

NATIONAL CIVIL AVIATION SAFETY PROGRAMME

courtesy translation

Legal grounds:

Art. 7 - National safety programme - from Regulation (EU) No. 2018/1139 of the European Parliament and of the Council of 4 July 2018 on common rules in the field of civil aviation and establishing the European Union Aviation Safety Agency, amending Regulations (EC) No. 2111/2005, (CE) No. 1008/2008, (EU) No. 996/2010, (EU) No. 376/2014 and Directives 2014/30 / EU and 2014/53 / EU of the European Parliament and of the Council, as well as repealing Regulations (EC) No. 552/2004 and (EC) No. Regulation (EC) No 216/2008 of the European Parliament and of the Council and of Regulation (EEC) No 3922/91 of the Council

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CHAPTER I – INTRODUCTION

SECTION 1 – Definitions and abbreviations

Definitions

Art. 1. The following definitions apply in this document:

- a) *Accident* – means an accident under Art. 2(1) of (EU) Reg. No. 996/2010¹.
- b) *Aircraft* – means an aircraft under Art. 3(28) of (EU) Reg. No. 2018/1139².
- c) *Just culture* – means *Just culture* under Art. 2(12) of (EU) Reg. No. 376/2014³.
- d) *Serious incident* - means a serious incident under Art. 2(7) of (EU) Reg. No. 996/2010.
- e) *Safety* – the situation where the risks to aviation related to or in support of the aircraft operation are mitigated and controlled to an acceptable level.
- f) *Risk* – means a risk to aviation under point 85 of Annex I to (EU) Reg. No. 2017/373⁴.
- g) *Hazard* – means a hazard under Art. 2(10) of (EU) Reg. No. 376/2014⁵.
- h) *Technical staff* – means the staff performing safety related functions, for or on behalf of the state.
- i) *Safety management system* – means a safety management system under Art. 2(18) of (EU) Reg. No. 376/2014.
- j) *Oversight* – means oversight under Art. 3(1) of (EU) Reg. No. 2018/1139.
- k) *Safety performance* – means safety performance under Art. 3(25) of (EU) Reg. No. 2018/1139.
- l) *Safety performance indicator* – means safety performance indicator under Art. 3(26) of (EU) Reg. No. 2018/1139.
- m) *Safety performance target* – means safety performance target under Art. 3(27) of (EU) Reg. No. 2018/1139.
- n) *National safety programme* – means a State Safety Programme under Art. 2(15) of (EU) Reg. No. 376/2014.

¹ Regulation (EU) No. 996/2010 of the European Parliament and of the Council of 20 October 2010 on the investigation and prevention of accidents and incidents in civil aviation and repealing the Directive 94/56/CE.

² Regulation (EU) No. 2018/1139 of the European Parliament and of the Council of 4 July 2018 on common rules in civil aviation and establishing the European Union Aviation Safety Agency, amending Regulations (EC) No. 2111/2005, (EC) No. 1008/2008, (EU) No. 996/2010, (EU) No. 376/2014 and Directives 2014/30/EU and 2014/53/EU of the European Parliament and of the Council, as well as repealing Regulations (EC) No. 552/2004 and (EC) No. 216/2008 of the European Parliament and of the Council and of Regulation (EEC) No. 3922/91 of the Council.

³ Regulation (EU) No. 996/2010 of the European Parliament and of the Council of 3 April 2014 on the reporting, analysis and follow-up of civil aviation events, amending Regulation (EU) No. 996/2010 of the European Parliament and of the Council and repealing Directive 2003/42/EC of the European Parliament and of the Council, and of Regulations (EC) No. 1321/2007 and (EC) No. 1330/2007 of the Commission.

⁴ Commission Implementing Regulation (EU) 2017/373 of 1 March 2017 laying down common requirements for providers of air traffic management /air navigation services and other functions of the air traffic management network and for their supervision, repealing Regulation (EC) No. 482/2008, of the Implementing Regulations (EU) No. 1034/2011, (EU) No. 1035/2011 and (EU) 2016/1377, as well as amending Regulations (EU) No. 677/2011

⁵ Regulation (EU) No. 376/2014 of the European Parliament and of the Council of 3 April 2014 on the reporting, analysis and subsequent actions regarding civil aviation events, amending Regulation (EU) No. 996/2010 of the European Parliament and of the Council and repealing Directive 2003/42/EC of the European Parliament and of the Council and of Regulations (EC) No 1321/2007 and (EC) No. 1330/2007 of the Commission.

Abbreviations

Art. 2. The following abbreviations apply in this document:

- a) AACR – Romanian Civil Aeronautical Authority
- b) AAMN – National Military Aeronautical Authority
- c) AIAS – Civil Aviation Safety Investigation and Analysis Authority
- d) ATM/ANS – Air Traffic Management / Air Navigation Services
- e) AUN – Non-powered ultralight aircraft
- f) CE – Critical elements for safety oversight
- g) CNSig – Aviation Safety National Committee
- h) EASA – European Union Aviation Safety Agency
- i) EASP – European Aviation Safety Programme
- j) EPAS – European Plan for Aviation Safety
- k) GASP – Global Aviation Safety Plan
- l) GAT – General Air Traffic
- m) ICAO – International Civil Aviation Organization
- n) LSPA – Level of safety performance to be achieved
- o) MAPN – Ministry of National Defense
- p) MT – Ministry of Transport⁶
- q) OAT – Operational Air Traffic
- r) PNSAC – National Civil Aviation Safety Programme
- s) PNSA – National Plan for Aviation Safety
- t) RACR – Romanian civil aviation regulation
- u) SARPs – Standards and Recommended Practices
- v) SMFA – Romanian Air Force Headquarters
- w) SPI – Safety Performance Indicator
- x) SPT – Safety Performance Target
- y) SRM – Safety Risk Management
- z) SSO – State Safety Oversight
- aa) SSP – State Safety Programme
- bb) SMS – Safety Management System
- cc) TCO – Third Country Operator
- dd) ULM – Powered ultralight aircraft
- ee) USOAP – Universal Safety Oversight Audit Programme

⁶ The terms "Ministry of Transport" and "minister of transport" are used generically in this document, regardless of the official name.

CHAPTER II –INTERNATIONAL AND NATIONAL CONTEXT REGARDING SAFETY MANAGEMENT

SECTION 1 – Global context

International Civil Aviation Organization (ICAO)

Art. 3. (1) ICAO is a specialized agency of the United Nations, the duties of this organization being defined in the Convention on International Civil Aviation (Chicago Convention), signed on 5 December 1944. Currently, ICAO includes 193 signatory states, Romania acceding to the Chicago Convention on 24 April 1965.

(2) The ICAO purpose is to develop policies, principles, standards and recommended practices (SARPs) to be followed by the international civil aviation community.

(3) The Chicago Convention comprises 19 Annexes, and the principles of aviation safety are contained in Annex 19 – Safety Management.

(4) As ICAO is not an international regulatory body, the SARPs contained in the Annexes to the Chicago Convention are not directly applicable, but must be implemented within national legislation of each signatory state.

State obligations regarding safety management

Art. 4. (1) The state obligations regarding safety management are provided in the SARPs contained in ICAO Annex 19, Edition 2, completed with ICAO Doc. 9859 – Safety Management Manual (SMM), Ed. 4.

(2) The first edition of ICAO Annex 19 contained two sets of provisions:

- a) Provisions for the development of a SSP, with its 4 components (see Art. 5 – SSP Components), correlated with the size and complexity of the civil aviation system; details regarding the development of the SSP are contained in Chapter 8 of SMM;
- b) Provisions for the development of an SSO system, based on the 8 critical elements (see Art. 6 – ICAO Critical elements).

(3) Taking into account that many of the obligations deriving from SARPs related to SSO and those related to SSP are interdependent, Ed. 2 of ICAO Annex 19 has integrated the two sets of provisions in the new SSP structure, presented in Fig. 1. This document is drawn up in accordance with the latest edition in force.

SSP Components

Art. 5. The SSP Components are the following:

- a) National safety policy, objectives and resources;
- b) Safety risk management at national level;
- c) Safety assurance at national level;
- d) Safety promotion at national level.

ICAO Critical Elements (CE)

Art. 6. (1) The ICAO contracting states, in their efforts to establish and implement an effective safety oversight system, rely on .

(2) Fundamentally, the CE represent the constitutive instruments of an SSO for safety assurance and are needed for effective implementation of the safety related policy and associated procedures. The CE must be implemented so that the responsibility for safety be shared by both the state and the aviation industry.

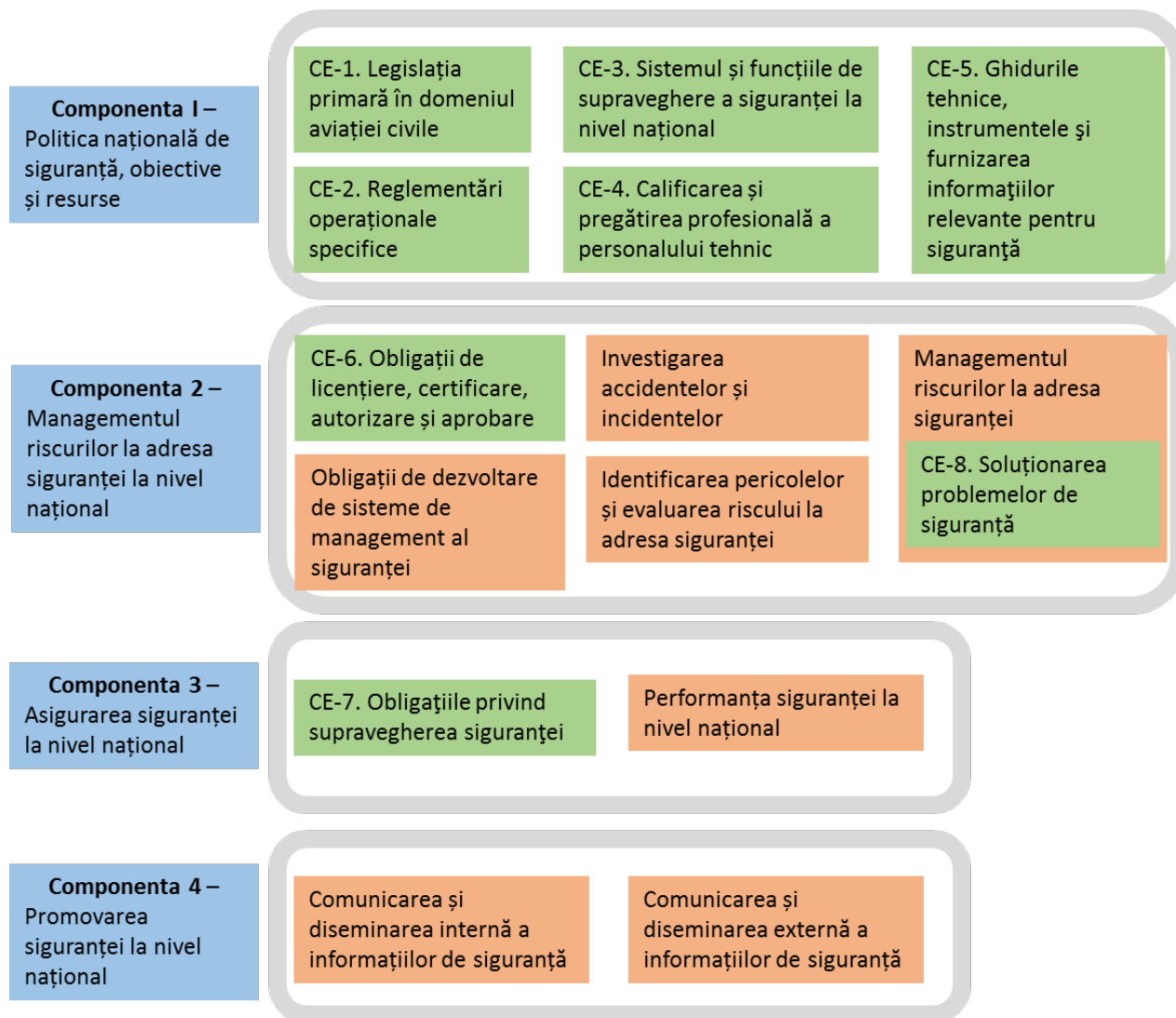


Fig. nr. 1 – Structura unui SSP integrat

(3) The critical elements of an SSO cover the full spectrum of civil aviation activities, encompassing areas such as aerodromes, air traffic control, communications, personnel licensing, flight operations, airworthiness, accident / incident investigation and air transport of dangerous goods;

(4) The critical elements of an SSO are:

- a) CE-1 – Primary aviation legislation – adoption of a comprehensive and efficient legislation, commensurate with the environment and the size and complexity of the state aviation activity and consistent with the requirements of Convention on International Civil Aviation.
- b) CE-2 – Specific operating regulations – provision of adequate regulations to address at least national requirements emanating from the primary aviation legislation for standardized operational procedures, equipment and infrastructures (including safety and training management systems), in accordance with SARPs.
- c) CE-3 – State system and functions– establishment of a civil aviation authority and/or other relevant authorities or governmental agencies, led by an executive director and supported by appropriate technical and non-technical staff and provided with adequate financial resources; the state authority shall establish safety functions, objectives and policies.

- d) CE-4 – Qualification and training of technical personnel – establishment of minimum competencies and experience for technical personnel performing safety-related functions and provide for appropriate training to maintain and enhance their competence at the desired level; training shall include initial and recurrent (periodical) training.
- e) CE-5 – Technical guidance, tools and provision of safety-critical information; provision of technical guidance (including processes and procedures), instruments (including installations and equipment) and safety relevant information, as appropriate, to the technical personnel, to enable them to perform their safety oversight functions in accordance with the established procedures in a standardized manner; in addition, this includes provision of technical guidance from the oversight authority to the aviation industry on the implementation of relevant applicable regulations and instructions.
- f) CE-6 – Licensing, certification, authorization and approval obligations – implementation of processes and procedures to ensure that individuals and organizations performing an aviation activity meet the established requirements before they are allowed to exercise the privileges of a licence, certificate, authorization and/or approval to conduct the relevant aviation activity.
- g) CE-7 – Safety surveillance obligations – implementation of processes, such as inspections and audits, to proactively ensure that holders of aviation licences, certifications, authorizations and approvals continue to meet the established requirements and perform their activities at the competence and safety level required by the state; this includes the surveillance of personnel designated by the competent authority to perform safety oversight functions on its behalf.
- h) CE-8 – Resolution of safety issues – enforcement of processes and procedures to resolve identified issues that affect aviation safety, which were detected by the competent authority or other competent bodies. These may include the ability to analyse safety issues, provide recommendations, support resolution of identified issues, as well as to take actions whenever necessary.

(5) Effective and consistent implementation of CE demonstrates the state capacity to ensure safety oversight and therefore coherent implementation of safety related SARPs, associated procedures and guidance material.

(6) The control of the manner in which the critical elements were identified as well as of the manner in which their continuous monitoring is performed at the national level is ensured by periodical audits performed by European and international civil aviation bodies.

Global aviation safety plan (GASP)

Art. 7. (1) *GASP*, complementary to the ICAO Global Air Navigation Plan (*GANP*), establishes the strategy for continuous improvement of the implementation of safety systems in civil aviation, being a tool for measuring the safety progress achieved through:

- a) maintaining the safety dedicated initiatives;
- b) recognizing the differences between the ICAO states, which are related to the maturity of safety oversight, air traffic volume and development, and operational aspects;
- c) ensuring means for prioritization of safety initiatives.

(2) *GASP* allows member states to plan and establish their own safety approaches and priorities, depending on specific capabilities, national safety programmes and national civil aviation system characteristics.

(3) GASP is revised every three years and approved by ICAO Council.

ICAO Universal Safety Oversight Audit Programme (ICAO USOAP)

Art. 8. (1) USOAP was established in 1999, in response to concerns regarding uniform application of SSO systems in ICAO states; initially, the USOAP activities consisted in periodical and mandatory audits of ICAO states' SSO systems.

(2) The Programme was expanded in 2005 with the *USOAP Comprehensive Systems Approach*, which included the assessment of application of all safety related provisions of ICAO Annexes; this stage of the Programme ended in 2010.

(3) Between 2011–2012 there was a transition period of the Programme towards a new stage, based on the assessment and monitoring of risk factors, called *USOAP Continuous Monitoring Approach* (USOAP CMA). In support of this new concept, a platform has been developed for online (real time) monitoring of SSO systems, and validation activities are both *on-site* and *off-site*.

SECTION 2 – European context

European Union Aviation Safety Agency (EASA)

Art. 9. (1) EASA was established in 2002, its mission for the European civil aviation being:

- a) to ensure the highest common standards of the safety level for the European citizens;
- b) to ensure the highest common level of environmental protection;
- c) to ensure a common regulatory and certification process among member states;
- d) to facilitate a common internal civil aviation market and to ensure a competitive environment;
- e) to cooperate with other international organizations and regulatory authorities.

(2) The main EASA tasks are:

- a) drafting implementing regulations in all its areas of competence;
- b) certification and approval of products and organizations in areas where EASA has exclusive competence;
- c) ensuring oversight and support to member states in the common areas where EASA has competence;
- d) promoting application of European and global standards;
- e) international cooperation in order to globally achieve the highest safety level for the European citizens (e.g.: EU Safety list, TCO Approvals).

European Aviation Safety Programme (EASP)

Art. 10. (1) Regulation (EU) No. 2018/1139 establishes EASP (Chapter II – Safety management, Art. 5), document developed by the European Commission, which describes the functioning of the European aviation safety system, including the standards, activities and processes used to monitor civil aviation safety in the European Union.

(2) EASP includes at least the elements related to national responsibilities for safety management which are described in the SARPs, respectively:

- a) European aviation safety policy, objectives and resources;
- b) European aviation safety risk management;
- c) ensuring European aviation safety;

- d) promoting European aviation safety.

European Plan for Aviation Safety (EPAS)

Art. 11. (1) Besides EASP, Regulation (EU) No. 2018/1139 also establishes the EPAS (Chapter II – Safety management, Art. 6), as a central element of the risk management process for safety at the European level, involving the member states, aviation industry and EASA.

(2) Based on relevant safety information evaluation, EPAS identifies the main safety risks affecting the European aviation system and establishes the necessary measures to mitigate those risks.

(3) EPAS is developed, adopted, issued and annually updated by EASA.

(4) EASA documents the safety risks identified in EPAS through a dedicated safety risk portfolio, and monitors the implementation of mitigation actions by the parties concerned, including, where appropriate, through establishment of SPIs.

(5) EPAS specifies the established safety performance level in the European Union; this performance level is not mandatory, but represents the civil aviation safety level that the European Commission, EASA and member states jointly aim to achieve.

SECTION 3 – National context

National Civil Aviation Safety Programme (PNSAC)

Art. 12. (1) In accordance with Regulation (EU) No. 2018/1139 (Chapter II – Safety management, Art. 7) Romania has the obligation, in consultation with relevant stakeholders, to establish and maintain a national safety programme for the civil aviation safety management in respect of the activities under its responsibility; PNSAC should be proportionate with the scale and complexity of those activities and consistent with the EASP.

(2) PNSAC is the EASP corresponding document at national level; it describes the national aviation safety system, including the legislation framework, the activities and processes used for the civil aviation management in Romania; PNSAC reflects the Romanian civil aviation safety system, also presenting its interconnections with the international civil aviation system.

(3) Also, in accordance with the same legal provisions, PNSAC, taking into account the objectives and safety performance level established at European level, specifies the national safety performance level of the aviation activities performed under the Romanian responsibility, as a member state.

(4) The previous editions of the national civil aviation safety programmes were approved by orders of the minister of transport, in 2012, 2015 and 2016.

(5) PNSAC fully complies with the structure established by ICAO SARPs of Annex 19 second edition.

(6) Implementation of PNSAC constitutes one of the SPIs within EPAS. EASA monitors the evolution of this indicator from data collected from several sources:

- a) ICAO iSTARS – the platform on which the member states are encouraged to disseminate information on the development of SSP;
- b) the platform developed by EASA for the same purpose;

- c) the results of the standardisation visits regarding the application of the provisions of the *New Basic Regulation*.

(7) Although the requirements contained in PNSAC derive especially from the ICAO provisions and, consequently, refer to civil aviation, both civil aviation and military aviation activities are performed in the Romanian airspace, their safety aspects being interdependent; for this reason, PNSAC also addresses aspects of civil-military collaboration, for the appropriate development of the specific activities.

National Plan for Aviation Safety (PNSA)

Art. 13. (1) In accordance with Regulation (EU) No. 2018/1139 (Chapter II – Safety management, Art. 8), the state has the obligation to develop the National Plan for Aviation Safety; based on relevant safety information evaluation, each member state, in consultation with the relevant stakeholders, shall identify in PNSA the main safety risks affecting its civil aviation safety system and determine the necessary actions to mitigate those risks.

(2) PNSA is part of PNSAC and establishes:

- a) The specific safety objectives;
- b) The national safety performance level expressed by SPI and SPT;
- c) Civil aviation safety risks at national level, consisting of:
 - Risks identified in EPAS, relevant to the national civil aviation system; where certain risks identified in EPAS are not relevant, AACR informs EASA accordingly;
 - Risks identified in the ATM/ANS performance scheme;
 - Risks identified at national level.
- d) Measures and actions to mitigate safety risks at national level.

(3) PNSA should be revised as necessary, but at least annually.

**CHAPTER III – NATIONAL SAFETY
POLICY, OBJECTIVES AND
RESOURCES (COMPONENT I OF SSP)**

SECTION 1 – Primary legislation in the field of civil aviation (CE-1)

ICAO requirements

Art. 14. As a signatory of the Convention on International Civil Aviation, signed in Chicago on 7 December 1944, Romania commits itself to implement the SARPs included in the Annexes to the Convention, recognizing their fundamental importance in terms of global aviation safety; implementation is made, as appropriate, through European legislation, Air Code and/or national regulations⁷.

European legislation

Art. 15. (1) The main legislative authority in the field of civil aviation safety is the European Union. The European Parliament, the Council and the Commission are the competent authorities for the adoption of the European safety regulations, which are binding in all EU member states.

(2) As an European Union member state, Romania observes the European legislation framework; as regards the civil aviation safety, the fundamental European regulation is Regulation (EU) No. 2018/1139⁸, based on which specific regulations are adopted.

(3) Each civil aviation field is managed in accordance with specific regulations, which also include requirements addressed to both the competent authorities for the field concerned and civil aviation organisations.

(4) At European level, non-binding documents are also issued, such as *Acceptable Means of Compliance (AMC)* and *Guidance Material (GM)*.

(5) Safety relevant is also Regulation (EU) No. 376/2014 on the reporting of civil aviation events; AIAS is designated⁹ as competent authority for the collection, evaluation, processing, analysis and storage of the detailed information on the reported civil aviation events, which are the subject of this regulation; also, AACR is designated¹⁰ as body responsible for the enforcement of Art. 16 (12) of the regulation, respectively to ensure the application of just culture principles.

(6) At the same time, AACR performs an independent evaluation and analysis of the detailed information from the reported civil aviation events that are included in the AIAS national database, having full access to it, in accordance with the national legislation; AACR uses the information from the event reports in order to identify any remedial measures to be taken within PNSA.

(7) Another important safety-related regulation is Regulation (EU) No. 2111/2005¹¹. In accordance with it, prior issuance of an operation authorization to a third country operator, the applicant should hold an authorisation issued by EASA under Part TCO and should not

⁷ In this document, the term "national regulations" is used generically, including both normative acts and other regulations issued by the competent authorities in the field of civil aviation safety.

⁸ Regulation (EU) No. 2018/1139 is also called *New Basic Regulation – NBR*.

⁹ By OMT No. 1135/2015 regarding measures for implementing Regulation (EU) No. 376/2014.

¹⁰ By OMT No. 931/2019 regarding measures for implementing Art. 16 of Regulation (EU) No. 376/2014.

¹¹ Regulation (EC) No. 2111/2005 of the European Parliament and of the Council din 14 December 2005 establishing a Community list of air carriers subject to an operating ban on the territory of the Community and informing air transport passengers about the identity of the actual air carrier and repealing Art. 9 of Directive 2004/36/CE

be included in the Community list of air carriers which are banned from entering the EU airspace.

National legislation

Art. 16. The national legislation framework regarding aviation safety consists of:

- a) Air Code¹²;
- b) Specific laws, approved by the Parliament of Romania and promulgated by the President of Romania;
- c) Ordinances or emergency ordinances of the Government of Romania;
- d) Decisions of the Government of Romania;
- e) Acts issued by the central public administration (such as orders of the minister of transport).

(2) In cases of civil-military collaboration, joint orders of state authorities in the field of civil and military aviation may be issued.

(3) The complete list of applicable normative acts is posted on the AACR website and is permanently update.

Enforcement policy

Art. 17. (1) Besides establishing conditions for aviation safety oversight and management, the legislation framework also establishes the methodes for the competent authorities to enforce the national regulations.

(2) The enforcement policy applied by AACR establishes the conditions and circumstances under which SMS service providers are allowed to deal with and resolve certain safety issues under their SMS and to the satisfaction of AACR; the enforcement policy applied by AACR is approved by the director general.

SECTION 2 – Specific operating regulations (CE-2)

RACR, Procedures, Safety directives, Circulars

Art. 18. (1) The operating requirements are usually established through RACRs issued by AACR and approved by order of minister of transport.

(2) In the application of higher level normative acts or for clarifying / detailing certain aspects therein, AACR may issue civil aviation procedures, safety directives and circulars, as well as guidance material and safety analyses.

(3) The full list of applicable RACRs, procedures, safety directives, circulars and guidance material is posted on the AACR website and is permanently updated.

(4) In order to ensure compliance of national legislation with EU legislation and international standards in the field of civil aviation a regulatory system is established, which ensures preparation, modification or completion of national normative acts, whenever necessary.

SECTION 3 – Safety oversight system and functions at national level (CE-3)

National competent authorities with civil aviation safety powers

Art. 19. The national competent authorities with civil aviation safety powers are:

¹² Published in the Official Gazette, Part I, No. 222/2020 of 19 March 2020.

- a) **Ministry of Transport** – the state authority in the field of civil aviation;
- b) **Romanian Civil Aeronautical Authority** – the competent authority in the field of civil aviation and body responsible for enforcing just culture principles;
- c) **Civil Aviation Safety Investigation and Analysis Authority** – national authority for accident/serious incident investigation and competent authority for the collection, evaluation, processing and storage of detailed information on the civil aviation events reported;
- d) **Delegated authorities:**
 - **Romanian Airclub** – certification authority in the field of ULM and operation of launch devices and parachuting towers, under AACR authorization, in accordance with OMTCT No. 630/2007 regarding ultralight aircraft operation in Romania, as well as in accordance with OMT No. 637/2007 regarding certain certification tasks in the field of civil aviation; also, the Romanian Airclub is a qualified entity, accredited by AACR in accordance with Regulation (EU) 2018/1139 and Regulation (EU) No. 1178/2011, for the certification of glider and balloon pilots.
 - **Legal entity approved** by AACR to perform certification tasks in the AUN field, in accordance with OMTCT No. 630/2007 regarding the ultralight aircraft operation in Romania.

Authorities functions and powers regarding civil aviation safety management

Art. 20. (1) MT, in its capacity as a state authority in the field of civil aviation has the following main functions¹³:

- a) Implements the Government policy regarding civil aviation and represents the Government of Romania in international civil aviation organizations;
- b) Prepares the strategy for civil aviation development and monitors its implementation;
- c) Represents the regulatory authority in civil aviation;
- d) Negotiates for Romania the international agreements in the field of civil aviation;
- e) Coordinates the activities performed by civil aeronautical agents acting under its authority.

(2) AACR is a self-financed entity under the authority of MT; in its capacity as a national supervisory authority and specialized technical body for civil aviation safety¹⁴, AACR has the following general functions at national level¹⁵:

- a) Flight safety oversight;
- b) Monitoring the application and compliance with civil aviation regulations;
- c) Surveillance of aviation organizations for continuous compliance with civil aviation regulations;
- d) Discharging the competences delegated by MT in the field of aviation security.

(3) AIAS is a public institution under the authority of MT; it is a legal entity independent from the civil aviation structure within MT; AIAS has the following general functions at national level¹⁶:

- a) Investigation of civil aviation accidents and serious incidents;

¹³ Functions are established by Government decisions regarding organisation and functioning; HG No. 370/2021 is currently in force.

¹⁴ Designated by OMTCT No. 1185/2006.

¹⁵ Established by HG No. 405/1993 with subsequent amendments.

¹⁶ Established by OG No. 26/2009.

- b) Issuance of safety recommendations for the prevention of accidents and serious incidents;
- c) Management of the national database for the civil aviation events.

(4) The Romanian Airclub is a public institution under the authority of MT, an organisation for civil aviation personnel training, as well as an aviation sports organisation¹⁷, also having powers delegated by order of the minister of transport.

(5) The legal entity approved by AACR to perform the AUN certification and licensing of personnel operating this category of aircraft is currently the Romanian Free Flight Association (AZLR). This association represents the interests of the free flight performers and of the pilots and owners of the ultralight aircraft, to promote safe paragliding, to contribute to the development of this aviation activity, to campaign for the development of an adequate legislation framework and the alignment to the international AUN flight standards.

Personnel recruitment

Art. 21. (1) Recruitment is part of the process of hiring new personnel by identifying, attracting and selecting persons interested in applying for the positions offered.

(2) In order to carry out its obligations, AACR applies its own personnel recruitment procedure (Internal procedure for personnel employment and promotion – PI-RU-APP), including for the personnel involved in safety oversight activities.

Code of professional ethics

Art. 22. (1) The rules of conduct within the organisation and the establishment of principles and rules governing relationships between AACR employees are stipulated in the Code of conduct and professional ethics that reflects the essential values and ethical standards assumed by AACR.

(2) The Code of conduct and professional ethics aims at creating the ethical framework necessary to the fulfilment of activities within AACR, so that the employees perform their duties with professionalism, loyalty, fairness, and conscientiously and refrain from any act that might prejudice the institution; it also aims at preventing acts that do not comply with the conduct and professional ethical standards adopted.

Determining staffing needs

Art. 23. The methodology for determining staffing needs within AACR is described in the AACR Management Manual. It starts from the staffing needs for each department and takes into account aspects such as:

- a) Nature and complexity of the activities of certified, approved or declared organisations;
- b) Identified safety priorities;
- c) Results of previous surveillance activities;
- d) Expected industry evolution.

Military aviation system in Romania

Art. 24. (1) MAPN, in its capacity as specialised body of the central public administration and as a state military aviation authority, has powers in the following areas:

¹⁷ In accordance with HG No. 567/1991.

organisation of the national airspace in accordance with the legislation in force, rulemaking of military aviation activities, certification of military aviation personnel, aviation agents performing military aviation activities, as well as of aviation equipment and infrastructure for military aviation activities, safety oversight of military aviation activities.

(2) MApN has the following functions:

- a) Regulates the institutional framework for the aviation activities with state aircraft;
- b) Ensures the organisation of national airspace, under Law No. 21/2020, in cooperation with the specialized bodies of the Ministry of Transport, Infrastructure and Communications; ensures the military surveillance and control of national airspace;
- c) Issues regulations for certification of the military aviation personnel, state aircraft, infrastructure and aviation agents performing military activities and monitors their compliance;
- d) Certifies the military aviation personnel and aviation agents performing military activities and issues, renews, validates, equivalates, amends, suspends, cancels and revokes the certification documents;
- e) Certifies the state aircraft, equipment and infrastructure needed for performing military aviation activities;
- f) Issues regulations for the following: reporting and investigation of military aviation events, safety and security of the military aviation activities, search and rescue of state aircraft, military aviation easements and establishes the areas subject to military aviation easements and other military activities and monitors their compliance;
- g) Regulates and performs military aircraft registration activities;
- h) Approves the works, placement of construction, equipment and installations in areas subject to military aviation easements or to other military activities;
- i) Issues regulations for state aircraft operation in the national airspace and for parachute jumping by military aviation personnel.

(3) MApN ensures, through SMFA, as AAMN designated under Law No. 35/1990 with subsequent amendments, the discharge of the powers specified in Law No. 21/2020.

(4) The safety oversight function in military aviation is carried out by AAMN which has technical functions established by specific normative acts.

(5) The Air Operational Component (COA)/SMFA through the Air Operations Center (AOC) is the air traffic services provider for OAT flights, having the following safety-related responsibilities:

- a) To provide air traffic services for operational air traffic and to coordinate military aircraft in search and rescue missions;
- b) To provide information on separation between OAT and GAT flights in the controlled airspace;
- c) To ensure information services for OAT flights in uncontrolled airspace;
- d) Pre-tactical airspace management for the application of the concept of flexible use of space, through the Airspace Management Office, part of AMC Romania (Airspace Management Cell - civil-military co-located structure);
- e) Flight coordination at tactical level 3 through the military flight coordination structures co-located with the civil ACC/ APP units.

(6) AOC includes structures responsible for weapon systems control (combat aviation and Air Force ground-based air defense means) air surveillance, as well as operational air traffic management structures.

(7) Foreign state aircraft operate in the Romanian airspace based on obligations and commitments assumed within NATO and other international bodies to which Romania is a party, as well as bilateral or multilateral agreements. Military air traffic services provide air traffic control for OAT flights, coordination between OAT and GAT flights but do not provide air traffic services to GAT flights.

(8) Civil-military ATM coordination is structured as follows:

- a) Strategic level – through the Airspace Management Council (CMSA);
- b) Pre-tactical level – through the Airspace Management Group (AMC);
- c) Tactical level – through military coordination offices associated with civil ACC/APP units.

(9) For safety purposes, the following aeronautical agents categories are subject to certification and continuous surveillance by AAMN:

- a) State aircraft operators, corresponding to air operations they perform;
- b) Aviation organisations involved in the design, manufacture and maintenance of state aircraft, and associated engines, propellers, parts and equipment, as well as organisations involved in specialised processes, including type testing, specialised testing and distribution of aeronautical products used by state aircraft operators;
- c) Aviation organisations performing design, construction, assembly, repairs and maintenance of infrastructure elements and equipment intended for military aviation activities and directly related to flight safety;
- d) Aviation organisations providing military air navigation services, as well as airport activities on military aerodromes;
- e) Military aviation training organisations;
- f) Organisations involved in the selection, assessment, medical and psychological testing of the military aviation personnel;
- g) Other categories of military organisations, subject to applicable specific regulations.

(10) MApN is the state aviation authority for regulation, organisation and conduct of investigations of aviation events with state aircraft.

(11) MApN, through AAMN and MT, through AIAS, establish a common procedure, approved by the heads of the two institutions, applicable in the case of aviation events involving civil and military aircraft and/or air traffic control units.

(12) When the President of Romania declares a state of siege or emergency, or when the partial or total general mobilization is declared, or in case of armed aggression against Romania, the applicability of Law No. 21/2020 is suspended partially or totally, the aviation activities in the national airspace having to be performed in accordance with the rules established by the competent military authorities, in accordance with the applicable legislation.

SECTION 4 – Requirements, obligations, functions and activities related to drawing up, approval and implementation of PNSAC

Development of PNSAC

Art. 25. (1) Drawing up, updating, implementation monitoring and coordination of PNSAC are made by AACR.

(2) PNSAC is approved by order of the minister of transport, the initiating institution being AACR.

(3) In fulfilling its duties provided in paragraph (1), AACR is supported by the National Aviation Safety Committee, whose composition and functions are mentioned in Art. 27.

Development of PNSA

Art. 26. (1) AACR draws up, updates, monitors and coordinates implementation of PNSA.

(2) PNSA is approved by decision of the AACR Director General, after consultation with all interested parties and with prior endorsement by AACR departments involved.

(3) PNSA is drawn up at least annually and is correlated with EPAS.

(4) In fulfilling its duties provided in paragraph (1), AACR is supported by the National Aviation Safety Committee, whose composition and functions are mentioned in Art. 27.

National Aviation Safety Committee (CNSig)

Art. 27. (1) The National Aviation Safety Committee (CNSig) is established in order to ensure a prompt communication, avoid duplication of activities and ensure an effective and efficient implementation of PNSAC and PNSA. It is composed of:

1. Director General of AACR – President of CNSig;
2. A representative of AACR management;
3. The director of civil aviation department within MT, or a management member designated by him/her;
4. Director General of AIAS, or a management member designated by him/her;
5. Chief of AAMN, or a management member designated by him/her;
6. The chiefs of the organisations to which certification/surveillance/licensing tasks have been delegated by MT or AACR, or a management member designated by them;
7. Management level representatives of the following civil aeronautical agents:
 - a representative of the approved/certified air operators;
 - a representative of the certified/authorized aerodromes;
 - a representative of ATM/ANS providers;
 - a representative of the approved civil aviation personnel training organisations;
 - a representative of groundhandling organisations;
 - a representative of organisations designing, manufacturing, maintaining and repairing aircraft, engines, propellers, and related parts and equipment;

(2) The CNSig composition (the persons nominated) is established by decision of the Director General of AACR; for a broader representation, the industry representatives are nominated, as far as possible, from among the chiefs of professional associations specific to each field.

(3) At CNSig meetings, other persons may also be invited as observers, at the committee members' proposal.

(4) CNSig has the main duties:

- a) PNSAC and PNSA endorsement and submittal for approval to MT or to the Director General of AACR, as appropriate;
- b) Endorsement and submittal for approval to the Director General of AACR of the GAP Analysis and PNSAC implementation schedule;
- c) Making proposals for safety management system at national level;

- d) Endorsement and submittal for approval to the Director General of AACR of other documents derived from PNSAC and PNSA.

(5) CNSig adopts its own organisation and functioning rules.

(6) By decision of the Director General of AACR, working groups can be established to ensure the specialised technical support for CNSig to perform its duties; these groups are composed of representatives of competent authorities and/or industry, as appropriate, and are coordinated by an AACR representative; the objectives, activities and functioning of the aforementioned working groups are established by CNSig.

(7) The secretarial work of CNSig is provided by AACR.

Responsibilities regarding PNSAC coordination

Art. 28. (1) MT responsibilities

- a) approves PNSAC by order of the minister;
- b) ensures representation in CNSig.

(2) AACR responsibilities

- a) develops PNSAC and PNSA until the imposed deadlines or whenever necessary;
- b) coordinates and ensures representation in CNSig;
- c) coordinates the working groups that provide the specialised technical support needed for CNSig to perform its duties.

(3) AIAS and AAMN responsibilities

- a) ensures representation in CNSig.

(4) Responsibilities of the Director General of AACR

- a) signs and submits for approval to MT the approval report of PNSAC draft;
- b) approves the GAP Analysis and PNSAC implementation schedule;
- c) approves PNSA;
- d) establishes, by decision, the department responsible for drawing up the documents required by PNSAC and PNSA and provides the secretarial work for CNSig;
- e) establishes, by decision, the composition of CNSig;
- f) at CNSig proposal, establishes, by decision, the composition of working groups that provide CNSig with specialised technical support.

(5) Responsibilities of aeronautical agents

- a) ensures representation in CNSig and in the working groups that provide CNSig with specialised technical support;
- b) carry out their functions specified in PNSAC and PNSA.

SECTION 5 – Safety policy and objectives

Safety policy

Art. 29. The safety policy of the Romanian aviation competent authorities is presented in Annex 1 to PNSAC, which is an integral part of it.

Safety objectives

Art. 30. (1) The general safety objectives at the Romanian competent authorities level is presented in Annex 2 to PNSAC, which is an integral part of it.

(2) In addition to the general safety objectives, PNSA also establishes specific objectives.

SECTION 6 – Qualification and training of technical personnel (CE-4)

Training

Art. 31. (1) For an appropriate performance and compliance of the AACR safety-related personnel, individual training needs should be identified and skills and qualifications should be maintained through training; for this purpose, AACR applies the Internal Procedure for aeronautical inspector training, qualification and certification (PI-RU-ICC).

(2) PI-RU-ICC is applicable to each aeronautical inspector involved in the following AACR specialised activities:

- a) Safety oversight and approval, examination and/or inspection of any natural or legal person performing civil aviation activities, as well as of any product and related components, based on his/her duties and responsibilities, in accordance with the applicable civil aviation regulations.
- b) Safety assessment and analysis at national level for maintaining safety at the level required by European and international standards.

(3) The training processes are based on the systematic identification of training needs through an annual analysis of the positions and related competences required for each position; consequently:

- a) The training needs are identified for each aeronautical inspector;
- b) The specified/planned training sessions are recorded in an annual internal training plan at each AACR department and in a general annual training planification drawn up at the AACR level;
- c) Details on the training sessions performed are stored in a database at each AACR department.

SECTION 7 – Technical guidance, tools and provision of safety-critical information (CE-5)

Tools and technical guidance

Art. 32. (1) AACR makes sure that the personnel with safety-related functions have up-to-date tools, guidance materials and other documentation supporting adequate performance of their activity.

(2) For this purpose, in the SMS evaluation process developed by certain agents¹⁸, AACR applies the SMS evaluation instrument developed by EASA¹⁹.

(3) The aeronautical inspectors' work is based on a set of internal procedures, designed to support them in carrying out their duties in a professional manner, while promoting a positive safety culture and supporting the aeronautical agent to achieve its own safety objectives and, consequently, those established at the national level.

¹⁸ Currently, the decision is applicable to the following areas: air operations, aircrew and CTA training organisations, aeromedical, aerodromes and CAMO organisations.

¹⁹ <https://www.easa.europa.eu/document-library/general-publications/management-system-assessment-tool>

(4) All guidance materials, both European and internal ones, are made available to their own personnel and to industry, through publication to AACR website and other information means.

(5) AACR provides its personnel with all necessary facilities, tools and transport, needed to perform their specific activities.

Provision of safety-critical information

Art. 33. (1) Safety-critical information is the specific information related to safety issues and safety risks; this information may come from internal or external sources.

(2) In this context, the safety-critical information managed by the state competent authorities is considered to be the following:

- a) Reports on safety events covered by Regulation (EU) No. 376/2014;
- b) Safety Information Bulletins (SIB) issued by EASA and Electronic Bulletins (EB) issued by ICAO;
- c) Safety recommendations issued by AIAS under Regulation (EU) No. 996/2010;
- d) Safety directives.

(3) For each of the critical safety information listed above internal procedures or collaborative procedures developed by the competent authorities are applied, which should specify how this information has been obtained, its analysis, the subsequent actions, dissemination rules and the departments responsible within the institutions involved.

**CHAPTER IV – SAFETY RISK
MANAGEMENT AT NATIONAL LEVEL
(COMPONENT 2 OF SSP)**

SECTION 1 – General

Safety risk management (SRM) components at European level

Art. 34. EASA defines SRM through 5 essential components²⁰:

- a) Identification of safety issues; this stage is carried out following the analysis of available safety data and with the support of specialized working groups.
- b) Evaluation of safety issues identified; safety issues are captured in a risk portfolio where they are prioritized.
- c) Definition of safety actions; they are intended to reduce the safety risks; at European level these actions are included in EPAS, and at national level in PNSA.
- d) Implementation of established and subsequent actions.
- e) Safety performance measurement, by monitoring SPIs and comparing them to SPT; the purpose of this component is both to establish the effectiveness of risk mitigation actions and to redefine them, as well as to identify new hazards.

SRM application at national level

Art. 35. SRM is applied through:

- a) Monitoring SMS implementation by organisations, which should include hazard identification processes and related risk management processes; for this purpose, AACR:
 - Monitors SMS implementation by organisations that have this obligation in accordance with European regulations and encourages all other organisations to implement SMS;
 - Establishes methods for SMS evaluation and acceptance;
 - Periodically reviews the organisations' SMS in order to evaluate their effectiveness.
- b) Application of SRM principles in the AACR own activity (internal component), which should include regulatory activity planning and oversight prioritization based on risk assessment.

SECTION 2 – Licensing, certification, authorization and approval obligations (CE-6)

Certification²¹

Art. 36. (1) The competent authority has the obligation to develop documented procedures and processes to ensure that natural and legal persons comply with the applicable requirements before carrying out civil aviation activities under a license, certificate, authorization or approval.

(2) The process of aeronautical agent certification implies taking the necessary actions to ensure an appropriate safety level in the performed activities as part of the safety management system at national level.

²⁰ EASA Annual Safety Review 2020 at https://www.easa.europa.eu/sites/default/files/dfu/easa_asr_2020.pdf

²¹ In accordance with the Air Code of Romania, Art. 3 para. 18, *certification* means any form of recognition that certifies that an aerodrome, product, part or equipment thereof, organisation, person or service complies with the applicable requirements established by specific regulations, as well as the issuance of a corresponding certification document showing conformity or compliance; certification may also have as a result certain privileges granted under the applicable regulations.

Art. 37. (1) The certification obligations of AACR and delegated authorities are established for the most part by specific European regulations, to which national provisions are added. These obligations include:

- a) Issuance of air transport pilot license, commercial pilot license, private pilot license, sport aviation license;
- b) Issuance of air traffic controller license, air information services license;
- c) Issuance of Part-66 license;
- d) Issuance of cabin crew license;
- e) Issuance of aero-medical certificate;
- f) Issuance of air operator certificate;
- g) Certification of UAS operations.

(2) Also, the European legislation specifies the mutual recognition of certificates issued by the member states.

SECTION 3 – Obligations regarding SMS development

SMS implementation obligations

Art. 38. (1) Currently, in Romania, the following organisations shall develop an SMS:

Type of Organisation	EU requirement	ICAO Annex 19 requirement
Approved training organisations	Reg. (EU) No. 1178/2011 – ORA.GEN.200	Art. 4.1.3.
Declared training organisations	Reg. (EU) No. 1178/2011 – DTO.GEN.210	N/A
Aero-medical centres	Reg. (EU) No. 1178/2011 – ORA.AeMC.200	N/A
Air traffic controller training organisations	Reg. (EU) No. 2015/340 – ATCO.OR.C.001	N/A
Certified/declared air operators	Reg. (EU) No. 965/2012 – ORO.GEN.200	Art. 4.1.4. Art. 4.2.
Continuing airworthiness management organisations	Reg. (EU) No. 1321/2014 – CAMO.A.200	Art. 4.1.5.
Approved maintenance organisations	Reg. (EU) No. 2021/1963 – 145.A.200 ²²	Art. 4.1.5.
Approved design organisations	Reg. (EU) No. 748/2012 – 21.A.239 ²³	Art. 4.1.6.
Approved production organisations	Reg. (EU) No. 748/2012 – 21.A.139 ²⁴	Art. 4.1.7.
Air traffic services providers	Reg. (EU) No. 2017/373 – ATM/ANS.OR.B.005	Art. 4.1.8.

²² Enters into force on 02.12.2022, according to Reg. (EU) No. 2021/1963

²³ Enters into force on 07.03.2023, according to Reg. (EU) No. 2022/201.

²⁴ Idem.

Operators of certified aerodromes	Reg. (EU) No. 139/2014 – ADR.OR.D.005	Art. 4.1.9.
Ground handling services providers	Reg. 1139/2018, Annex VII, Art. 4.2. ²⁵	N/A

(2) Until specific requirements are established at European level, AACR encourages the other categories of aeronautical agents to implement an SMS.

Art. 39. The effective SMS implementation by aeronautical agents is one of the SPIs included in EPAS. EASA monitors the evolution of this indicator based on the provision by competent authorities of surveillance data, monitoring how SMS addresses:

- a) Management of change;
- b) Management system;
- c) Contracted activities;
- d) Personnel requirements;
- e) Recordkeeping.

SMS acceptance

Art. 40. (1) The SMS of aeronautical agents should be accepted by AACR; SMS acceptance includes acceptance of the safety level established by the aeronautical agents, expressed by SPI and SPT.

(2) For the acceptance of the aeronautical agents' SMS, the specific activities and their complexity are taken into account, as well as the manner in which the indicators used contribute to the achievement of the safety objectives established at national level, i.e. SPI and SPT established by SMS should be correlated with SPI and SPT established at national level by PNSA (see Art. 55 – safety performance indicators (SPI) and safety performance targets (SPT)).

(3) SMS acceptance and continuous safety performance monitoring are carried out by AACR for each aeronautical agent, and may be subject of protocols concluded with the aeronautical agents for this purpose.

SMS of aeronautical agents with multiple certifications

Art. 41. An aeronautical agent holding multiple certifications for the provision of different services may decide to apply a single SMS to all the services for which it is certified. When AACR evaluates such an SMS, it ensures that:

- a) the SMS evaluation methods are applied consistently in all civil aviation areas:
 - the institution management consistently interprets and applies the regulations and methods for surveillance and monitoring of the service providers;
 - the aeronautical inspectors involved in SMS evaluation have received standardised training;
 - the audit policies, procedures and tools are common for all areas;
 - the aeronautical inspectors involved have frequent and effective communication;
 - the aeronautical agent has documented:
 - how safety data and information is managed within the various services provided;

²⁵ National requirement – RACR-AD-FSH.

- the roles and responsibilities of departments responsible for the various services provided are related to SMS implementation;
 - the organisational structure and interfaces between the certified activities.
- b) The aeronautical agent clearly describes the purpose of the SMS for each activity, as well as the interaction between them.
- c) The aeronautical inspectors involved in SMS evaluation cooperate in such a manner as to avoid task overlapping and duplication of requirements for the aeronautical agent.
- d) If an aeronautical agent is subject to approval by third country authorities, this may require conclusion of agreements for surveillance and monitoring of the aeronautical agent concerned.

Aeronautical agents' integrated SMS

Art. 42. An aeronautical agent may decide to include its SMS in other own management system. When AACR evaluates such an SMS, it should clearly separate its surveillance activities and should ensure these are visible within the integrated SMS.

SECTION 4 – Investigation of civil aviation accidents and incidents

Art. 43. (1) Investigations of civil aviation accidents and incidents are prepared, conducted, controlled and performed by AIAS, in order to determine the facts, causes and circumstances that led to their occurrence and to issue safety recommendations.

(2) AIAS fulfills²⁶ the obligations for investigation of civil aviation accidents and incidents that arise from ICAO Annex 13 - Aircraft accident and incident investigation and from Regulation (EU) No. 996/2010.

(3) AIAS is a separate entity from the civil aviation department within MT and from AACR, and the director general of AIAS reports directly to the minister of transport.

(4) In its activity, AIAS is independent from any legal entity, aviation regulatory or safety authority, air transport infrastructure administrator, air operator, as well as from any part whose interests could interfere with its tasks.

(5) AIAS conducts civil aviation safety investigations, independently of any other kind of investigations, and has no role in determining guilt or liability.

(6) Following the aviation accident and incident investigations, analysis of a series of investigations or any other activities performed under the applicable regulations, AIAS may issue safety recommendations for the purpose of preventing other aviation accidents or incidents.

(7) Actions related to the implementation process of AIAS recommendations addressed to AACR are monitored and reported through specific procedures.

²⁶ In accordance with OG No. 26/2009.

SECTION 5 – Hazard identification and safety risk assessment

Hazard identification

Art. 44. (1) One of the main roles of the competent authority is to identify hazards associated with its aviation system and their trends; this is the first component of the SRM process.

(2) The main method in achieving this objective is to analyze the safety information obtained from multiple sources; an essential category of safety information consists in the safety reports, which in Romania are drawn up in accordance with Regulation (EU) No. 376/2014.

(3) The competent authority develops and permanently updates detailed procedures for the collection, storage and analysis of each safety information category.

Just culture

Art. 45. (1) Just culture is an essential component of the broader concept "positive safety culture", which is the basis of a solid management safety system; an environment that adopts the just culture principles should not prevent taking the necessary measures to maintain or improve the aviation safety level.

(2) Just culture encourages people to report safety-related information and at the same time it does not exonerate people from liability, if during performance of their duties wrongdoing is intentional or if there is a clear and serious disregard of an obvious hazard or a gross negligence in taking the necessary measures under these circumstances, causing foreseeable damage to a person or property or seriously affecting the aviation safety level.

(3) Both AIAS, as custodian of the national aviation safety database, and AACR commit themselves to comply with the confidentiality requirements stipulated in Regulation (EU) No. 376/2014.

(4) AACR was designated as the body responsible for implementing the protection of information sources, ensuring application of the just culture principles; in this capacity, AACR issues opinions on just culture policy and standards applied by civil aviation organisations, receives and processes reports from employees and contractual personnel from civil aviation industry, regarding alleged violations of just culture standards; employees and contractual personnel reporting to this body cannot be sanctioned for submitting those reports.

Safety risk assessment

Art. 46. As part of the procedures for aviation safety reports management, AACR develops at the sectorial level a risk-based approach for the surveillance of aeronautical agents, establishing surveillance periodicity and focus areas.

Art. 47. (1) At least annually, AACR develops and publishes on its website an analysis regarding the Romanian civil aviation risk portfolio; the procedure for this analysis is the following:

- a) From the safety relevant information, the main causes of accidents and serious incidents which occurred over a period of time as long as possible (preferably, the last decade) are highlighted;
- b) By aggregating the above mentioned information the risk portfolio is established for the category of operations analysed, such as commercial air transport operations

with aeroplanes, operations with helicopters, general aviation operations, operations other than with helicopters, etc.

- c) The risk portfolio consists of:
- *Main risk areas* – categories of occurrences resulting directly in accidents (depending on gravity, these may be fatal, with injuries or with no casualties) or serious incidents.
 - *Precursors* – the precursors of the main risk areas are taken into account to the extent that data is available.
- d) Their prioritization depends on the importance to the occurrence of accidents/serious incidents, and is also based on AACR and industry specialists' experience.

(2) In accordance with Regulation (EU) No. 376/2014, an occurrence report includes a risk classification of the accident/serious incident concerned. The classification is re-examined and reviewed as necessary, and approved by the competent authority (AIAS, in Romania) in accordance with the common European risk classification system; when this common European system enters into force and AIAS applies it, the risk identified shall be considered for the risk portfolio development.

(3) The risk portfolio is one of the input data sets taken into account for PNSA development.

SECTION 6 – Risk control at national level

General

Art. 48. (1) The objective of developing an SRM is to control the identified risks, so as to achieve LSPA at national level.

(2) A risk control method should ideally be cost-efficient, easy and quick to implement, effective and without unintentional consequences; the effectiveness of the selected method is monitored, so that to ensure the achievement of the intended goal.

(3) Many of the risk control measures involve aeronautical agents that should be supported for implementing those measures, as reaching the national performance targets depends on the effectiveness of those measures.

Resolution of safety issues (CE-8)

Art. 49. (1) As part of the procedures of aviation accident/incident reporting and subsequent actions, described in Regulation (EU) No. 376/2014, AACR may put in place – through its departments – measures for closing the non-compliances that might affect safety, in accordance with the applicable legislation; these measures may include:

- a) Prioritization of inspections and audits carried out as part of the surveillance activity;
- b) Actions to make the aeronautical agents to apply the remedial and prevention measures related to the occurrence involved;
- c) Checks to ensure that the corrective/preventive measures following internal investigation/inquiry carried out by the aeronautical agents for the occurrence concerned are implemented and effective;
- d) Proposals regarding issuance of information, instructions, procedures, circulars or safety directives, as appropriate;
- e) Proposals regarding amendment or completion of regulations or procedures applicable to aviation occurrences concerned.

(2) In extreme cases, AACR can access the mechanism specified in the *New Basic Regulation*, Art. 70²⁷ – Safeguard provisions; under this mechanism, AACR is not prevented from reacting immediately to a problem related to a civil aviation safety, where all of the following conditions have been met:

- a) the problem involves a serious risk to aviation and immediate action is required to address it;
- b) the problem cannot be adequately addressed in accordance with Regulation (EU) 1139/2018 and with the delegated acts and implementing acts adopted on the basis thereof;
- c) the actions taken are proportionate to the severity of the problem.

(3) PNSA, which is annually revised, establishes measures and actions for risk mitigation at national level, following the SRM process; the risk mitigation measures and actions may be revised whenever necessary (at least annually), in order to achieve the safety performance level established at national level.

(4) AACR fully complies with the requirements imposed to the competent authorities which are referred to in the European regulations (being often referred to as AR.X – *authority requirements*), including those related to the immediate action of the state to a safety problem.

²⁷ OMT No. 1155/2019 delegates AACR to apply Art. 70 and 71.

CHAPTER V – SAFETY ASSURANCE AT NATIONAL LEVEL (Component 3 of SSP)

SECTION 1 – Surveillance obligations (CE-7)

General

Art. 50. (1) As an EU member state, Romania cooperates with the other member states within a single European aviation safety system, to ensure compliance with the *New Basic Regulation* and the delegated and implementing acts adopted pursuant to it.

(2) In Romania, the obligations for surveillance of the aeronautical agents are carried out by AACR, as the national supervisory authority and specialized technical body for performing flight safety oversight function in civil aviation; for ULM și AUN fields these obligations are fulfilled by delegated authorities.

(3) For certification, surveillance and for ensuring compliance with the legislation related to its scope of competence, the competent authority²⁸:

- a) receives and evaluates the applications and, as the case may be, issues or renews certificates and receives the statements addressed to it;
- b) carries out surveillance of certificate holders, natural and legal persons that have made statements, as well as of products, parts, equipment, ATM/ANS systems and components, synthetic flight training devices and aerodromes;
- c) carries out investigations, inspections, including platform inspections, audits and other monitoring activities necessary to identify any non-compliances with the *New Basic Regulation* and the delegated and implementing acts adopted on its behalf by natural or legal entities under its supervision;
- d) takes all the necessary measures to ensure compliance with the legislation, including modification, limitation, suspension or revocation of the certificates it has issued, grounding aircraft and imposing penalties, if non-compliances are identified;
- e) forbids, limits or imposes certain conditions to supervised activities, for safety purposes;
- f) ensures an adequate qualification level for personnel involved in certification, and surveillance tasks, including by providing adequate training.

AACR's surveillance activity

Art. 51. (1) Surveillance by AACR is a risk-based activity, which implies prioritization and resource allocation depending on the risk profile of each field or individual service provider, starting from monitoring SMS maturity (where there is an SMS).

(2) This approach requires a close collaboration between the competent authority and aeronautical agents which should exceed the monitoring level of organisation compliance with the specific legislation and tend towards the risk evaluation of the organisation management.

(3) For each area subject to its surveillance, AACR develops methodologies for determining the risk profile of the aeronautical agents which take into account:

- a) Evaluation of the organisation financial capacity;
- b) Number of years of operation;
- c) Stability of essential staff, such as the accountable manager or the safety manager;
- d) Competence and performance of the accountable manager and safety manager;
- e) Results of previous audits;
- f) Manner of closing non-compliances found in previous audits;

²⁸ See Art. 62 of the *New Basic Regulation*

- g) Scope and complexity of activities carried out;
- h) Maturity of hazard identification and risk management processes;
- i) Results of safety performance data analysis.

(4) The control of how civil aeronautical agents identify and manage safety risks (as part of an SMS if they have implemented such a system or by other specific means in the case of aeronautical agents that have not implemented an SMS) is carried out through the surveillance process.

(5) The surveillance by AACR includes review of SPI and related SPT established by the aeronautical agent, analysing the performance and effectiveness for each of them.

(6) AACR ensures, through specific internal procedures, that the inspectors involved in the surveillance of aeronautical agents maintain the level of competence required by this activity.

(7) The surveillance capacity of AACR constitutes an SPI established by EPAS and is monitored by EASA through EASA standardisation indicator. This indicator is used for the prioritization of standardisation inspections and is related to the size, nature and complexity of competent authorities and their functions, the number of non-compliances found, as well as the reaction of authorities regarding closing of those non-compliances, once the final report has been submitted.

SECTION 2 – Safety performance at national level

ICAO vision

Art. 52. (1) ICAO Annex 19 specifies that one of the states' obligations is to define an *Acceptable Level of Safety Performance (ALoSP)*, established by national safety programmes.

(2) Currently there are proposals submitted to ICAO both for abandoning the concept of "acceptability", which during SSP implementation created different interpretations, and for the stronger connection between SPI and SPT with the achievement of safety objectives.

European vision

Art. 53. (1) The *New Basic Regulation* states in Art. 7 that a state safety programme should specify the level of safety performance achieved (LSPA) at national level, with regard to aviation activities under the responsibility of the member state concerned.

(2) Romania applies the above mentioned provisions of the *New Basic Regulation*, respectively the EASA vision, which is slightly different from the current edition of ICAO Annex 19 (*achieved level vs. acceptable level of safety performance*); consequently, the notion of LSPA is used throughout the document.

Level of safety performance to be achieved (LSPA)

Art. 54. (1) LSPA is achieved by :

- a) Development and implementation of PNSAC; and
- b) Development and monitoring of SPI and SPT, which demonstrates the effective safety management;

(2) LSPA represents the level of safety expected to be achieved both at the state level and at the organisational level; it must be expressed through both result-based and process-based SPIs.

(3) Ideally, for each safety risk identified by PNSA a set of SPI and SPT should be established to show whether that particular risk is properly managed; however, there may be situations where for certain safety objectives it is not possible to establish SPI.

(4) Many SPIs directly depend on the organisation performance, which is why there must be a correlation between the indicators contained in the SMS of organisations and PNSA indicators, monitored through the oversight process carried out by the competent authorities.

(5) In Romania, LSPA is established and reviewed through PNSA.

(6) The degree of achievement of LSPA is established through an annual report prepared by AACR.

Safety performance indicators (SPI) and safety performance targets (SPT)

Art. 55. (1) SPI falls into one of the following categories:

- a) Level 1 – general performance indicators of the aviation system (accidents and serious incidents);
- b) Level 2 – performance indicators of the aeronautical agents' activity;
- c) Level 3 – performance indicators of the competent authorities' activity.

(2) SPI can also be:

- a) result-based indicators (usually level 1 or 2);
- b) process-based indicators.

(3) SPTs are established for each SPI, which allow safety performance to be measured.

Safety performance monitoring

Art. 56. (1) Safety performance at national level, as indicated by SPI and SPT, demonstrates the degree of achievement of LSPA;

(2) If any of the SPT is not achieved, this may be due to one or more causes, such as:

- a) The targets cannot be reached or are not realistic;
- b) The actions established for reaching SPT are not appropriate;
- c) There is a change in the priority of certain risks;
- d) There are risks that were not considered when establishing SPT;
- e) SPI established are not relevant for the particular safety objective.

(3) LSPA is revised at least annually, once with PNSA revision, on which occasion:

- a) Safety issues are identified that are not adequately covered by the existing SPIs;
- b) SPTs that need to be adjusted are identified;
- c) Decreasing safety situations (if any) are identified, which may require corrective actions;
- d) Certain SPIs are eliminated or added, if necessary.

CHAPTER VI – SAFETY PROMOTION AT NATIONAL LEVEL (Component 4 of SSP)

General

Art. 57. (1) The increase in safety performance at national level largely depends on the existence of a safety culture.

(2) Safety culture is improved, among other things, by ensuring the widest possible dissemination of safety information, such as policies, objectives, priorities, good practices, highlighted risks.

(3) For this purpose, the competent authorities should promote safety and disseminate safety information, within both their organisations and industry, in order to support the development of a positive safety culture to ensure an effective implementation of PNSAC.

(4) Regulation (EU) No. 376/2014 includes specific provisions applicable to the dissemination and exchange of safety information, both internally and externally.

Internal communication and dissemination of safety information

Art. 58. (1) Safety promotion at internal level is carried out both within each competent authority and through collaboration between competent authorities.

(2) Safety information is internally communicated and disseminated by the following means:

- a) dissemination of safety news, bulletins, analyses on own websites, internal networks, social media, as appropriate;
- b) creation of operational communication channels between CNSig members;
- c) meetings, conferences, discussions within different cooperation teams;
- d) publication on AACR website of PNSAC, PNSA and the risk portfolio for Romanian civil aviation.
- e) use of databases common to different fields; in this respect, AACR has the obligation to develop an internal AACR safety database, with access to all AACR personnel directly involved in the risk management at national level, certification and surveillance of aeronautical agents; the database should include at least the following information:
 - civil aviation events reported and included in the national safety database managed by AIAS;
 - results of AACR analyses on civil aviation events and follow-up of subsequent actions;
 - results of AACR audits and surveillance inspections to civil aeronautical agents and follow-up of subsequent actions (action plans accepted by AACR);
 - results of AACR evaluation of aeronautical agents' SMS, also regarding the identified hazards, SPI and associated SPT, as well as actions to mitigate risks and improve safety;
 - results of platform inspections carried out by foreign aeronautical authorities to national air operators, taken from EASA database regarding platform inspections (SACA/SAFA);
 - national aircraft register and airworthiness documents;
 - results of EASA standardisation visits and ICAO audits (USOAP CMA and ICVM);
 - other documents supporting the effective management of safety information used within AACR processes, in order to achieve an effective monitoring of safety risk areas and development of performance-based regulatory and oversight systems.

External communication and dissemination of safety information

Art. 59. (1) Safety promotion at external level, towards aeronautical agents and the public, is usually carried out by dissemination of safety bulletins and safety analyses on own websites, in mass-media and/or social networks.

(2) External safety promotion towards aeronautical agents is done by:

- a) meetings, seminars, conferences, discussions within different cooperation teams (such as sectorial working groups, created in support of CNSig activity);
- b) publishing in electronic format on the national competent authority website of safety bulletins, recommendations, reports and information, guidance materials, as well as other safety-related materials;
- c) periodical meetings organized by the national competent authority with civil aeronautical agents for presenting, promoting or analysing safety aspects;
- d) safety information exchange by the representatives of the national competent authorities and of the aeronautical agents within European and international committees, commissions, working groups (European Commission, EASA, Eurocontrol, ECAC, OACI, IATA, ACI, CANSO, etc.);
- e) documentation electronic library developed by AACR on its website, which is available on a free of charge basis to all civil aeronautical agents, and which contains at least the following documents:
 - PNSAC in force;
 - PNSA in force;
 - documentation related to PNSAC, such as the comparative analysis with ICAO requirements (*GAP Analysis*) (see Art. 60.) or PNSAC implementation plan (see Art. 62.);
 - national legislation framework in the field of civil aviation safety;
 - European legislation framework in the field of civil aviation safety;
 - safety circulars, guidance material, bulletins, reports, safety studies and information.

CHAPTER VII – PNSAC IMPLEMENTATION

Comparative analysis (GAP Analysis)

Art. 60. (1) PNSAC implementation involves a variety of activities that should be carried out by both the competent authority and the aeronautical agents. In order to correlate these activities within a certain period of time, a PNSAC implementation plan should be developed and followed.

(2) PNSAC implementation plan is based on a comparative analysis against SSP requirements imposed by ICAO Annex 19.

(3) The comparative analysis - *GAP Analysis* – is developed and approved by AACR, after CNSig endorsement.

USOAP protocol questions

Art. 61. Any deficiencies of the safety oversight system or of the safety management capacity at national level are found following completion and updating of USOAP protocol questions regarding the effective implementation of PNSAC.

PNSAC implementation plan

Art. 62. (1) The purpose of PNSAC implementation plan is to progressively improve the safety oversight system and of the safety management at national level; it includes the actions to be undertaken for PNSAC implementation, and their deadlines and prioritization.

(2) PNSAC implementation plan is drawn up and approved by AACR, after CNSig endorsement.

PNSAC maturity assessment

Art. 63. (1) The assessment of PNSAC maturity, respectively of the degree of compliance with SARPs and specific European legislation is carried out using the common dedicated platform on the ICAO website – iSTARS.

(2) The assessment of PNSAC maturity is developed and approved by AACR, after CNSig endorsement.

(3) The assessment of PNSAC maturity places its elements in one of the following categories:

- a) current and adequate
- b) operational
- c) effective

ANNEX 1 – SAFETY POLICY OF THE ROMANIAN CIVIL AVIATION COMPETENT AUTHORITIES

SAFETY POLICY OF THE ROMANIAN CIVIL AVIATION COMPETENT AUTHORITIES

(1) Civil aviation has nowadays evolved into a particularly complex system, consisting of elements that continuously interact with each other. The fact that the air transport has become the safest mode of transport is the result of a sustained effort of the global civil aviation community over a long period of time.

(2) The Romanian civil aviation competent authorities²⁹ considers the increase of safety performance as the main safety objective, aiming at ensuring a safe air transport and increasing the public confidence in this mode of transport. The sometimes surprising evolution of the business environment means that further aviation safety improvement require new innovative methods which take into account the latest market development, as well as the economic, traffic management and environmental aspects.

(3) Civil aviation safety regulations are consistent with the ICAO recommended standards and practices as well as with the applicable European regulations.

(4) The role of safety authorities should evolve from an imposing one to a collaborative one with the common goal of achieving the safety objectives at national level as well as the safety performance level established nationally in correlation with the European one, defined by SPIs and SPTs.

(5) In this context, safety information plays an essential role in the safety risk management process. The basis of access to safety information is a positive safety culture based on just culture, both at the level of authorities and aeronautical agents, an effective communication between them and realistic measures to mitigate safety risks.

(6) The Romanian civil aviation safety competent authorities make the appropriate arrangements to maintain their personnel's competences related to their tasks in the field of safety management at national level, through continuous training and international cooperation.

²⁹ The Romanian competent authorities in the field of civil aviation are:

- *Ministry of Transport* – the state authority for civil aviation;
- *Romanian Civil Aeronautical Authority* – competent authority in the field of civil aviation
- *Civil Aviation Safety Investigation and Analysis Authority* – national authority for accident/serious incident investigation
- *Delegated entities*

**ANNEX 2 –GENERAL SAFETY
OBJECTIVES OF THE ROMANIAN CIVIL
AVIATION COMPETENT AUTHORITIES**

General safety objectives of the Romanian civil aviation competent authorities

- a) Systemic safety approach, by:
- ensuring risk analysis capabilities and decision-making support by improving civil aviation safety data collection, storage and integration;
 - safety management system consolidation to ensure a risk analysis and assessment process;
 - improving the safety risk management system performance;
 - ensuring collaboration with all partners involved in the national aviation system to improve safety culture and safety actions identification and effectiveness;
 - increasing performance of safety management systems implemented by the civil aeronautical agents, by inclusion in the surveillance activity of the Just Culture implementation level.
- b) Ensuring a competitive workforce, by developing a human resources policy aimed at training the personnel to acquire and maintain their skills and abilities necessary to achieve the objectives.
- c) Innovation development and implementation.
- d) Maintaining a coherent regulatory framework, which is transparently developed and implemented in accordance with the international standards and European regulations.
- e) Ensuring human and financial resources necessary to fulfill their duties for PNSAC implementation and safety oversight at national level.

