service provider activities.

4.1 General

4.1.1. The SMS of a service provider shall:

- (1) be established in accordance with the framework elements contained in Appendix 2; and
- (2) be commensurate with the size of the service provider and the complexity of its aviation products or services.

4.1.2 The SMS of an approved training organization, in accordance with BAR 1, that is exposed to safety risks related to aircraft operations during the provision of its services shall be made acceptable to the Brunei DCA; and

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

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

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

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

4.1.6 [Not applicable]

4.1.7 [Not Applicable]

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

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4.1.9 The SMS of an operator of a certified aerodrome, in accordance with Annex 14, Volume I, shall be made acceptable to the State responsible for the aerodrome's certification.

4.2 International general aviation — aeroplanes

[Not applicable]

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Chapter 5 – Safety Data and Safety Information Collection, Analysis, Protection, Sharing and Exchange

Note.— The objective of this chapter is to ensure the continued availability of safety data and safety information to support safety management activities.

5.1 Safety data collection and processing systems

5.1.1 Brunei DCA shall establish safety data collection and processing systems (SDCPS) to capture, store, aggregate and enable the analysis of safety data and safety information.

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

- a) *data and information pertaining to accident and incident investigations;*
- b) *data and information related to safety investigations by State authorities or aviation service providers;*
- c) *mandatory safety reporting systems as indicated in 5.1.2;*
- d) *voluntary safety reporting systems as indicated in 5.1.3; and*
- e) *self-disclosure reporting systems, including automatic data capture systems, as described in Annex 6, Part I, Chapter 3, as well as manual data capture systems.*

Note 2.— Guidance related to SDCPS is contained in the Safety Management Manual (SMM) (Doc 9859). Note 3.— The term “safety database” may refer to a single or multiple database(s).

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

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

5.1.2 Brunei DCA shall establish a mandatory safety reporting system that includes the reporting of incidents.

5.1.3 Brunei DCA shall establish a voluntary safety reporting system to collect safety data and safety information not captured by mandatory safety reporting systems.

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

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

5.1.5 The safety database shall use standardized taxonomy to facilitate safety information sharing and exchange.

Note.— States are encouraged to use an ADREP-compatible system. More information on ADREP can be found in Annex 13, Chapter 7.

5.2 Safety data and safety information analysis

5.2.1 Brunei DCA shall establish and maintain a process to analyse the safety data and safety information from the SDCPS and associated safety databases.

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

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

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

5.3 Safety data and safety information protection

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

Note.— Sources include individuals and organizations.

5.3.2 Brunei DCA shall extend the protection referred to in 5.3.1 to safety data captured by, and safety information derived from, mandatory safety reporting system and related sources.

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Note 1.— A reporting environment where employees and operational personnel may trust that their actions or omissions that are commensurate with their training and experience will not be punished is fundamental to safety reporting.

Note 2.— Guidance related to both mandatory and voluntary safety reporting systems is contained in the Safety Management Manual (SMM) (Doc 9859).

5.3.3 Subject to 5.3.1 and 5.3.2, Brunei DCA shall not make available or use safety data or safety information collected, stored or analysed in accordance with 5.1 or 5.2 for purposes other than maintaining or improving safety, unless the competent authority determines, in accordance with Appendix 3, that a principle of exception applies.

5.3.4 Notwithstanding 5.3.3, Brunei DCA shall not be prevented from using safety data or safety information to take any preventive, corrective or remedial action that is necessary to maintain or improve aviation safety.

5.3.5 Brunei DCA shall take necessary measures, including the promotion of a positive safety culture, to encourage safety reporting through the systems referred to in 5.1.2 and 5.1.3.

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

5.3.6 States shall facilitate and promote safety reporting by adjusting their applicable laws, regulations and policies, as necessary.

5.3.7 In support of the determination referred to in 5.3.3, States shall institute and make use of appropriate advance arrangements between their authorities and State bodies entrusted with aviation safety and those entrusted with the administration of justice. Such arrangements shall take into account the principles specified in Appendix 3.

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

5.4 Safety information sharing and exchange

Note.— Sharing refers to giving, while exchange refers to giving and receiving in return.

5.4.1 If a Brunei DCA in the analysis of the information contained in its SDCPS, identifies safety matters considered to be of interest to other States, that Brunei DCA shall forward such safety information to them as soon as possible. Prior to sharing such information, States shall

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agree on the level of protection and conditions on which safety information will be shared. The level of protection and conditions shall be in line with Appendix 3.

5.4.2 Brunei DCA shall promote the establishment of safety information sharing or exchange networks among users of the aviation system, and facilitate the sharing and exchange of safety information, unless national law provides otherwise.

Note.— Information on the sharing of safety information can be found in the ICAO Code of Conduct on the Sharing and Use of Safety Information in the Global Aviation Safety Plan (Doc 10004

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Appendix 1 - State Safety Oversight (SSO) System Critical Elements (CEs)

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

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

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

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

1. Primary aviation legislation (CE-1)

1.1 Brunei DCA shall promulgate a comprehensive and effective aviation law, commensurate with the size and complexity of their aviation activity and consistent with the requirements contained in the Convention on International Civil Aviation, to enable the oversight and management of civil aviation safety and the enforcement of regulations through the relevant authorities or agencies established for that purpose.

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

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

2. Specific operating regulations (CE-2)

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

3. State system and functions (CE-3)

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

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

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

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

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

3.5 Recommendation.— *States should use a methodology to determine their staffing requirements for personnel performing safety oversight functions, taking into account the size and complexity of the aviation activities in their State.*

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

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

4. Qualified technical personnel (CE-4)

4.1 Brunei DCA shall establish minimum qualification requirements for the technical personnel performing safety-related functions and provide for appropriate initial and recurrent training to maintain and enhance their competence at the desired level.

4.2 Brunei DCA shall implement a system for the maintenance of training records for technical personnel.

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

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

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

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

Brunei DCA shall implement documented processes and procedures to ensure that individuals and organizations performing an aviation activity meet the established requirements before they are allowed to exercise the privileges of a licence, certificate, authorization or approval to conduct the relevant aviation activity.

7. Surveillance obligations (CE-7)

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

8. Resolution of safety issues (CE-8)

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

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

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Appendix 2 - Framework for a Safety Management System (SMS)

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

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

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

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

1. Safety policy and objectives
 - 1.1 Management commitment
 - 1.2 Safety accountability and responsibilities
 - 1.3 Appointment of key safety personnel
 - 1.4 Coordination of emergency response planning
 - 1.5 SMS documentation

2. Safety risk management
 - 2.1 Hazard identification
 - 2.2 Safety risk assessment and mitigation

3. Safety assurance
 - 3.1 Safety performance monitoring and measurement
 - 3.2 The management of change
 - 3.3 Continuous improvement of the SMS

4. Safety promotion
 - 4.1 Training and education
 - 4.2 Safety communication

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Appendix 3 – Principles For The Protection Of Safety Data, Safety Information And Related Sources

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

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

Note 3.— The principles contained in this appendix are aimed at assisting States to enact and adopt national laws, regulations and policies to protect safety data and safety information gathered from safety data collection and processing systems (SDCPS), as well as related sources, while allowing for the proper administration of justice and necessary actions for maintaining or improving aviation safety.

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

1. General principles

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

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

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

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

2. Principles of protection

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

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

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

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

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

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

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3. Principles of exception

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

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

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

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

4. Public disclosure

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

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

4.2 Where disclosure is made in accordance with section 3, States shall ensure that:

- a) public disclosure of relevant personal information included in the safety data or safety information complies with applicable privacy laws; or

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- b) public disclosure of the safety data or safety information is made in a de-identified, summarized or aggregate form.

5. Responsibility of the custodian of safety data and safety information

Brunei DCA shall ensure that each SDCPS has a designated custodian to apply the protection to safety data and safety information in accordance with applicable provisions of this appendix.

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

6. Protection of recorded data

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

Note 2.— Provisions on the protection of flight recorder recordings and recordings from air traffic control units during investigations instituted under Annex 13 are contained therein. Provisions on the protection of flight recorder recordings during normal operations are contained in Annex 6.

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