

Austrian Aviation State Safety Programme

Legal notice

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Authors: Mag. Veronika Löblich, Dipl.-Ing. Tino Schill

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Feedback: If you would like to share any feedback about this brochure, please contact
l4@bmk.gv.at.

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Overview

The Austrian Aviation State Safety Programme (AASSP) is a description of the various regulations and measures for maintaining and improving the safety of the Austrian civil aviation in compliance with national law, European and international regulations.

This document describes the implementation of safety management systems in Austria, (authorities and industry/stakeholders), 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 1948¹. Currently ICAO consists of 193 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, BGBl. Nr. 253/1957).

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

- the Federal Act of Austrian Ministries BMG (Bundesministeriengesetz) describes the organisation of the Federal Ministries, including the Austrian Ministry for Transport, Climate Action, Environment, Energy, Mobility, Innovation and Technology – BMK (Bundesministerium für Klimaschutz, Umwelt, Energie, Mobilität, Innovation und Technologie).

¹ Austrian date of deposit of instrument of ratification or notification of adherence: 27 August 1948

- the Aviation Act establishes competent Authorities directly within the BMK as the superior civil aviation authority in Austria, performing supervision over Austro Control GmbH (ACG) and the Austrian Aero Club (OeAeC). The BMK 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 BMK and BMLV (Bundesministerium für Landesverteidigung (MoD)).
- the Federal Act of Austro Control GmbH (Austro Control GmbH Gesetz - ACGG) establishes Austro Control not only as a service provider for air navigation services (ANSP), but also as the State's authority for aircraft operators, dangerous goods, certification and surveillance of aircraft, aircraft maintenance and training organisations, simulators, personnel licensing (for most of the civil aviation) and drones. The authority tasks are accordingly separated from service provision at organisational level and are internally referred to as ACG-Luftfahrtagentur (LFA).
- According to the Regulation on the Delegation of Powers and Tasks to the Aero Club of Austria (OeAeC-Zuständigkeitsverordnung - OeAeCVO), 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.
- 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 BMK, 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 Climate Action, Environment, Energy, Mobility, 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 domain. As a general rule, Article 141 of the Aviation Act states that the authority 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 for Climate Action, Environment, Energy, Mobility, 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 Climate Action, Environment, Energy, Mobility, Innovation and Technology, Division of Civil Aviation assumes the representation of Austria towards the European Commission, the European Aviation Safety Agency (EASA), 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 for Climate Action, Environment, Energy, Mobility, or in respect of obstacles in nationally regulated civil limitation surfaces of civil aerodromes as well as the Ministry of Defence 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. Section V of the Austrian Ministry for Climate Action, Environment, Energy, Mobility, Innovation and Technology has the competency to execute the regulation concerning provisions for protecting flight crews against cosmic radiation. The Civil Aviation Authorities - within Section IV of the Austrian Ministry for Climate Action, Environment, Energy, Mobility, 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 for Climate Action, Environment, Energy, Mobility, Innovation and Technology is also responsible for reporting and verification. Aircraft noise at airports is regulated by Regulation (EU) No 598/2014 on the establishment of rules and procedures regarding the introduction of noise-related operating restrictions at Union airports within a Balanced Approach and repealing Directive 2002/30/EC.

As this regulation (and former 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 an 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 BMK 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 - GGBG) and Regulation (EU) 965/2012.

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 and production organisations as well third country operators.

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 BMK 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. For airports the certification and the oversight responsibilities are laid down in Regulation (EU) 2018/1139 and Regulation (EU) No. 139/2014.

The Accident Investigation Act UUG 2005 (Unfalluntersuchungsgesetz, last amendment BGBl. I Nr. 231/2021) 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.

A Summary of national Regulations and international Agreements/ Conventions is published in AIP GEN 1.6.

- The publication of Austrian Legal Acts is provided on: ris.bka.gv.at
- The Publication of Legal Acts of the European Union is provided on eur-lex.europa.eu

For more information see:

ilac.univie.ac.at/fileadmin/user_upload/project_ilac/Publikationen/AustrianLegalSystem.pdf

docplayer.org/83149045-I-oeffentliches-recht.html

uibk.ac.at/zivilrecht/buch/kap1_0.xml?section=1;section-view=true

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 as follows:

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

2.1.3 Operating Regulations/Requirements

The Federal Minister for Climate Action, Environment, Energy, Mobility, 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

Like 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 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.

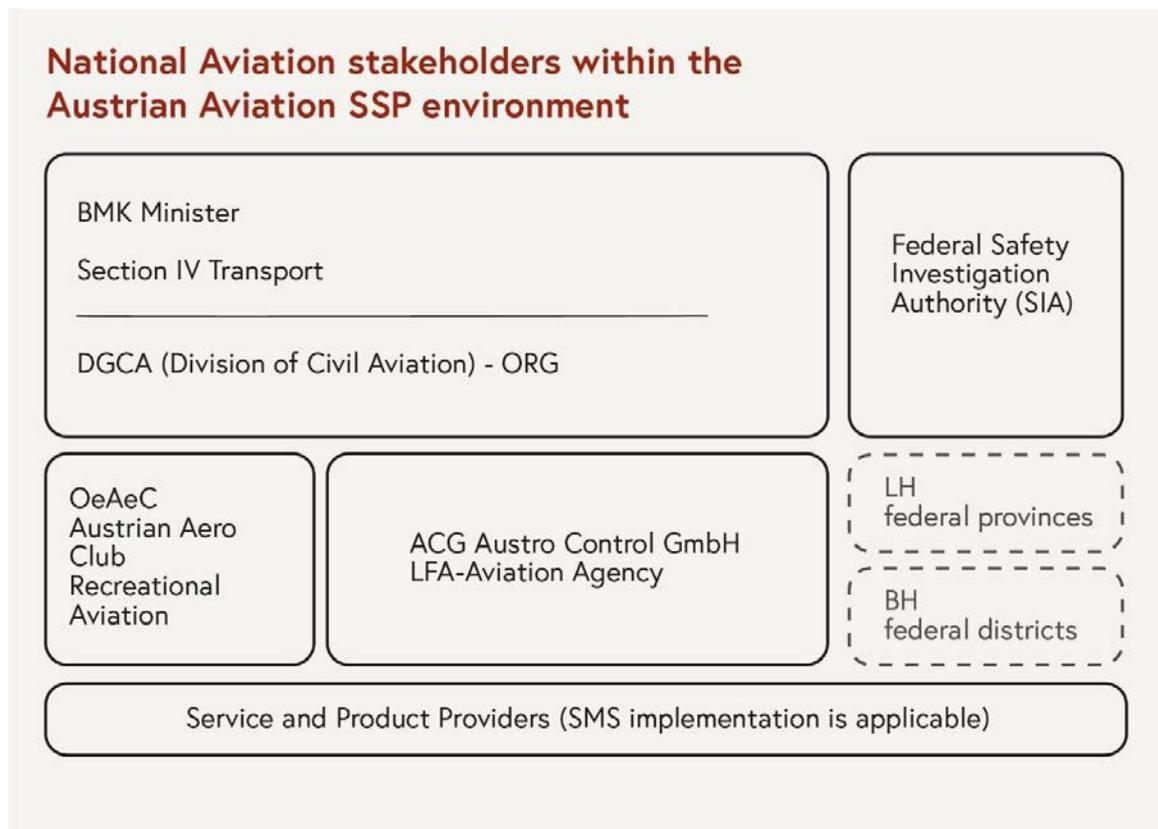
2.2 State Safety Responsibilities and Accountabilities

2.2.1 AASSP Development, Implementation and Maintenance

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

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

Figure 1 National Aviation stakeholders within the Austrian Aviation SSP environment



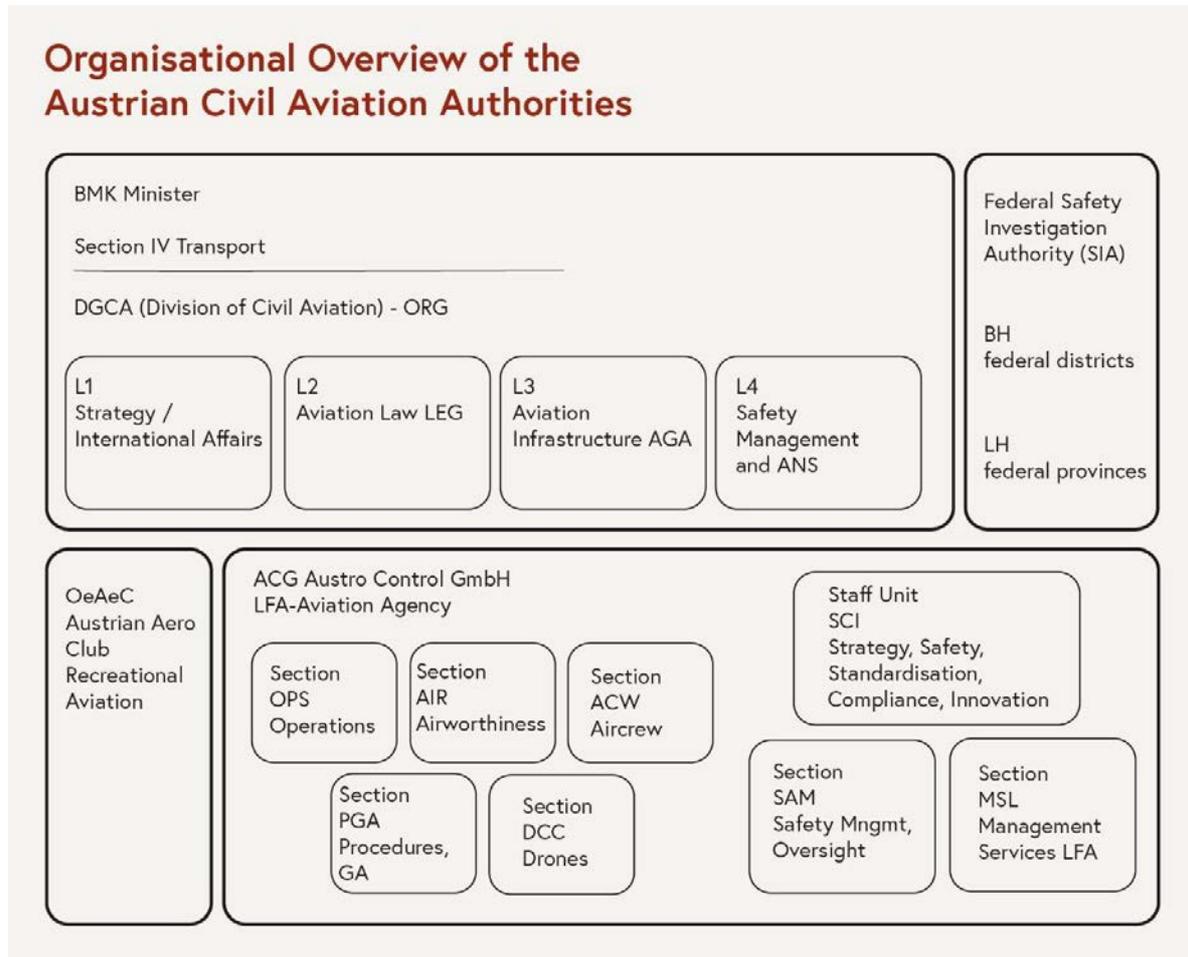
The project development and implementation were coordinated by the BMVIT (now BMK) department IV/ SMF - Safety Management and ANS (now IV/L4). In addition, L4 was responsible for the representation in and implementation of deliverables of international safety fora (e.g. EASA, EPAS).

Today, the Austrian Aviation State Safety Programme (including all Annexes) is steered, maintained and further developed within the BMK department IV/L4 Safety Management and Air Navigation Services. Nevertheless, each Austrian civil aviation authority is responsible for the coordinated implementation of the relevant tasks within their responsible aviation domain(s). Depending on the subject, the Austrian civil aviation authorities are involved in the steering, maintenance and further development processes. The involvement of the CAAs can reach from just consultation to provide comments and input up to active participation in regular meetings of established working groups.

2.2.2 AASSP Responsibilities & Resources

Responsibilities for civil aviation safety oversight in Austria are principally shared between the BMK, Austro Control LFA and the Austrian Aero Club. The accident investigations are carried out by the Federal Safety Investigation Authority (SIA, German: "Sicherheitsuntersuchungsstelle des Bundes", "SUB"). 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 supreme civil aviation authority in Austria, the BMK performs supervision over Austro Control and the OeAeC.

In addition to that the BMK 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 BMK is divided in six 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 under Section IV of the BMK, as well (see Organisational Chart above).

The Division of Civil Aviation (DCA) of Austria is established under Section IV of the BMK 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):

- a) 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
- b) Department IV/L2, in charge of Legal Affairs, Rulemaking and Operating Licences
- c) 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
- d) Department IV/L4 “Safety Management and Air Navigation Services”, in charge of the AASSP, 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

Austro Control GmbH, established under the legal act “Bundesgesetz über die Austro Control Gesellschaft mit beschränkter Haftung” - 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 BMK. Part of its activity is to perform licensing, certification and surveillance tasks in the areas of personnel licensing, aircraft operations, airworthiness of aircraft dangerous goods, occurrence reporting and unmanned aircraft (drones). Under a separate sub-structure, Austro Control is the service provider for Air Navigation Services in Austria.

The safety oversight responsibilities of the Luftfahrtagentur – LFA (Aviation Agency) are discharged by a supporting staff unit. The sections and the staff unit are listed below:

- a) Operation Section (OPS) in charge of certification and oversight of aircraft operations and Dangerous Goods (DG).
- b) Airworthiness Section (AIR), in charge of initial and continuing airworthiness, technical organisations and maintenance licensing as well as simulators
- c) Aircrew Section (ACW), in charge of personnel licensing (for pilots, air traffic controllers), cabin crew, the oversight of pilot training organisations and examinations
- d) Procedures and General Aviation Section (PGA), in charge of General Aviation matters, Search and Rescue, flight permissions and special approvals
- e) Drone Competence Center (DCC), in charge of drone operational approvals and oversight, market surveillance and integration manned/unmanned operation
- f) Staff Unit (SCI), in charge of the authority Management System, safety and oversight management, compliance management and monitoring, occurrence management (overall oversight and safety management including the system for collecting and processing data of accidents, incidents and other safety occurrences in civil aviation within Austria), legal matters and court cases, competency and knowledge management, digitalisation and innovation.

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. The licensing of pilots for balloons and sailplanes are carried out under European law.

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

In compliance with European regulations pursuant to Article 16, Paragraph 12 of Regulation (EU) 376/2014, a Designated Body ("Ombudsman's office") in the field of "Just Culture" has been established. According to Section 136, Paragraph 5 of the Aviation Act (LFG), this Ombudsman's office is located within the BMK and falls under the jurisdiction of Department IV/VPF. The organizational structure ensures, in accordance with European recommendations, the independence of units responsible for supervisory activities.

Employees and contract personnel of civil aviation organizations (such as companies) located in a member state or certified and authorized by the member state can turn to the Just Culture Reporting Office to:

- Obtain information regarding the functions and authorities of the Ombudsman's office, and
- Report suspected breaches of the principles of "Just Culture" to the Ombudsman's office.

2.2.3 Austrian Aviation SSP Steering Committee

The Austrian Aviation SSP Steering Committee (AASSC) was established by the Austrian Ministry for Climate Action, Environment, Energy, Mobility, Innovation and Technology. The Committee shall monitor the implementation of the AASSP; make proposals related to measures for elimination and/or mitigation of risks to Aviation Safety.

The Committee members shall include the following:

- the Director General Civil Aviation/Accountable Executive,
- the representatives nominated by the BMK,
- three representatives nominated by LFA,

- a representative nominated by the Austrian Safety Investigation Body,
- a representative nominated by the Austrian Aero Club,
- the State Safety Programme coordinator,
- two representatives of the aviation industry proposed by the Austrian Economic Chamber WKO,
- a representative proposed by the Air Navigation Service Provider,
- 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 Austrian Plan for Aviation Safety
- Periodic internal review to ensure the continuing improvement and effectiveness of the AASSP
- 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 Climate Action, Environment, Energy, Mobility, Innovation and Technology is responsible, on behalf of the Austrian government, for developing and maintaining the Austrian Aviation State Safety Programme (AASSP) 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.

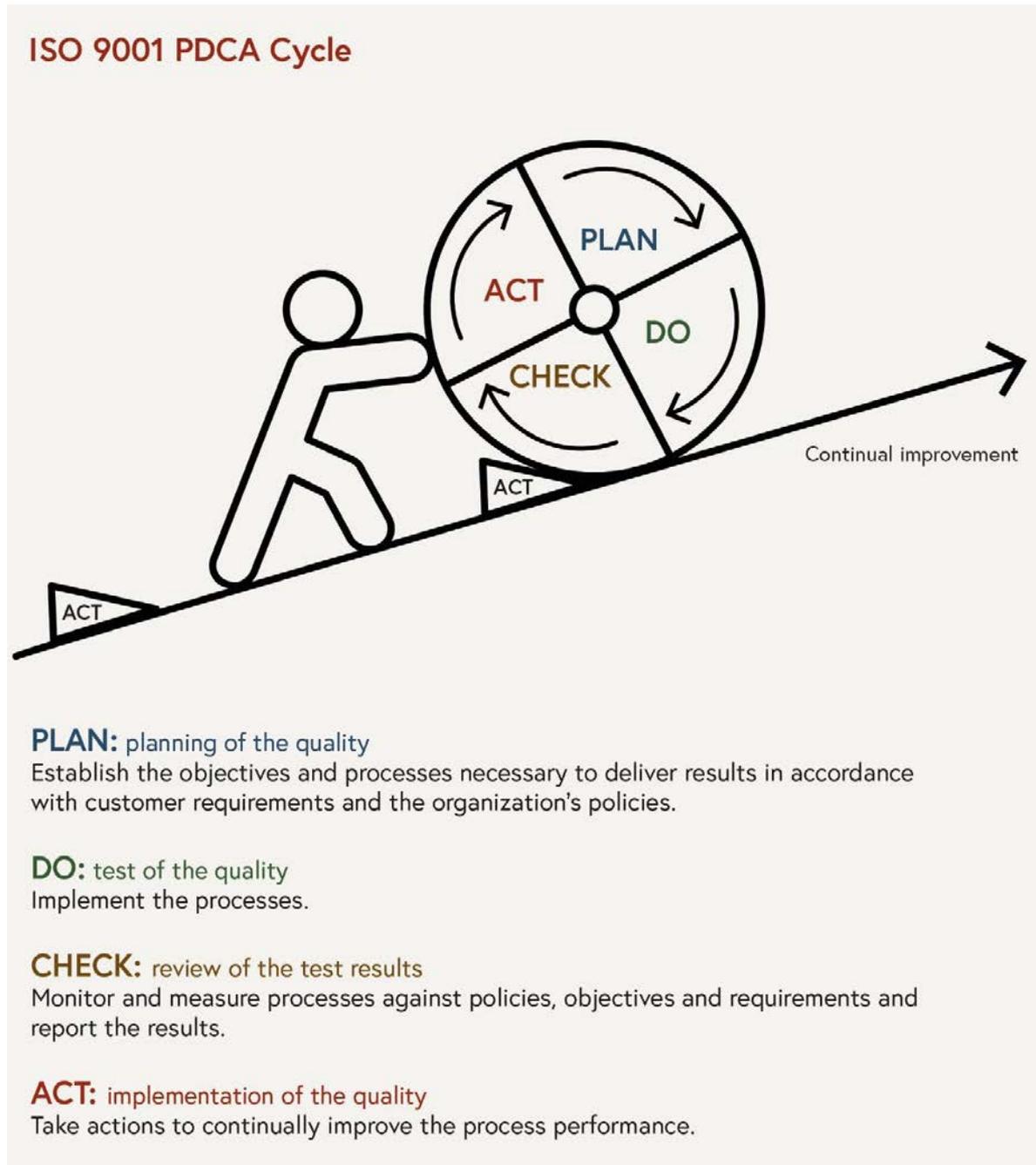
2.2.5 State Acceptable Level of Safety Performance (ALoSP)

Austria is currently in the process of developing a modus operandi for the definition and maintenance of State Safety Indicators and associated alert and target levels. This process involves all Austrian civil aviation authorities, taking into account (safety) indicators already developed by ICAO, EASA, foreign aviation authorities and (Austrian) stakeholders.

2.2.6 AASSP 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 3.

Figure 3: ISO 9001 PDCA Cycle



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 AASSP 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, RASP, the EASP and the Austrian SSP

The **Global Aviation Safety Plan** (GASP by ICAO) introduced by ICAO in 1997 sets out a strategy that supports the prioritization and continuous improvement of aviation safety. The GASP, along with the Global Air Navigation Plan (GANP), provides the framework in which regional and national aviation safety plans will be developed and implemented, thus ensuring harmonization and coordination of efforts aimed at improving international civil aviation safety, capacity and efficiency. The purpose of the GASP is to continually reduce fatalities, and the risk of fatalities, by guiding the development of a harmonized aviation safety strategy, regional aviation safety plans and national aviation safety plans. The GASP promotes the implementation of a State's safety oversight system, a risk-based approach to managing safety as well as a coordinated approach to collaboration between States, regions and industry. States are encouraged to support and implement the GASP as the strategy for the continuous improvement of global aviation safety.

The 2020-2022 edition of the GASP maintains some key elements from its previous editions, such as goals for States to improve their effective safety oversight capabilities and to progress in the implementation of State safety programmes (SSPs). Main changes in the plan include new goals and targets for States, regions and industry, as well as tools to measure States' safety oversight capabilities. The GASP includes the Global Aviation Safety Roadmap (GASR), which serves as an action plan to assist the aviation community in achieving its goals through a structured, common frame of reference for all relevant stakeholders. The vision of the current GASP is to achieve and maintain the aspirational safety goal of zero fatalities in commercial operations by 2030 and beyond, which is consistent with the United Nations' 2030 Agenda for Sustainable Development.

In December 2015 the EC communicated the **European Aviation Safety Programme** (EASP, 2nd edition, COM/2022/529 final), adding a proactive element to the current EU aviation safety system. The EASP describes the process to update and develop **European Plan for Aviation Safety** (EPAS), 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 Europe-wide. EPAS takes into consideration the objectives and global accident categories identified in GASP. The GASP objectives are addressed in a section of EPAS.

Aviation Safety risks at 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 carry out on a regular basis 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 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.

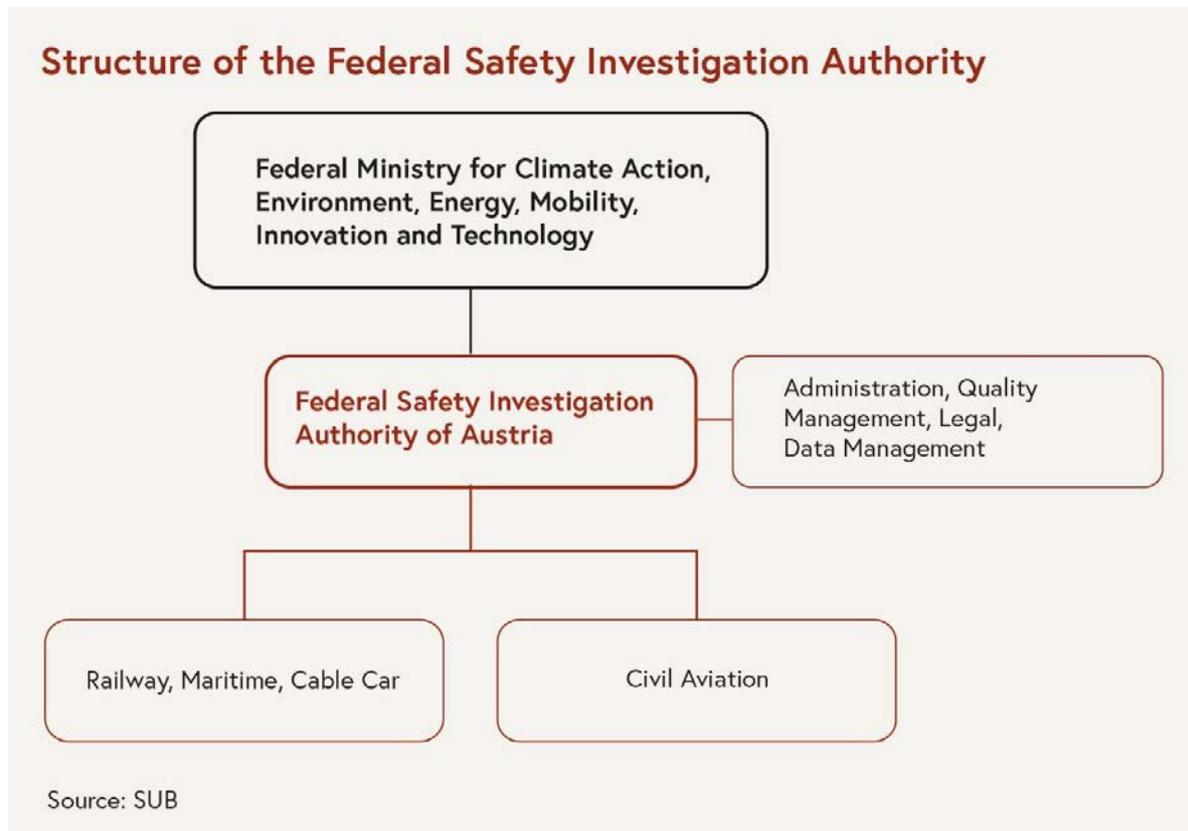
- The Accountable Executive fully recognises the Austrian Aviation State Safety Policy as promoted by the Minister of Transport and takes all appropriate measures for its implementation with the support of DCA.
- The development and periodical review of a safety implementation plan that is concurrent 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 BMK to ensure in particular the provision of adequate human and financial resources for the effective implementation of the AASSP.

2.4 State Accident and Incident Investigation

In accordance with the international standards and recommendations for accident and incident investigation of Article 37 of the Convention on International Civil Aviation and the corresponding Annex 13, Regulation (EU) No 996/2010 on the investigation and prevention of accidents and incidents in civil aviation and the Austrian Accident Investigation Act (“Unfalluntersuchungsgesetz”), safety investigations into accidents and serious incidents in civil aviation are conducted independently by a permanent Federal Safety Investigation Authority (SIA, German: “Sicherheitsuntersuchungsstelle des Bundes”, “SUB”). The SIA aims to improve aviation safety by drawing lessons from accidents and incidents and to prevent future accidents and incidents as well as improving aviation safety by issuing safety recommendations.

Figure 4: Structure of the Federal Safety Investigation Authority



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 based on 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 be conducted in an efficient and appropriate manner and without delay.

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. The Austrian decree "Erlass vom 10. März 2020 über die Anwendung des Unfalluntersuchungsgesetzes und die Zusammenarbeit mit der Austro Control GmbH" ensures in particular the coordination between the SIA and the criminal

related investigation of judicial authorities and their independence as regards the usage of data.

Upon initiation of the safety investigation an investigator-in-charge is appointed, who is responsible 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 future 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 is subject to mutual agreement. Austria ensures that their SIA participates in the European Network of Civil Aviation Safety Investigation Authorities (ENCASIA) seeking further improvement of the quality of investigations conducted by the SIA, strengthen cooperation between European safety investigation authorities as well as encouraging high standards in investigation methods and investigator training. The SIA also regularly participates in other aviation safety investigation communities for the same reasons such as the Air Accident and Incident Investigation Group of Experts of the European Civil Aviation Conference (ECAC/ACC) and the European Society of Air Safety Investigators (ESASI).

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 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) and Declared Training Organisations (DTOs)

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 and into Commission Regulation (EU) 2015/340 laying down technical requirements and administrative procedures relating to air traffic controllers' licences and certificates.

For organisations under EU regulative, Regulation (EU) No 1178/2011- Annex VII (Part-ORA) & Annex VIII (Part-DTO) is the enabling regulation. For training organisations under national regulation (aircraft falling under Annex I of Regulation (EU) 2018/1139) "Zivilluftfahrt-Personalverordnung" (ZLPV 2006) §119 requires basic elements of a management system, but not specifically related to SMS.

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.

For organisations under EU regulative, Regulation (EU) No 965/2012 - Annex III (Part-ORO) is the enabling regulation. For organisations under national regulation (aircraft falling under Annex I of Regulation (EU) 2018/1139) see chapter 3.1.5.

3.1.3 Continuing airworthiness management organizations (CAMOs) and Combined Airworthiness Organisations (CAOs)

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).

For organisations under EU regulative, Regulation (EU) No 965/2012 - Annex VI (Part-NCC) and Annex VII (Part-NCO) are the enabling regulations. For organisations under national regulation (aircraft falling under Annex I of Regulation (EU) 2018/1139) see chapter 3.1.5.

As far as SMS requirements for CAMOs providing continuing airworthiness management for aircraft not falling under Commission Regulation (EU) 2018/1139 are concerned, national requirements are stipulated in Luftfahrtgesetz LFG and ZLLV 2010.

Austro Control is responsible for approving and oversight of “Combined Airworthiness Organisations (CAOs)”. This is in accordance with (EU) Nr. 1321/2104 Annex Vd, (EU) No. 2019/1384, 2019/1384 and 2020/270. The CAO approval is a simplified organisation approval for General Aviation.

3.1.4 International general aviation

For organisations under EU regulative, Regulation (EU) No 965/2012 - Annex VI (Part-NCC) and Annex VII (Part-NCO) are the enabling regulations. For organisations under national regulation (aircraft falling under Annex I of Regulation (EU) 2018/1139) see chapter 3.1.5.

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 (EU) no 1321/2014 – Annex II (Part 145) are concerned, national requirements are stipulated in the Aviation Act and ZLLV.

For organisations under EU regulative, Regulation (EU) No 1321/2014- Annex II (Part-145) – Section A is the enabling regulation. For maintenance organisations under national regulation (aircraft falling under Annex I of Regulation (EU) 2018/1139) “Zivilluftfahrzeug und -geräte Verordnung” (ZLLV 2010) §52 together with § 49 requires basic elements of a management system, but not specifically related to SMS.

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 (EU) 2018/1139 are concerned, national requirements are stipulated in the Aviation Act and ZLLV 2010.

For organisations under EU regulative, Regulation (EU) No 748/2012- Annex I – Section A Subparts A, F, G & J are the enabling regulations. For Design a/o Production organisations under national regulation (aircraft falling under Annex I of Regulation (EU) 2018/1139) “Zivilluftfahrzeug und -geräte Verordnung” (ZLLV 2010) §53 together with §49 requires basic elements of a management system, but not specifically related to SMS.

3.1.7 Air traffic services (ATS) providers

The international provisions of Annex 11 to the Chicago Convention are transposed into Commission Implementing Regulation (EU) 2017/373. 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 (EU) 2018/1139 are concerned, national requirements are stipulated in the Aviation Act and ZFBO 2024. Ground handling service providers in respect of Council Directive (EC) 96/67 are not covered at the moment by Commission Regulation (EU) 139/2014, but have to follow Commission Regulation (EU) No 376/2014 in respect of basic modules of a Safety Management System.

3.2 Austrian Hazard Identification and Safety Risk Assessment

Safety management is standard for aviation safety worldwide. It assists managers to make decisions based on the risks that exist in their organisations or in their operating environments. Austria is committed through its State Safety Policy Statement to establish and maintain safety management principals in all of its civil aviation authorities following the principals of “Safety First”.

Risk management is one of the main components of safety management. The key elements for an effective risk management process are

- the collection of (safety) information,
- the identification of (safety) hazards,
- the assessment of the risks associated with the consequences of these hazards,
- the mitigation of the risks considered unacceptable, and
- the monitoring of the effectiveness of the implemented measures.

Well-functioning safety management processes require data to support analyses and assessments, as well as strategies to guarantee that these data possess certain attributes, such as data validity, completeness, timeliness, availability, and accuracy. Therefore, hazard identification and risk management is dependent on effective data management processes. Established data attribute requirements and data management plans enable effective hazard identification and risk mitigation.

During hazard identification, all possible sources of hazards should be considered. The risk associated with the potential outcomes for each particular hazard is assessed or analysed, in which each risk is the product of severity and probability. Thereafter, the risks that are considered unacceptable should be mitigated.

Based on the established civil aviation authorities and thereof the distributed responsibilities, duties and tasks of each individual authority when applying safety management principals, it is necessary to implement an overarching system to gain the overall big risk picture. As consequence of this, the Austrian Civil Aviation Hazard Identification and Risk Management Process (HIRMP) within the context of the Austrian Aviation State Safety Programme is developed and implemented.

The Safety Management International Collaboration Group (SM ICG) paper on Risk Based Decision Making Principles, issued January, 30th 2013 describes the main pillars of a hazard identification and risk management system within an organisation. It is recommended that each responsible/competent national domain civil aviation authority develops and implements its own hazard identification and risk management system based on the information contained in the mentioned document.

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 (BMK, 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 (see ICAO Doc 9859).

4.1 Personnel licensing system

Under the Aviation Act, the Aircrew Section (ACW "Luftfahrtpersonal") of the LFA is responsible for personnel licensing activities including the licensing for ATCOs.

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 licensing of pilots for gliders and balloons is managed according to EU regulations. 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 BMK.

4.2 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.

4.2.1 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 ACG, Aircrew Section “LFA –ACW” (Personnel Licensing) 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 (sections “OPS” and “AIR”. The Aircraft Operations Section “OPS” 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 Section 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 Section 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 "LFA – PGA".

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 during 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 during random examinations.

In the field of aircraft registration and airworthiness, the Section "AIR" within the LFA is responsible for safety oversight.

The AIR Section 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 1321/2014, Part M and has been extended to include also Annex II aircraft, as defined by (EU) Regulation 2018/1139.

The AIR Sections duties also include:

1. the issuance of approval certificates and continuing surveillance for the following approved organisation under the Basic Regulation (EU) 2018/1139:
2. the issuance of approval certificates and continuing surveillance for the following approved organisations under the national Regulation ZLLV 2010

3. Continuing surveillance of organisations are performed in cooperation with BMK with the national privilege of airworthiness reviews according to ZLLV 2010 § 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 AIR Section 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 OPS Section 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 BMK 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) 2018/1139.

The National Supervisory Authority (NSA) situated in BMK/IV/L4, 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 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 2018/1139 and (EU) regulation 139/2014 and ground handling service providers a dedicated team at the BMK 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 management systems

This chapter aims at clarifying the meaning of the following requirement: ‘The management system shall correspond to the size of the organisation and the nature and complexity of its activities, considering the hazards and associated risks inherent in these activities’, which is a main consideration in planning and performing a performance-based oversight.

Whereas the rules address the main, systemic risks, they cannot address all the risks. Especially given the variety of different organisations, their services and products as well as the wide range of operating environments.

- Organisations should seek to move beyond mere compliance to the requirements. The Management System (MS) should thus provide ways to look for safety issues that are not appropriately captured by the rules, to maintain or improve safety.
- “Being compliant” does not mean “being safe”. The MS of any type of organisation should notably remain resilient, agile and vigilant in a continuously moving context (such as new business models or technologies or change of methods, emerging risks, competition, and crisis). Finally, good safety performance and resilience with the absence of negative safety events in the past does not guarantee safe operations in the future.

All organisations, regardless of the size of their organizations, are exposed to risks, some of them being potentially significant, even for a limited business. This means that:

- All elements of a MS should thus apply.
- The effectiveness of the MS will depend on how appropriately its elements are designed, implemented, and operated.

However, an operating MS does not need to be complicated and expensive to be effective. The MS could be made scalable if it keeps on delivering as expected and provides an effective way to manage all key operational risks. A system description of the MS should help to identify the different attributes and interfaces to be factored in the MS

design and implementation. Scalability is not about applying specific elements of a MS or SMS light: it is about adapting a MS with all its elements to the specific operational context of the organisation. The following aspects are vital for any organisation to understand the context in which it's Management System operates, what the purpose of the Management System should be and the key risks that it must manage effectively:

a) for the size of the organisation:

- Number of employees; number of sites, including permanent and temporary locations; internal and external interfaces; organisational structure.
- Type and variety of operations (e.g., leasing agreements, organization with more than one approval, ACMI); - Aircraft types and number of aircraft.
- Number of passengers carried per flight and annually; volume of traffic; number of aircraft movements or runways (ADR and ANSP), as relevant.

b) for the complexity of the risks to manage:

- Risks associated with the operating environment (e.g., mountainous, freezing conditions, offshore, remote operations without close support, Polar / Arctic, active volcanos areas, operations near conflicts zones); specialized operations or operations requiring a specific approval (e.g., SPOs or SPA); safety consequence(s) in case of failure of the products or services; potential downtime, etc.
- Risks associated with the business model (e.g., extent of the contracted activities internally and externally, services based on a short turnaround or operations with commercial pressures, nature of the approval's privileges, single CAMO for several AOCs as per M.A.201(ea) and CAMO.A.200(e); '0-hour contract' for pilot's employment)
- Changes requiring approval prior to operations.
- Exemptions and AltMoC granted by the competent Authority.

c) for the external and internal dimension

- Societal and public expectations.
- Economical, commercial and financial environment; competition; stability in the business versus needs for changes.
- Experience in the business; adequacy and robustness of the existing procedures, etc.
- Safety culture, open reporting culture, prevention culture, just culture.
- State's overall performance.

This multi-dimensional complexity should be consequently weighted. A number of topics are proposed here, for consideration:

- The safety policy may be a brief-high level statement of management's commitment, supported by safety objectives that address significant risks; it would be more detailed in a challenging environment.
- The reporting policy, just culture policy and safety objectives could be combined with the safety policy for small organisations.
- Any disciplinary action (e.g. illegal activity, negligence, wilful misconduct) would be submitted to an independent committee representative of the staff in a large organisation (e.g. Unions could be invited) to avoid any excessive decision detrimental to safety reporting culture, when applying the Just Culture principles; - Regular update of the safety objectives would be necessary where the business / operations are continually evolving (e.g. changing operational activities, numerous deficiencies, crisis etc.);
- The significance of the areas of greater risks (severity, likelihood, robustness of the mitigation measures) will greatly impact the robustness of the processes and the monitoring of the safety barriers.
- The volume of occurrence reports (voluntary and mandatory) as well as means and resources to manage them will depend on the safety culture; open-reporting culture, just culture; the magnitude of the operations and its criticality.
- The safety data that an organisation should collect, should depend on the type of operations it performs, its degree of digitalization (e.g., automated data-capturing systems). Filtered information will support the assessment of risks for data-rich organisations whereas organisations lacking data will rely more on expert judgement, risks known in the sector, or data pools (e.g., collaborative approach, risk sector profile);
- Volume of collected data; databases and their managements will also vary from one organisation to another; datamining and tools, dedicated resources and competencies will thus do. The EASA domain safety risk portfolios or any other sector risk profiles (held by Authorities or Industry) could be used to identify specific risks in different activities in the absence of large numbers of occurrence reports in a small entity.

- The mechanism and the type of safety information to report to the relevant bodies will depend on the organisation's size and structure and the process for the decision-making (e.g., which level of authority). In the same vein, appropriate resources will be allocated to the needs of the effective MS (such as justification for a full-time safety manager, safety committees; frequency of Safety Review Board meetings, staff dedicated to real-time monitoring; data-mining analysts).
- Flow, nature and volume of information to circulate up and down the organisation will shape the means of communication, training and safety promotion. For instance:
 - a) the safety reporting form could range from paper systems for organizations having limited IT resources to online systems for those having the means to implement them (e.g., Apps installed on the mobiles).
 - b) Recommendations and actions stemming from reports of safety issues could be posted online or simply displayed on noticeboards.
 - c) Records of safety discussions and outcomes could be reduced to the minimum in very small entities where verbal communication with the staff is preferred.
 - d) Frequency, content and duration of recurrent training will be adapted to the safety culture, the volume / significance of the identified safety issues, the audience, the regulatory requirements and the operational context.
- Timely handling of data will rely on its relevance for real-time monitoring and safety management decision supported by Artificial Intelligence (e.g., air navigation traffic management; runways in use; HUMS and predictive maintenance inspection); - Focus on the risks at the interfaces will significantly depend on the criticality of the subcontracted tasks and the volume of the supply chain. Communication of changes and communication at the interfaces will certainly be more demanding in a large organisation or for an organisation contracting many activities.
- MS documentation; hazard log; records of risk assessments; decisions, actions, ownership and monitoring etc. should be clear, concise but sufficiently detailed to ensure adequate management of risks. They should be consistent, complete, in context and in control.
- 'Human performance' and 'human resources' may be critical for organisations of all size, although the related issues may depend on the context and the size: small organisations will be more impacted by retirement, transfer of knowledge, sickness, stressful environment, whereas large organisations experiencing major changes or significant growth would face major challenges.
- The degree of urgency to reach a certain level of safety based on deficiencies, cultural aspects; changes to timely manage or any immediate / pressing safety issue, may impact the resources to achieve this objective.

The implementation of Industry Standards or International Standards directly relevant to the organisation's activities, shall be also considered in the design and functioning of the Management System such as Quality Management System (e.g. ISO 90xx), SMS (ICAO Annex 19), Risk Management System (e.g. ISO 31000) , ISMS (Information Security Management System – Regulations 2022/1645 & 2023/203), Environment Management system (e.g. ISO14001), Occupational and Health Management System, Financial Management System. Fully fledged Management System can allow streamlined processes and substantial gain when commonalities between different elements of a Management System exist (such as deficiencies' investigation, reporting system, risks having an impact of each other, coherent and integrated risk assessment methodology; governance, responsibilities, resources, and competencies).

All the above illustrates how 'one system does not fit all'. The variety of organisations, operations and risks to manage, justify why:

- there is no MS 'on the shelves', ready for use; and
- a management system applies to all organisations, should they be small or large; and
- it does not imply that a MS should be complex for a 'small organisation'.

It is the ultimate responsibility of the organisation to demonstrate to its overseeing authority that its Management System is appropriately designed and suitable to effectively deliver as expected, as specified in the two first paragraphs. An operating SMS does not necessarily need to be complicated, time consuming and expensive to be effective and demonstrate that the significant risks are under control and that the organisation is safety data-rich so to take the right managerial decisions. Instead of focusing on 'size' and 'complexity', the organisation and the overseeing authority should concentrate on the scalability, suitability and effectiveness of that Management System.

When using this MS assessment tool, it is the responsibility of the assessor to select the right elements and criteria of this guidance tool so that the questions raised during the conduct of the assessment are relevant to the attributes of the organisation and do not encourage to an overly complicated MS.

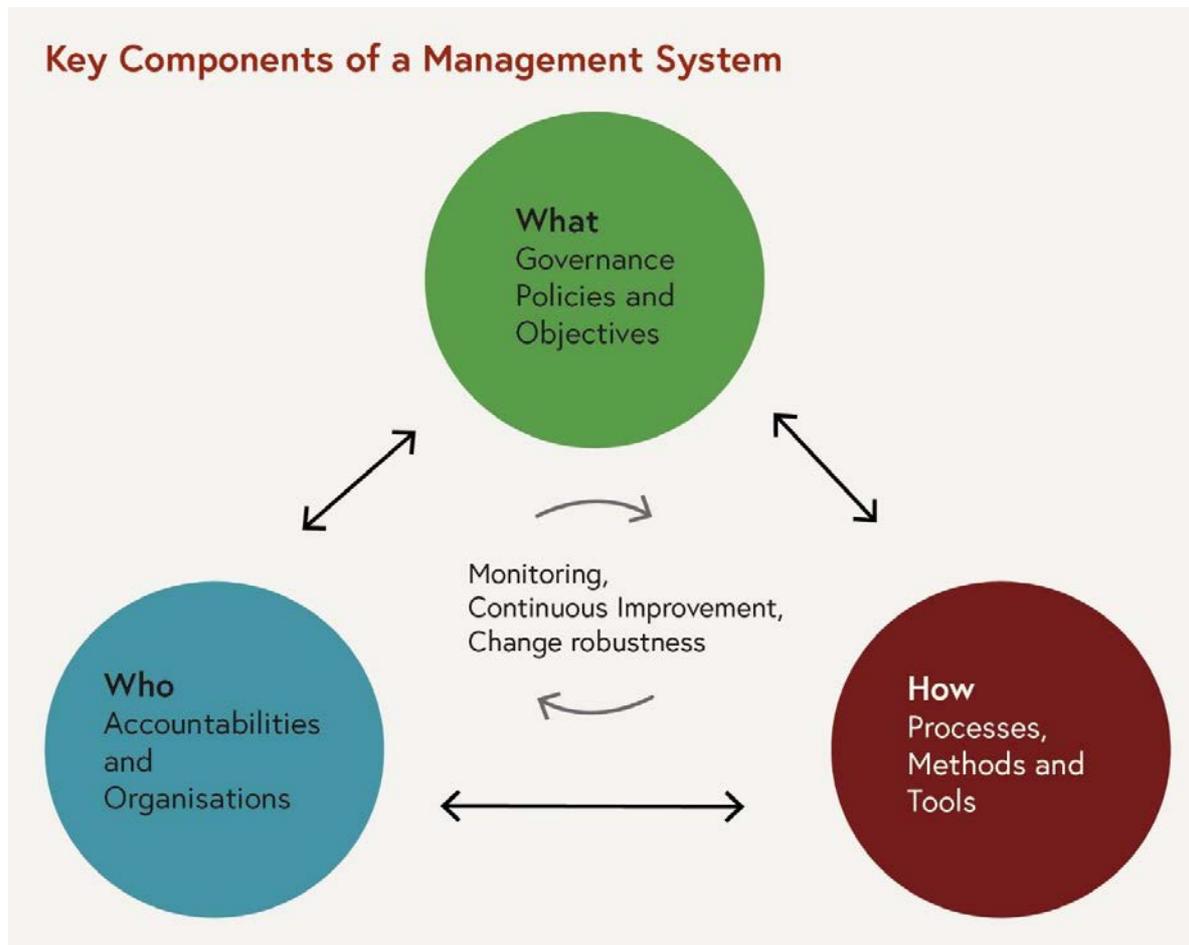
4.2.1.2.1 Documentation and Implementation of a Management System

As stated in the Basic Regulation (EU) No 2018/1139, 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.

ISO 9000:2005 defines a management system as a 'set of interrelated or interacting elements to establish policy and objectives and to achieve those objectives'. A management system is a set of 4 key components, which enable an organization to develop:

1. the 'What': The Rules and Governance:
 - to be flowed down into processes and organisation's accountabilities, (linked with components 'Who' and 'How')
 - to be well understood by all people within the organisation (linked with component 'Who')
2. the 'How': The Means and Processes to be used by the organisation:
 - to ensure that the way the organisation does operate is consistent with Rules and objectives, (linked with component 'What')
 - to ensure that the way the organisation does operate, is described and followed by people in the organisation (linked with component 'Who')
3. the 'Who': The accountabilities, responsibilities and definitions of associated missions:
 - to ensure that people act accordingly to rules and policies (linked with component 'What')
 - to ensure that people stick to processes and ways of working described in the organisation/or company (linked with component 'How')
4. the Assurance: The monitoring and control to ensure the good operations of the 3 components 'What' 'How' 'Who' according to the rules and objectives set by the organisation (performance approach).

Figure 6: Key Components of a Management System



Typical management systems within an aviation organization may be applied to the integration of:

- a) Quality with a quality management system (QMS).
- b) Flight Safety with a safety management system (SMS).
- c) Security with a security management system (SeMS).
- d) Environment with an environmental management system (EMS).
- e) Health and Safety with an occupational health and safety management system (OHSMS);
- f) Finance with a financial management system (FMS); and
- g) Information services with an Information Security Management System (ISMS), including cybersecurity aspects.

In the European Union system, according to the rules in each sector, a MS covers the SMS and the compliance monitoring function (similar to QMS); it may also cover sub-elements relevant in the sector such as a Fatigue Risk Management System for Air OPS.

The MS is planned to host further needed systems in the future, such as the ISMS. Such an overall approach allows to streamline the processes; make the relationships between the different systems more effective; and foster an integrated risk management.

4.2.1.2.2 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.

GM1 IS.I.OR.200(d) Information security management system (ISMS) highlights the benefits of integrating management systems:

An organisation may take advantage of existing management systems when implementing an ISMS by integrating it with those existing systems.

By integrating the ISMS with existing management systems, the organisation may reduce the effort and costs required to implement and maintain the ISMS, while also ensuring consistency and alignment with the organisation's overall management approach. Below is a non-exhaustive list of potential synergies that can be exploited when integrating the ISMS with an existing management system:

- Leverage existing policies and procedures: an organisation may use its existing policies and procedures as a foundation for its ISMS. This may help to ensure consistency and minimise the need for additional documentation.
- Align the ISMS with other management systems: an organisation may align the ISMS with other management systems, such as safety management systems (SMSs), to ensure that the ISMS is consistent with the organisation's overall management approach.

- Use existing risk management processes: an organisation may use their existing risk management processes to identify and assess the information security risks potentially leading to aviation safety risks.
- Reuse existing controls: an organisation may reuse existing controls, such as access controls or incident management process, to implement the information security controls required by the ISMS.
- Continuous improvement process: an organisation may use the continuous improvement process of existing management systems to improve the ISMS over time.

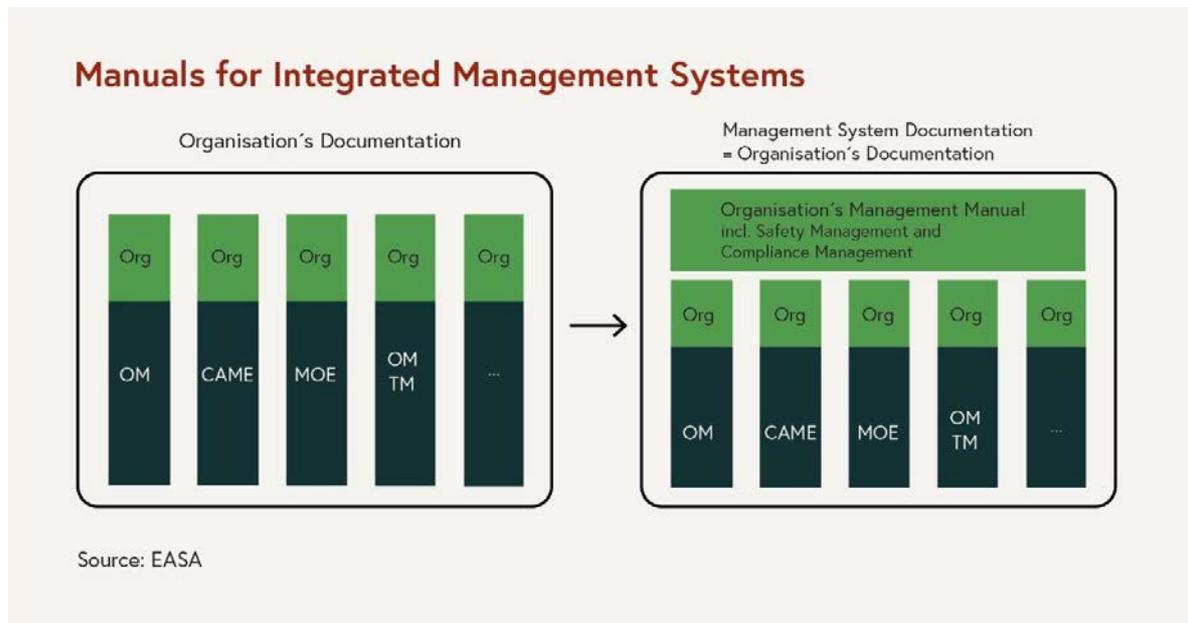
4.2.1.2.3 The Possibility to develop an Organisation's Management Manual

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" 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, CAE, 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 7: Manuals for Integrated Management Systems, source: EASA



4.2.1.2.4 “Compliance oriented” versus “Performance oriented” Management Systems

The organisation requirements in the implementing Regulations of Regulation (EU) 2018/1139 require in all domains the establishment of a “Compliance Monitoring Function”. This function is defined as:

“A function to periodically monitor compliance of the management system with the relevant requirements and adequacy of the procedures including the establishment of an internal audit process and a risk management process. Compliance monitoring should include a feedback mechanism of audit findings to the accountable manager or delegated person(s) to ensure implementation of corrective actions as necessary.” (AMC1 IS.I.OR.200(a)(12))

The “pure compliance” approach (e. g. represented by a “compliance list”) does not give any indication of the adequacy of the management system to fulfil its role for the organisation. As stated above, the assessment of “the adequacy of the procedures” (= performance of the management system) requires assessment methods to get indications of the performance of the management system.

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 BMK is conducting oversight over LFA and the Austrian Aero Club. The surveillance process includes the AASSP implementation.

4.2.3 Just Culture Reporting Office –(Ombudsman’s Office)

Employees and contracted personnel of organisations established in the Member State may report to the „Ombudsman’s Office“ (“Just Culture Reporting Office“ - JCRO) alleged infringements of the rules established by Article 16 (12) (“Designated Body”). The competences of the JCRO are complementary to the other legal instruments and therefore limited. This European law enables the JCRO to deal with reports and check the relevant facts of the case and advise other relevant authorities of its Member State concerning remedies or penalties. The JCRO has no competence for sanctions or to directly interfere with cases of other authorities.

Functions of the Ombudsman's Office (JCRO):

- Provides information about its duties and capabilities.
- Assesses alleged violations reported by employees and contract personnel of civil aviation companies.
- Requests, on a case-by-case basis, the submission of internal Just Culture rules from companies.
- Advises the relevant authorities on remedies.
- Issues recommendations.

4.2.4 External SSP Review / Audit

The Austrian Aviation State Safety Programme (AASSP) is reviewed by ICAO and EASA using their Continuous Monitoring Approach. The Austrian Authorities play an active role to support these monitoring processes.

4.2.4.1 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.

4.2.4.2 EASA Standardisation

In order to monitor the application of Regulation (EU) No 2018/1139 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 19011:2018.

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, based on 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

To improve aviation safety, safety-related civil aviation information is reported, collected, stored, protected, exchanged, disseminated and analysed in accordance with Regulation (EU) No 376/2014. Appropriate safety measures are taken based on the data collected.

Based on Regulation (EU) No 376/2014 and §136 of the Aviation Act the occurrence reporting system in Austria is set up via the EU aviation reporting portal for the collection of mandatory and voluntary reports enabling the Austrian competent aviation authorities to perform their analysis functions and to determine the required safety measures if necessary persons and indirectly organisations with a defined role in the aviation system are required to mandatory report occurrences to the Austro Control LFA-SAM "Zentrale Meldestelle" (reporting office) via the EU aviation reporting portal. The regulations also allow any person involved in aviation in Austria to voluntarily report any occurrence which might affect the safety in aviation.

Occurrences of this kind include safety-related incidents that endanger an aircraft, its passengers, other persons, equipment or facilities related to the operation of aircraft or would endanger them if no countermeasures were taken or complied with, as well as other relevant safety related information.

The safety information management process 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. Serious incidents and accidents as well as the related procedures based on Regulation (EU) No 996/2010 remain unaffected regarding the collection of occurrences. The EU aviation reporting portal has the objective to enable an effective and efficient interface for the Mandatory and the Voluntary Reporting System and provides 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 type.

It shall support the obligation of reporters in the mandatory report (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 to voluntarily report (VORS) any event quick, easy, confidential, anonymous and under the protection of Just Culture.

It is ensured that the mandatory and voluntary reports/safety information is collected in a central national database (ECCAIRS2) and processed in a way that prevents its use for other purposes than for safety purposes so that the confidentiality of the reporting persons as well as personal details are appropriately protected. Austro Control LFA is responsible for the central collection of the information, their transmission to the European Central Repository (ECR) and ensures that the national competent aviation authorities have access to the information in the national database.

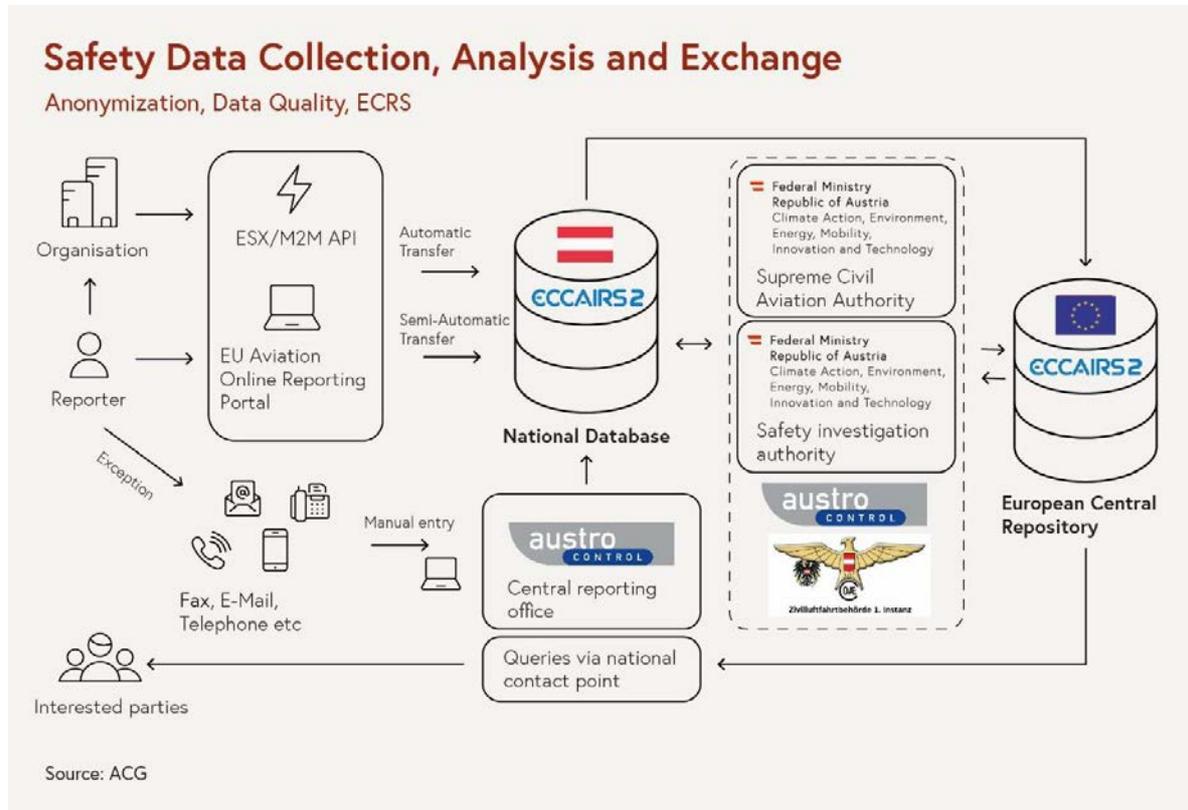
4.3.1.1 Filing a report

The Austrian occurrence reporting system allows the filing of occurrences by different means to enable a positive reporting culture and remove any kind of barriers and obstacles for reporters as far as practicable. Reports may be transmitted

- Online or pdf Forms provided on the EU aviation reporting portal (preferred)
- Via data transfer e5x format files or (M2M) API interface directly from any SMS software into ECCAIRS 2(preferred)
- Via e-mail, fax or mail of a filled reporting form or equivalent (e. g. reports from police) (exceptional)

Information for all means of reporting is made available on the Austro Control website [Austro Control GmbH - Meldewesen](#). Unstructured reports, such as plain text will be accepted under circumstances, where the reporter might not be able to fill the report form, which should occur only under occasional circumstances.

Figure 8: Overview of Data Flow, source: ACG



Serious incidents and accidents received are automatically notified to the SIA (SUB) via the national database to fulfil the legal reporting requirements based on Regulation (EU) No 996/2010.

To allow for immediate reaction to a report (immediate safety action according AR GEN.125), the report is automatically forwarded to the responsible oversight authority / entity.

4.3.1.2 Validating and processing reports

Data defined as mandatory according Regulation (EU) No 376/2014, Annex 1, which are missing will be investigated and added. Any personal data in the report are removed/anonymized when processed. Reports filed by error or without any underlying reportable event are filtered but archived to avoid influence to the safety statistics of Austria.

If one occurrence is reported by different reporters (e. g. airport and operator or ANSP and operator) all reports will be merged to a single set of occurrence data including data from all reports. Finally, all occurrences are classified as per the European Risk Classification Scheme (ERCS).

4.3.1.2.1 Assignment of occurrences

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

- a) According to the distribution of responsibility of the safety oversight authority structure in Austria (BMK, ACG LFA, OAeC, SIA, federal districts)
- b) According to the ICAO SOA areas of oversight (e.g. AGA, AIR, OPS, ANS, ...)

This assignment generates a unique file-number in the ECCAIRS-2 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 2 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 operate the “ECCAIRS 2” software, provided by the EU Commission as the Austrian National Database.

a) 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.

b) European Risk Classification Scheme:

Regulation (EU) No 376/2014 on the reporting, analysis and follow-up of occurrences in civil aviation introduced the requirement for a common occurrence-risk classification at the national and EASA levels. As a result, the European Risk Classification Scheme (ERCS) was developed, which measures the risk using a 2-dimensional matrix. The ERCS is part of the legal framework of Regulation (EU) No 376/2014, through a Commission Delegated Regulation (EU) 2020/2034 published in 2020 and later a Commission Implementing Regulation (EU) 2021/2082, published in 2021. The application of the ERCS is mandatory as of January 1, 2023.

c) 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 (DSG 2000), BGBl. I Nr. 165/1999) 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 (ACG LFA SAM). If the permission is not granted, the LFA SAM 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 (Risk based Oversight Tool data and 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 4.3.2.1.), 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 approached 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.

The following aspects are vital for the oversight of any organisation's Management System and the key risks that it must manage effectively:

a) for the size of the organisation:

- Number of employees; number of sites, including permanent and temporary locations; internal and external interfaces; organisational structure.
- -Type and variety of operations (e.g., leasing agreements, organization with more than one approval, ACMI); - Aircraft types and number of aircraft.
- Number of passengers carried per flight and annually; volume of traffic; number of aircraft movements or runways (ADR and ANSP), as relevant

b) for the complexity of the risks to manage

- Risks associated with the operating environment (e.g., mountainous, freezing conditions, offshore, remote operations without close support, Polar / Arctic, active volcanos areas, operations near conflicts zones); specialized operations requiring a specific approval or operations requiring a specific approval (e.g., SPOs or SPA) (e.g., SPO or SPA); safety consequence(s) in case of failure of the products or services; potential downtime, etc.;
- Risks associated with the business model (e.g., extent of the contracted activities internally and externally, services based on a short turnaround or operations with commercial pressures, nature of the approval's privileges, single CAMO for several AOCs as per M.A.201(ea) and CAMO.A.200(e); '0-hour contract' for pilot's employment)
- Changes requiring approval prior to operations.
- Exemptions and AltMoC granted by the competent Authority.

c) for the external and internal dimension

- Societal and public expectations.
- Economical, commercial and financial environment; competition; stability in the business versus needs for changes.
- Experience in the business; adequacy and robustness of the existing procedures, etc.
- Safety culture, open reporting culture, prevention culture, just culture.
- State's overall performance.

This multi-dimensional complexity should be consequently weighted. A number of topics are proposed here, for consideration:

- The safety policy may be a brief-high level statement of management's commitment, supported by safety objectives that address significant risks; it would be more detailed in a challenging environment.
- The reporting policy, just culture policy and safety objectives could be combined with the safety policy for small organisations.
- Any disciplinary action (e.g. illegal activity, negligence, wilful misconduct) would be submitted to an independent committee representative of the staff in a large organisation (e.g. Unions could be invited) to avoid any excessive decision detrimental to safety reporting culture, when applying the Just Culture principles; - Regular update of the safety objectives would be necessary where the business / operations are continually evolving (e.g. changing operational activities, numerous deficiencies, crisis etc.);
- The significance of the areas of greater risks (severity, likelihood, robustness of the mitigation measures) will greatly impact the robustness of the processes and the monitoring of the safety barriers.
- The volume of occurrence reports (voluntary and mandatory) as well as means and resources to manage them will depend on the safety culture; open-reporting culture, just culture; the magnitude of the operations and its criticality.
- The safety data that an organisation should collect, should depend on the type of operations it performs, its degree of digitalization (e.g., automated data-capturing systems). Filtered information will support the assessment of risks for data-rich organisations whereas organisations lacking data will rely more on expert judgement, risks known in the sector, or data pools (e.g., collaborative approach, risk sector profile).
- Volume of collected data; databases and their managements will also vary from one organisation to another; datamining and tools, dedicated resources and competencies will thus do. The EASA domain safety risk portfolios or any other sector risk profiles (held by Authorities or Industry) could be used to identify specific risks in different activities in the absence of large numbers of occurrence reports in a small entity.
- The mechanism and the type of safety information to report to the relevant bodies will depend on the organisation's size and structure and the process for the decision-making (e.g. which level of authority). In the same vein, appropriate resources will be allocated to the needs of the effective MS (such as justification for a full-time safety

manager, safety committees; frequency of Safety Review Board meetings, staff dedicated to real-time monitoring; data-mining analysts).

- Flow, nature and volume of information to circulate up and down the organisation will shape the means of communication, training and safety promotion. For instance:
 - a) the safety reporting form could range from paper systems for organizations having limited IT resources to online systems for those having the means to implement them (e.g., Apps installed on the mobiles).
 - b) Recommendations and actions stemming from reports of safety issues could be posted online or simply displayed on noticeboards.
 - c) Records of safety discussions and outcomes could be reduced to the minimum in very small entities where verbal communication with the staff is preferred.
 - d) Frequency, content and duration of recurrent training will be adapted to the safety culture, the volume / significance of the identified safety issues, the audience, the regulatory requirements and the operational context.
- Timely handling of data will rely on its relevance for real-time monitoring and safety management decision supported by Artificial Intelligence (e.g., air navigation traffic management; runways in use; HUMS and predictive maintenance inspection); - Focus on the risks at the interfaces will significantly depend on the criticality of the subcontracted tasks and the volume of the supply chain. Communication of changes and communication at the interfaces will certainly be more demanding in a large organisation or for an organisation contracting many activities.
- MS documentation; hazard log; records of risk assessments; decisions, actions, ownership and monitoring etc. should be clear, concise but sufficiently detailed to ensure adequate management of risks. They should be consistent, complete, in context and in control.
- 'Human performance' and 'human resources' may be critical for organisations of all size, although the related issues may depend on the context and the size: small organisations will be more impacted by retirement, transfer of knowledge, sickness, stressful environment, whereas large organisations experiencing major changes or significant growth would face major challenges.
- The degree of urgency to reach a certain level of safety based on deficiencies, cultural aspects; changes to timely manage or any immediate / pressing safety issue, may impact the resources to achieve this objective.

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 shall 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.

Failing in the provision of an effective oversight system is a main hazard of the organizational performance of the competent authorities established in Austria. Therefore, managing this hazard is a main element of the compliance monitoring system as part of the authority's management system.

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) influences 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 these risks, any measure shall be taken in planning and performing the oversight task to minimise the effects on safety.

5 State Safety Promotion

5.1 Communication Strategy, Safety Communication Plan

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 AASSP
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 personnel 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 and targeted Initiatives (Stakeholder engagement Maps)

The following target groups are identified relating state safety promotion

- a) General Austrian public
- b) Civil Aviation stakeholder, such as
 - Flying Clubs
 - Aeromodelling
 - Ballooning
 - Parachuting
 - Hang Gliding and Paragliding
 - Gliding
 - Powered Flying incl. Microlight and Helicopter
 - Training Organisations (Flight Schools)

- flight / maintenance training organisations (aeroplane and helicopter, balloon, glider)
 - Commercial operator (aeroplanes and helicopter)
 - Balloon operator
 - Design and Production organisations (DOA/POA)
 - Maintenance organisations
 - Continuing Airworthiness Management Organisations (CAMOs)
 - Combined Airworthiness Organisations (CAOs)
 - Air Navigation Service Providers (ANSP)
 - International airports
 - Small airfields
 - Helicopter airfields
 - Ground service/handling organisations
 - Personnel licenses (pilots, technicians, controllers)
 - Sub-contractors
- c) Safety Oversight
- Aircraft Maintenance Engineers (AMEs)
 - i) Safety Reporting: Reportable persons / organisations according to the Aviation Act § 136 and EU 376/2014
- d) Civil Aviation Oversight Authorities
- Ministry for Climate Action, Environment, Energy, Mobility, Innovation and Technology
 - Austro Control LFA
 - Austrian Aero Club
 - Safety Investigation Authority Accident Investigation Board
 - Heads of the Federal Provinces
 - 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 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.

In addition to the above-mentioned trainings, the BMK established rules and procedures for training of personal in the various Austrian civil aviation authorities in regard to the Austrian Aviation State Safety Programme. According to the rules and procedures the BMK provides:

- Initial/basic training;
- Recurrent training;
- Training on dedicated issues;
- Management training; and
- Individualised training.

The safety promotion-working group will support the work if relevant information should be distributed to a broader community outside of the authority.

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 for Climate Action, Environment, Energy, Mobility, Innovation and Technology
 - Austrian Aviation 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 Aviation State Safety Programme (AASSP) 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 BMK 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.

Further collaborative forums with the industry (and with the community) are for example:

- Social media campaigns are: the Websites of Austro Control GmbH, BMK, Austrian Aero-Club and the Safety Promotion Website sicherfliegen.at.
- „Season Opener“, „Safety days“, conferences, road-shows
- Newsletter, Safety Bulletin, articles in magazines, leaflets and posters, audio-visual material

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

Appendix 1b – State Safety Policy Statement (German)

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

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 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 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 action by the regulator. 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.

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.

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Abbreviations

AASREF	Austrian ANS Safety Regulatory Framework
AASSP	Austrian Aviation State Safety Programme
ACAM	Aircraft continued Airworthiness Monitoring Programme
ACG	Austro Control GmbH
ACWE	Aircrew Section within ACG LFA
AGA	Aerodromes and Ground Aids
AIG	Accident Investigation
AIR	Airworthiness Section within ACG LFA
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
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
BMK	Bundesministerium für Klimaschutz, Umwelt, Energie, Mobilität, Innovation und Technologie;/ Austrian Federal Ministry for Climate Action, Environment, Energy, Mobility, 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	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)
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 Section within ACG-LFA
ORA	Organisation Requirements Aircrew
ORG	Organisation
ORO	Organisation Requirements Air Operations
PDCA-Cycle	Plan - Do - Check - Act - Cycle
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	Safety Management
SM ICG	Safety Management International Collaboration Group
SMF	Safety management and Air Navigation Services (Unit within BMK)
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)
TM	Training Manual
USOAP	Universal Safety Oversight Audit Programme (ICAO)
VORS	Voluntary Occurrence Reporting System
WKO	Wirtschaftskammer Österreich / Austrian Economic Chamber

**Federal Ministry Republic of Austria Climate Action, Environment, Energy, Mobility,
Innovation and Technology**

Radetzkystraße 2, 1030 Vienna, Austria

+43 (0) 800 21 53 59

servicebuero@bmk.gv.at

bmk.gv.at