



State Safety Programme – Italy

Issue 3



State Safety Programme - Italy

Issue 3

*Note: This is a courtesy translation for information only
The official version of this document is in the Italian language.*

LIST OF ABBREVIATIONS	4
DEFINITIONS	6
STATE SAFETY POLICY	9
PREMISE.....	10
CHAPTER 1 - INTRODUCTION.....	11
CHAPTER 2 - THE INSTITUTIONAL FRAMEWORK OF ITALIAN CIVIL AVIATION.....	13
2.1 Italy as an ICAO Contracting State	13
2.2 The European Civil Aviation Conference	13
2.3 Roles and functions within the Italian civil aviation system	14
2.4 Other public and private entities operating in the civil aviation <i>Safety</i> sector	16
2.5 The European Union, EASA and the European regulation of <i>Safety</i>	18
CHAPTER 3 – SAFETY POLICIES AND OBJECTIVES OF THE ITALIAN STATE IN THE CONTEXT OF CIVIL AVIATION	21
3.1 The current legal framework in Italy in terms of <i>Safety</i> for civil aviation	21
3.1.1 Premise	21
3.1.2 International Regulations.....	21
3.1.3 European Union Regulations	21
3.1.4 National legislation	24
3.2 Italian policy concerning the <i>Safety</i> of civil aviation	25
3.2.1 The <i>Safety Policy</i> of the State of Italy.....	25
3.2.2 ENAC <i>Safety Policy</i>	27
3.3 Change management.....	27
3.4 Management (accountability), administrative and operational responsibilities for the development, implementation and maintenance of the State Safety Programme	27
3.5 National Plan for the performance of Air Navigation services	28
3.6 Definition of the Acceptable Level of <i>Safety</i> Performance.....	29
3.7 Accident and serious incident Investigations	30
3.8 Search and Rescue Activities	31
CHAPTER 4 - SAFETY RISK MANAGEMENT	32
4.1 The ENAC <i>Safety Plan</i>	32
4.2 ENAC <i>Risk Management</i> Process.....	32
4.3 <i>Safety</i> requirements for the SMS of organizations operating in the civil aviation sector.....	33
4.3.1 Air Navigation Service Providers.....	33

4.3.2 Airport operators.....	34
4.3.3 Aircraft operators, Maintenance and training organizations	34
4.4.1 Air Navigation Service Providers.....	35
CHAPTER 5 - <i>SAFETY</i> ASSURANCE	36
5.1 <i>Safety</i> Oversight.....	36
5.2 Aircraft <i>Safety</i> Oversight	37
5.2.1 Aircraft Continuing Airworthiness Monitoring Programme (ACAM).....	37
5.2.2 <i>Safety</i> Assessment of Foreign Aircraft Programme (SAFA).....	38
5.2.3 <i>Safety</i> Assessment of National Aircraft Programme (SANA)	38
5.3 Certification and oversight of Operators and Service Providers	39
5.4 <i>Safety</i> enforcement	39
5.5 The Continuous Monitoring Approach	40
5.6 <i>Safety</i> data collection, analysis and exchange.....	41
CHAPTER 6 - THE PROMOTION OF <i>SAFETY</i> IN ITALY	43
6.1 Training of civil aviation personnel.....	43
6.1.1 ENAC Training	43
6.1.2 ANSV Training	43
6.1.3 The ENAV Academy	43
6.1.4 Italian Air Force.....	44
6.1.5 Aero Club of Italy (AeCI).....	45
6.2 Communication and outward diffusion of <i>Safety</i> information	45
6.2.1 Institutional communication within ENAC.....	45
6.2.2 Institutional communication within ANSV	46
6.2.3 AM - “Sicurezza del Volo” (Flight <i>Safety</i>) Magazine	46
6.3 Agreements between the Authorities and the <i>stakeholders</i>	46
6.4 Participation in international forums for the promotion of <i>Safety</i>	47
Attachment 1: Formal designation of the <i>Accountable Executive</i>	48
Attachment 2: Websites of reference institutions	49

LIST OF ABBREVIATIONS

ACAM	Aircraft Continuing Airworthiness Monitoring
ADREP	ICAO Accident/Incident Data Report
AeCI	Aero Club of Italy
AFI	African ICAO Region
ALoS	Acceptable Level of Safety
ALoSP	Acceptable Level of Safety Performance
AM	Aeronautica Militare (<i>Italian Air Force</i>)
AMC	Acceptable Means of Compliance
ANSP	Air Navigation Service Provider
ANSV	Agenzia Nazionale per la Sicurezza del Volo (<i>Italian Safety Investigation Agency</i>)
ATM	Air Traffic Management
CANSO	Civil Air Navigation Services Organization
CAO	Certificated Aircraft Operator
CMA	Continuous Monitoring Approach
CONI	Comitato Olimpico Nazionale Italiano (<i>Italian Olympic Committee</i>)
DGAC	Direzione Generale Aviazione Civile (<i>General Directorship of Civil Aviation</i>)
EASA	European Aviation Safety Agency
EASP	European Aviation Safety Programme
EASp	European Aviation Safety Plan
EATMN	European Air Traffic Management Network
EC	European Commission
ECAC	European Civil Aviation Conference
eE-MOR	Electronic ENAC Mandatory Occurrences Reporting
ENAC	Ente Nazionale per l'Aviazione Civile (<i>Italian Civil Aviation Authority</i>)
ENCASIA	European Network of Civil Aviation Safety Investigation Authorities
ENGA	Ente Nazionale Gente dell'Aria (<i>National Organization of Aviators</i>)
EPAS	European Plan for Aviation Safety
ESARR	Eurocontrol Safety Regulatory Requirement
ESSI	European Strategic Safety Initiative
EU	European Union
EUR	European ICAO region
EUROCONTROL	European Organization for the Safety of Air Navigation
FAB	Functional Airspace Block
FAI	Federation Aeronautique Internationale
FSTD	Flight Simulation Training Device
GA	General Aviation
GM	Guidance Material
ICAO	International Civil Aviation Organization
IR	Implementing Rule
ISSV	Istituto Superiore per la Sicurezza Volo (<i>Higher Institute for Flight Safety</i>)
KPA	Key Performance Area

KPI	Key Performance Indicator
MIT	Ministry of Infrastructure and Transport
NC	Navigation Code
NOA	Network of Analysts
NSA	National Supervisory Authority
PBE	Performance Based Environment
PBO	Performance Based Oversight
PQs	Protocol Questions
RBO	Risk Based Oversight
SAFA	Safety Assessment of Foreign Aircraft
SANA	Safety Assessment of National Aircraft
SAR	Search and Rescue
SARPs	ICAO Standards Recommended Practices and Procedures
SC	Security Committee
SES	Single European Sky
SMM	Safety Management Manual
SMS	Safety Management System
SRM	Safety Risk Management
SpA	Società per Azioni (<i>Limited Company with Share Capital</i>)
SPI	Safety Performance Indicators
SSP	State Safety Programme
USOAP	Universal Safety Oversight Audit Programme
VDS	Volo da Diporto o Sportivo (<i>Ultralights</i>)
VFR	Visual Flight Rules
VVFF	Corpo Nazionale dei Vigili del Fuoco (<i>National Fire Brigade Corps</i>)

DEFINITIONS

ICAO Annex	Technical annex (also called <i>Attachment</i>) to the International Civil Aviation Convention (Chicago Convention).
Audit	Systematic, independent and documented process for obtaining and objectively evaluating evidence to determine the extent to which the requirements have been satisfied.
Occurrence	Any security-related incident that endangers or which, if not corrected or resolved, could endanger an aircraft, its occupants or any other person; this particularly includes accidents or serious incidents.
Accident	<p>An event associated with the operation of an aircraft which, in the case of a manned aircraft, occurs between the moment when a person boards the aircraft with the intention of a flight and the time at which all the people who are loaded with the same intention landing or, in the case of an unmanned aerial vehicle, it occurs between the time at which the aircraft is ready to move to accomplish a flight and the time when it stops at the conclusion of the flight and the propulsion system and the main power are turned off, in which:</p> <p>a) serious injury or death occurs to a person due to:</p> <ul style="list-style-type: none">- being inside the aircraft, or- coming into direct contact with any part of the aircraft, including parts which have become detached from the aircraft, or- being directly exposed to jet blast, <p>excluding cases when the injuries are from natural causes, self-inflicted or inflicted by other persons, or the injuries are caused by illegal passengers hidden outside the areas normally available to the passengers and crew; or</p> <p>b) the aircraft sustains damage or structural failure which adversely affects the structural strength, performance or flight characteristics of the aircraft, and would normally require major repair or replacement of damaged element, except for engine failure or damage, when the damage is limited to a single engine, (including its cowlings or accessories), to propellers, wing tips, antennas, probes, vanes, tyres, brakes, wheels, fairings, panels, landing gear doors, windscreens, aircraft skin (such as small dents or puncture holes) or minor damage to main rotor blades, tail rotor blades, landing gear, or those resulting from hail or bird strike (including holes in the radome); or</p> <p>c) the aircraft is missing or is completely inaccessible.</p>

Serious Incident	An incident associated with the use of an aircraft involving circumstances indicating that there was a high probability of an accident and the moment when, in the case of an aircraft with crew, a person boards the aircraft with the intention of a flight and the time at which all the people who are loaded with the same intention land or between the moment in which, in the case of an unmanned aerial vehicle, the aircraft is ready to move to accomplish a flight and the time at which it stops at the end of the flight and the primary propulsion system is shut down.
Just culture	Culture in which the main or subsidiary protagonists are not punished for actions, omissions or decisions taken by them on the basis of their experience and training, but in which gross negligence, willful violations and detrimental actions are not, however, tolerated.
Hazard	Any condition, event, or circumstance which could generate or contribute to the occurrence of an unwanted or unexpected event.
Performance Based Environment	Environment based on Safety Performance Indicators (SPI)
Performance Based Oversight	Surveillance activities based on safety performance criteria.
Safety Recommendations	A proposal by an investigative Authority for the <i>Safety</i> of civil aviation, formulated on the basis of information derived from a safety investigation or other sources such as studies on safety, for the prevention of accidents and incidents.
Risk	The combination of the probability and severity of the consequences or outcomes of a danger.
Risk Based Oversight	Surveillance activities based on risk assessment criteria.
Safety	The condition under which the risks associated with aeronautical activities are reduced and controlled to an acceptable level.
Safety data collection	The collection and analysis of safety data and the exchange of information. It plays an essential role in the prevention of accidents and identifying the appropriate corrective actions required to prevent risks and remedy the latent shortcomings of the system.
Safety Management System (SMS)	A systematic approach to safety management including the necessary organizational structures, responsibilities, policies and procedures.
Safety Oversight	The supervisory function which performs a series of activities by which the State ensures the effective implementation of standards and regulations. Simultaneously, by performing this function, each State shall ensure that operators in the sector are able to achieve safety levels as high or higher than those fixed by the aforementioned standards and recommended practices.

Safety performance	Safety performance measured by indicators defined using a variety of useful data sources.
Safety Plan	The document that defines the Safety priorities to be pursued and identifies actions to be taken to implement the State Safety Programme in line with the objectives contained therein.
Safety Policy	Indicates the vision and beliefs of the State on the subject of Safety and sets out a commitment to develop and implement specific operational policies based on the principles of safety management, the diffusion and promotion of Safety culture, to ensure adequate staff training , to implement the principles of "just culture" and to ensure the implementation of the SSP and to verify its effective implementation on the basis of defined indicators and safety objectives.
Safety Risk Management	The formal process relating to Safety, which includes the analysis of the system, identification of risks, analysis and risk assessment and the adoption of appropriate mitigating actions.
State Safety Programme	A planning document that describes the comprehensive set of policies, the activities and State security objectives and is aimed at achieving and maintaining an acceptable level of safety.

STATE SAFETY POLICY

Safety, understood as a coherent set of activities and actions aimed at the development of flight safety, in terms of considering the safety of persons and property involved in aircraft operations, constitutes one of the essential governing features of the National civil aviation system.

In fact, also at international level, in Annex 19 ICAO has established the imperative for Member States to draw up a State Safety Programme (SSP), and also provides guidance on the essential content in Doc. 9859.

In compliance with these obligations, Italy therefore commits itself to:

- a) implement and maintain an effective and proactive civil aviation management system
- b) conduct safety investigations to ascertain the causes of accidents and serious incidents
- c) ensure that the system is allocated resources to exercise its functions
- d) monitor the implementation of the SSP
- e) implement effective Safety Oversight, based on risk-based criteria, to achieve the highest possible standards of security
- f) supervise the application of Safety Management Systems within the Italian civil aviation environment
- g) respect the international requirements and standards of safety at the highest possible level
- h) promote the concepts of *Safety* within the Italian civil aviation environment
- i) ensure adequate training of personnel working in the field of civil aviation in the concepts of safety management based on risk assessment
- j) ensure the collection and analysis of "Safety data" based on the principles of "Just Culture".

In the name of the Italian State,

9

The Accountable Executive

Alessio Quaranta
ENAC Director General
(signed)

Rome, 2/2/2017

PREMISE

The drafting of the Italian State Safety Programme definitely posed a new challenge for the organizations involved: the *Air Transportation Directorate of the Ministry of Infrastructure and Transport*, the *Italian Safety Investigation Agency (ANSV)*, the *Italian Civil Aviation Authority (ENAC)*, the *Italian Air Force*, the *ENAV S.p.A.* and the *Aero Club of Italy (AeCI)*, all of which have cooperated with ENAC in the definition of priorities and strategies of the government of the Italian civil aviation system in order to pursue continuous improvements in *Safety* performance, and guarantee the achievement and maintenance of an acceptable level of *Safety*.

To ensure the effective coordination of all the organizations involved, the Minister for Infrastructure and Transport has pro tempore appointed the General Director of ENAC as the Accountable Executive for the State Safety Programme, since under the Navigation Code , ENAC is the sole regulatory, certification and surveillance authority in the Italian civil aviation system.

This present programme therefore clearly evidences the institutional structure which governs the Italian civil aviation system, consisting of a number of organizations which collaborate and work in harmony to achieve the common goal of continuous improvement in *Safety* levels.

At the same time, it also clearly defines Italy's relationship with the European authorities such as the European Commission and EASA, both in terms of institutional cooperation, and the relationship between the State Safety Programme – Italy, the European Aviation Safety Programme (EASP) of the EU and the European Plan for Aviation Safety (EPAS) developed by EASA.

CHAPTER 1 - INTRODUCTION

In order to define and maintain an acceptable level of performance of civil aviation *Safety*, Annex 19 of the ICAO Chicago Convention requires:

1. the Contracting States to prepare a State Safety Programme
2. service providers to define and implement a Safety Management System.

With respect to such requirements, the SSP is the policy document of the Italian State which describes the comprehensive set of policies, the activities and the objectives of *Safety* and, in accordance with its own pre-eminent purpose, aims at achieving and maintaining an acceptable level of *Safety*, to be achieved through continuous improvement of its institutional regulation, certification and surveillance activities.

In accordance with the provision contained in ICAO Annex 19, the determination of an "*acceptable*" level of performance of civil aviation *Safety* presupposes that such a level has been determined, agreed and sustained by the State, which then has to use it, as explicitly set out by the ICAO standards, to verify the performance of the entire civil aviation system.

The establishment of an acceptable level of *Safety*, and thus a program with this objective, leads to the integration of the current compliance-based approach to *Safety* with a performance-based / risk based approach for the entire system.

In accordance with the integrated approach to compliance, *Safety* performance and risk management, this present State Safety Programme has thus been developed to contain all of these elements. The SSP is therefore articulated round four key elements:



In such a perspective, this document provides an overview of the context within which all concerned service providers can define, implement and maintain their own specific Safety Management System, on the understanding that the competent authority, i.e. ENAC, must in turn exercise its approval and control functions.

It is worth mentioning in this regard that the SMS is a management system oriented to the definition and measurement of *Safety* related performance with respect to a target set by the organization. Such an approach is used in the most advanced sectors of industry and allows the relationship between the magnitudes that express the level of protection and the production of a system to be kept constant across time, furthering the prevention of undesirable situations, for example accidents or economic losses and, in any case, having the ability to react with an adequate level of resilience to such occurrences.

ENAC is, without doubt, one of the industries most influenced by technological evolution and market growth. The Safety Management System, as a result, can offer significant opportunities for development and improvement.

In fact, in the broadest sense, the SMS can be defined as a systematic approach to the risk management of *Safety*, therefore includes the organizational elements, policies and procedures within it. The SMS is based on the assumption that *Safety* can be pursued through interrelated systems, rather than through isolated processes or practices.

The regulatory activities in the field of civil aviation *Safety* are based on an exceptionally broad approach that includes the planning and definition of responsibilities at the organizational level, as well as the determination of appropriate technical standards.

Also in this perspective, the European Union has in turn recognized and confirmed that, in view of the division of functions and tasks with the Member States, it is essential to define a European Aviation Safety Programme (EASP) that addresses and is complementary to the individual Safety Programmes of the Member States.

Consequently, the EU has published the European Aviation Safety Programme (EASP), institutionalizing the framework of Safety Management indicated by the ICAO for Member States at a European level and expanding these concepts to include all *Safety* related aspects in the civil aviation system, not only those of strict EASA responsibility.

The development of this SSP is standardized on the scheme provided in ICAO Doc. 9859 Ed.3, revised to reflect the organizational and institutional realities present in Italy.

CHAPTER 2 - THE INSTITUTIONAL FRAMEWORK OF ITALIAN CIVIL AVIATION

2.1 Italy as an ICAO Contracting State



ICAO is the specialized agency of the United Nations created in 1944 through the "*Convention on International Civil Aviation*", commonly known as the Chicago Convention, and is based in Montreal, Canada.

ICAO sets the standards and recommended practices necessary to ensure the *Safety* of civil aviation, for its efficiency and regularity, as well as for environmental protection related to aviation. Currently, 191 Member States have given their adhesion to ICAO.

Italy adhered to the Chicago Convention with a parliamentary act of October 31, 1947 which came into force the following 30th November. The act which approved and implemented this agreement is the Legislative Decree No. 616 of March 6, 1948, ratified by the Decree No. 561 of 17 April 1956. The general principles contained in the ICAO Annexes were incorporated into the national legal framework with Presidential Decree No. 461 of July 4, 1985.

Article 690 of the Italian Navigation Code specifically states that the implementation of the Annexes to the Chicago Convention will be through administrative action for each individual subject, on the basis of the general principles laid down by the aforementioned Presidential Decree No. 461/1985, and also through the issue of technical regulations by ENAC.

The highest directive level of ICAO is the General Assembly, while the executive body is the Council, composed of 36 Member States. The Council is renewed every three years on the occasion of the General Assemblies. The State of Italy, like all other States which have adhered to the "*Convention on International Civil Aviation*", is committed to achieving the highest possible degree of uniformity in standards, procedures and organization for the improvement of *Safety*, regularity and efficiency of civil aviation.

It also undertook, in accordance with article 38 of the Convention, to notify ICAO of any differences between the national regulations and the standards and procedures established by ICAO.

Italy has always been part of the ICAO Council, confirming the leading role that Italy plays among the most advanced aeronautically Nations.

2.2 The European Civil Aviation Conference



The **European Civil Aviation Conference** (ECAC) is an intergovernmental body founded in 1955 by the states that make up the Council of Europe, with the aim of promoting a safe air transport system, efficient and sustainable in Europe, pursuing the harmonization of civil aviation policies of the Member States with attention to the reciprocal aeronautical policies between Member States and other parts of the world.

ECAC consists of 44 Member States, including Italy, and has its headquarters in Paris.



States adhering to ECAC

2.3 Roles and functions within the Italian civil aviation system

The following are the authorities and public bodies operating within the Italian civil aviation sector and which have a fundamental role in the management of *Safety*.

Ministry of Infrastructure and Transport



As part of the preservation and development of the civil aviation *Safety*, the Ministry of Infrastructure and Transport fosters collaboration between the institutions involved both with regard to the need for regulatory compliance and for the solution of specific problems, being the reference for general guidelines in the transport sector

14

This contribution is implemented not only through the specific activities of direction and supervision of civil aviation, air *Safety* and airport, or as regards the quality of air transport, but also through the implementation of general development policies in the transport and infrastructure sectors by means of a synergy affecting all institutions involved in the processes of development and adaptation of the regulatory and legislative system which underlie not only the civil aviation industry, but also the general development of mobility.

The general rules of the civil aviation sector are also formulated in adherence to the EU regulatory framework, through the necessary legislative acts and through the stipulation of international or intergovernmental agreements relating to the implementation of certain types of policies.

Programming in the context of airports and airport systems, such as the assessment of investment plans and the coordination with regard to infrastructures, is also carried out in the civil aviation sector with reference to the EU guidelines aimed at the rationalization of the European airport network and the safeguarding of the right to mobility enjoyed by citizens.

To be specially noted are the duties of the Minister of Infrastructure and Transport in the exercise of his powers of direction, supervision and control of ENAC activities.

Relations with ENAV S.p.A., the national provider of air navigation services in the airspace and airports of its competence, are regulated by program and service contracts in accordance with current national and international legislation.

The activities of the MIT also include the approval of planning proposals and the development of the national airport system, as well as the issuance of comprehensive guidelines for the planning of ENAC activities, plus those of general guidelines on tariff policy.

Ministry of the Interior - Public rescue, Civil Defense and Fire Service Department



The Ministry of the Interior contributes to the management of the *Safety* of civil aviation in Italy, being entrusted with responsibility for fire prevention. The related activities, performed by the Department and the National Fire Brigade Corps, are governed by the Legislative Decree No. 139 of March 8, 2006: *"Reorganization of the provisions relating to the functions and duties of the VVFF."*

With regard to fire-fighting services in airports, art. 690 of the Navigation Code, covering the implementation of the Annexes to the Chicago Convention, stipulates that ENAC will determine the conditions of applicability, implementation and government of such services. The same article also states that the VVFF is invested with the technical regulatory powers defined by law No. 930 of December 23, 1980, *"Regulations on fire prevention services at airports and the technical support and administrative-accountancy services of the National Fire Brigade Corps"*.

Italian Civil Aviation Authority (ENAC)



Under Article 687 of the Navigation Code, ENAC, in respect of the directive authority conferred by the Ministry of Infrastructure and Transport, acts as the sole authority for technical regulations, certification, supervision and control in the field of civil aviation, through its central and peripheral structures.

15

Moreover, in its relationship to major supranational bodies (ICAO, ECAC, EU, EASA), it is credited as being the Competent Authority for civil aviation *Safety*.

ENAC, established by Legislative Decree No. 250 of the 25 July 1997, performs those administrative and technical functions formerly assigned to the Directorate General of Civil Aviation (DGAC), the Italian Aeronautical Register (RAI) and the National Organization of Aviators (ENGA). Within the limitations established by EC Regulation 216/2008, it is endowed with powers to stipulate regulations, perform certifications, checks, authorizations, inspections and impose sanctions.

ENAC is a public no-profit entity, having regulatory, organizational, administrative, patrimonial, accounting and financial autonomy, and is subjected to the governance, supervision and control of the Minister of Infrastructure and Transport.

Among the functions assigned to ENAC are the formulation and promulgation of technical regulations in the civil aviation sector at national level, limited to those cases where such expertise has not already been assigned to the EU by EC Regulation No.216 / 2008.

ENAC has responsibility for relations with international bodies and organizations, working in the civil aviation sector and also ensures representation with operating units in international organizations through delegation by the Minister of Infrastructure and Transport. ENAC also participates in national and international activities

as delegated by the Minister, including those relating to the preparation of international agreements and the drafting of regulations requiring adaptation to align with the principles and international provisions of its competence.

ENAC is headquartered in Rome; its territorial structure consists of the Operations Offices located in a number of the main Italian cities and the Airport Offices, located in the major domestic airports.

Italian Safety Investigation Agency (ANSV)



The Agenzia Nazionale per la Sicurezza del Volo (ANSV) was established by Legislative Decree No. 66 of February 25 1999, in implementation of EU Directive 94/56 / EC of 21 November 1994, now repealed and replaced by EU Regulation No. 996/2010 of the European Parliament and of the Council of October 20, 2010.

ANSV is identified as being the investigating authority for civil aviation *Safety* of the Italian State. As such it is a public authority under the supervision of the Presidency of the Council of Ministers, in a third party position with reference to the civil aviation system, to guarantee the objectivity of their work, as required by the aforementioned European Union regulation.

By virtue of the above law, ANSV is entrusted with the following tasks:

- perform, with the scope of prevention, *Safety* investigations on accidents and incidents to the civil aviation aircraft, issuing, if necessary, appropriate *Safety* recommendations; the purpose of such investigations is to identify the causes of events, in order to avoid recurrence. *Safety* investigations have therefore only preventive purposes;
- conduct studies and investigations to ensure the improvement of flight *Safety*.

16

With Legislative Decree n. 213 of May 2, 2006, ANSV was also assigned the task of establishing and managing the "*voluntary reporting system*" on aeronautical events, referred to in EU Regulation 376/2014 concerning the occurrence reporting in the field of civil aviation.

2.4 Other public and private entities operating in the civil aviation *Safety* sector

Enav SpA



ENAV SpA is the company that the Italian State has designated for the provision of air navigation services in the airspace and airports of competence. The company, certified according to the Common Requirements for providers of air navigation services in the Single European Sky (SES) and subject to ENAC supervision, operates in accordance with Articles 691 and 691bis of the Navigation Code.

The provision of air navigation services includes, among other things, Air Traffic Services , Communication, Navigation and Surveillance services and services in support of air traffic management. In addition, in accordance with the requirements of Article 691bis of the Navigation Code, ENAV SpA is responsible for the preparation and publication of the type A and B obstacle charts for the airports of its competence.¹

Also in accordance with the Navigation Code, under supervision of ENAC and in coordination with the airport operator, ENAV SpA will discipline and control, for the airports within its area of competence, aircraft

¹ As for art.3 D.P.R. No.484 of 27/7/1981, as modified by art.2123 of DLgs No.66 of 15/3/2010.

movements, other vehicles and personnel on the maneuvering area, ensuring the orderly movement of aircraft on the aprons.

ENAV SpA will ensure the appropriate management of *Safety* in air traffic management under a Safety Management System with its Safety Management Manual.

ENAV SpA adheres to a "*Safety Policy*" and a "*Just Culture Policy*" that ensure the highest level of commitment in adhering to the priority mission assigned by the Italian State: to maintain and raise the technical and operational standards aimed at the continuous improvement of performance achieved in the essential area of *Safety*.

Italian Air Force (AM)



The Italian Air Force (AM), assigned with the task of defending the national air space, also guarantees a further specific attribution for the supply of air navigation services to general air traffic on airports and in the airspace of their jurisdiction, based on the provisions of the Navigation Code, of the Legislative Decree. n. 66 of March 15, 2010, regarding "*The Military Code of Conduct*" and of the Presidential Decree 90 of March 15, 2010 regarding the "*Consolidated text of Regulations covering the Military Code of Conduct*".

Within the current Italian legislative framework, and according to the rules and national and international technical regulations, the AM performs the services of Air Navigation to general air traffic in compliance with EC Regulation No. 550/200, and by stipulating specific acts of agreement with ENAC, for approval by the Ministry of Infrastructure and Transport and the Ministry of Defence.

The AM maintains active a Safety Management System for that part of the organization dedicated to the provision of air navigation services as a provider of services, while ensuring the functional independence of supervision and vigilance, in compliance with the European Regulations concerning the "*Single European Sky*".

The reporting system established by AM ensures that ENAC and ANSV are notified of events involving civil aviation in accordance with current regulations.

Aero Club of Italy (AeCI)



The Aero Club of Italy is a public legal entity operating in cultural, educational and sports activities, with registered offices in Rome, subject to the supervision of the Presidency of the Council of Ministers, the Ministry of Infrastructure and Transport, the Ministry of Defence, the Ministry of Economy and Finance, the Ministry of Culture and the Ministry of the Interior.

The AeCI has the duty to promote, regulate and bring together all activities aimed at the development of aviation in its cultural, educational tourism, sports, promotional, social and civil utilities aspects, as well as related activities. It brings together those Italian entities that are involved in the above activities in a national federative association.

The AeCI, which also conducts competitive sporting activities, is the sole air sports federation within the Italian Olympic Committee (CONI), and is the sole national body representing Italy in the *Federation Aeronautique Internationale* (FAI) and is therefore the sole representative of the FAI within the Italian State territory.

The AeCI is responsible for the performance of all activities deemed necessary for the purposes of cultural,

economic, educational, sports, racing, civil, social and democratic development in the non-commercial civil aviation sector.

It represents this sector, in its various disciplines, with respect to institutional Authority, being delegated by Law No. 340 of 29 May 1954. In this capacity it interfaces with the competent ministries, with bodies and aeronautical and sports organizations, for the development of regulations in the general interest of the aviation bodies it represents.

The AeCI has jurisdiction in all activities related to the conduct of the pleasure or sports flight speciality, as detailed in its Statute (Presidential Decree No. 53 of March 18, 2013).

Presidential Decree No. 133/2011 also attributes to the AeCI the functions related to the *Safety* of pleasure or sports flight (issuing of identification marks, issuing certificates to pilots, development of training programmes, provision of sanctions, etc.).

2.5 The European Union, EASA and the European regulation of *Safety*

In Europe, the civil aviation *Safety* system is based on close collaboration between the European Commission, EASA, Eurocontrol, the Civil Aviation Authorities of Member States, and also include the manufacturers of aircraft, engines and spares, airlines, suppliers of air navigation services, airport operators, aircraft maintenance organizations and all other entities that operate within the single aviation market.

The foundation of this system consists of an ordered set of common rules on *Safety* that are directly applicable in a uniform way in Europe. These rules, which apply to both the economic operators and the Civil Aviation Authorities, form the foundation for the initial certification and surveillance of all the companies involved in the civil aviation within the European internal market.

18

In addition, each individual aircraft, European or otherwise, may be subject to technical checks in any airport in Europe. Such checks, known as "ramp inspections", take place on the basis of sampling programs identifying the priorities arising, with particular attention to those companies that have previously demonstrated shortcomings in terms of *Safety*. Non-compliance with the safety requirements identified during these inspections may lead to restrictions or, at worst, the prohibition of operations in European airspace. Similarly, the European Commission monitors the safety performance of carriers in the rest of the world and informs European citizens about any potential security risk.

Finally, following the entry into force of EU Regulation 996/2010, as of January 19, 2011, the investigating agencies of the EU member states agreed to establish the "*European Network of Civil Aviation Safety Investigation Authorities*" (ENCASIA).

European Aviation Safety Agency (EASA)



The European Aviation Safety Agency has its headquarters in Cologne, Germany, and was formed in 2002 on the basis of EC Regulation 1592/2002 (later amended by EC Regulation No.216 /2008). It is the main protagonist of the European Union's strategy for aviation *Safety*; its mission is to promote the highest common level of *Safety* and environmental protection in the civil aviation sector.

EASA's initial premise is that air transport has become the safest way to travel. However, as air traffic continues to increase, a joint initiative at the European level is required to ensure that air transport is safe and sustainable. While national authorities continue to perform most of the operational activities, such as certification of individual aircraft or the authorization of professional pilots, the Agency is tasked with the development of *Safety* and environmental standards at a common European level.

EASA is the technical body which, based on Art. 17 of EC Regulation No.216/2008:

- assists the Commission in the preparation of measures to be taken
- provides the Commission with the necessary technical, scientific and administrative support
- adopts the necessary measures within the powers conferred to it by the Regulation or other Community legislation
- conducts inspections and investigations as necessary to fulfill its tasks
- within its fields of competence, carries out, on behalf of Member States, functions and tasks ascribed to them by applicable international conventions and in particular by the Chicago Convention. Finally, it monitors the implementation of European legislation in the Member States by means of inspections, which are also performed at the companies' premises.

19

Eurocontrol - European organization for the *Safety* of Air Navigation



Eurocontrol is an international organization founded in 1960. Its members are the European States and the European community, which became an official member of the organization in 2002.

To achieve its mission, Eurocontrol works closely with the Member States, the air navigation service providers (ANSP), users of civil and military airspace, airports, aerospace, professional organizations, intergovernmental organizations and the European institutions.

Eurocontrol performs many activities that affect various services related to air navigation and the *Safety* of its operations. They range from the management of air traffic flow, training and updating of the controllers as well as support the implementation and operation of the management systems for *Safety* (such as, for example, the Safety Management System).

In July 2011 the European Commission appointed Eurocontrol as "*Network Manager*" up until December 31, 2019 (EU Regulation No. 677/2011). In addition, the European Commission has appointed the Performance Review Commission of Eurocontrol as the Performance Review Body (EU Regulation No. 390/2013).

From an operational point of view, "*Safety*", the main sector around which the activities of Eurocontrol rotate, together with "*Capacity*", "*Environment*", "*Flight Efficiency*" and "*Cost-Effectiveness*", constitutes one of the Key Performance Areas (KPA) referred to in the above mentioned EU Regulation No. 390/2013.

The activities of Eurocontrol, as Network Manager, concern issues related to performance in the airline industry from the strategic, operational and technical points of view.

European Network of Civil Aviation Safety Investigation Authorities (ENCASIA)



ENCASIA is the European network of *Safety* investigation authorities for civil aviation and consists of the heads of the investigative authorities of each Member State.

ENCASIA aims to further improve the quality of investigations conducted by the investigative authorities, reinforcing their independence. In particular, it promotes the highest standards in investigation methods and investigator training

In compliance with the provisions of Article 7 of EU Regulation 996/2010, ENCASIA has numerous tasks, including the formulation of suggestions and advice to EU institutions on all aspects of the development and implementation of policies and standards of the EU relating to *Safety* investigations and the prevention of accidents and incidents, the promotion of information sharing useful for the improvement to aviation Safety and structured cooperation between safety investigation authorities, the Commission, EASA and Civil Aviation Authorities.

ENCASIA also promotes best investigative practice on *Safety* in order to develop a common EU methodology for *Safety* and to compile a list of such practices.

CHAPTER 3 – SAFETY POLICIES AND OBJECTIVES OF THE ITALIAN STATE IN THE CONTEXT OF CIVIL AVIATION

3.1 The current legal framework in Italy in terms of *Safety* for civil aviation

3.1.1 Premise

The national legal framework, in line with international and European standards, defines the ways in which the state manages the *Safety* of civil aviation.

To consult the rules which constitute the legal framework governing the *Safety* aspects of civil aviation, please refer to the ENAC and ANSV Internet sites.

3.1.2 International Regulations

Each State which has ratified the Chicago Convention of 1944 has committed itself to achieving the highest possible degree of uniformity in standards, procedures and organization for the improvement of the *Safety*, regularity, efficiency and the lowest environmental impact of civil aviation. In this perspective, Art. 44 of the Convention sets out the specific objectives that ICAO plans to achieve through the execution of its institutional activities.

In order to provide the Contracting States with a tool to ensure the underwritten commitment, ICAO also provides for the preparation and periodic updating of the Annexes to the Convention which contain the regulations, the application of which shall be considered binding for the Member States unless expressly communicated otherwise, as well as recommended practices or measures whose uniform application is deemed desirable. Art.38 of the Convention requires that participating States notify ICAO concerning any differences between the national regulations and the regulations and recommended practices laid down by ICAO.

Following the reform of the Aeronautical part of the Navigation Act, the State of Italy introduced into national legislation, through Article 690, a specific provision for the reception of the Annexes to the Convention, establishing that: *"The procedures for incorporation of the Annexes to the Convention on International Civil Aviation, signed in Chicago on December 7, 1944, rendered executive by Legislative Decree No. 616 of March 6, 1948, and ratified by Law 561 of April 17, 1956, will be implemented via administrative channels for the individual subjects, on the basis of the general principles laid down for the implementation of legislation by Presidential Decree No. 461 of July 4, 1985, and will include the promulgation of technical regulations by ENAC.*

In the same manner as that of the first paragraph, provision will be made for the adoption of suitable rules to cater for possible changes to the annexes and to the implementation of any further application of such technical standards, as well as of any technical operative provisions contained in the manuals or other official documents connected with the said annexes."

3.1.3 European Union Regulations

In recent decades the EU has increasingly turned its attention to civil aviation and in particular air transport and air navigation services, issuing regulations aimed at creating the Single European Sky (SES).

In accordance with the provisions of the Union, this directly affects the legislation and national competences of the Member States.

EC Regulation 216/2008

EC Regulation No. 216/2008 of the European Parliament and of the Council contains common rules in the field of civil aviation and establishes a European Aviation Safety Agency (EASA). It obliges EU Member States to adopt common rules in the civil aviation sector aiming at achieving high levels of *Safety* and environmental compatibility as well as the free exchange of goods, products and services.

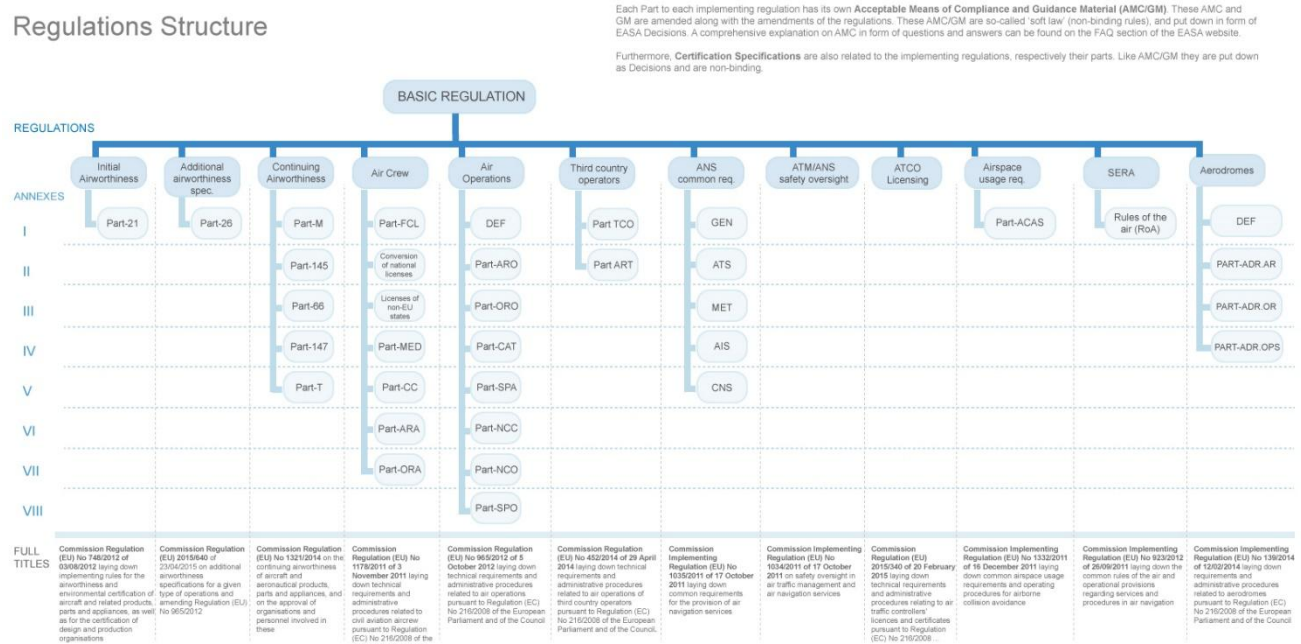
Initially limited to the aircraft industry, the scope of the Regulations was subsequently extended to cover flight operations and, with the amendment introduced with EC Regulation 1108/2009, now comprises the regulation of the *Safety* of airports as well as management and air traffic control systems.

The above-mentioned Regulation, currently known as the "*Basic Regulation*", in defining the objectives to be pursued also states that the implementation procedures are detailed in the Implementing Rules - IRs, adopted by the European Commission.

The Basic Regulation is, however, currently undergoing thorough review in the Council and in the European Parliament, and the publication of the new revised Regulation is expected during 2017.

The Implementing Rules

The Implementing Rules for EC Regulation No.216 / 2008 consist of one article - which defines the scope of the rules, the related executive implementation, the dates of entry into force and the transition periods under the existing legislation - and one or more attachments, called "Parts", detailing the requirements that must be met by aeronautical operators and the procedures that must be followed by national aviation authorities. The regulatory structure of EASA, as described on the EASA website is shown below:



Acceptable Means of Compliance (AMC) and guidance material (GM) are, however, published separately with the issue of "*Decisions*" by the Executive Director of EASA and are available in a special section of the EASA website.

The European Commission Communication on SMS for Europe

With specific reference to issues related to the Safety Management System, the European Commission adopted a Communication to set up an SMS at European level. This communication has, among others, the following objectives:

- support for the objective, outlined in the Transport White Paper of 2011, to implement the European Aviation *Safety Performance* at or above the level of the best world standards;
- a full description of how this can be achieved through further elements which are based on proactive *Safety* concepts, risk assessments, etc..

This communication was the vehicle to publicly formalize the first *European Aviation Safety Programme*, superseded in December 2015 by the second edition.

European Aviation Safety Programme (EASP)

The EASP, originally issued in 2011 as a *Commission Staff Working Paper*, was the first *Regional Safety Programme* in the world, with the following key features:

- describes the manner in which *Safety* is managed at a European level
- enhances and supports the Safety Programmes of the EU Members
- provides for constant updates covering all system evolutions
- is a product of the European Commission rather than of EASA, as it covers all aspects of *Safety* in the civil aviation system and not merely those within the European Agency's competence (eg. *Safety* list, infringement procedures, etc.).

23

The second edition of the EASP was published in December 2015 as an annex to the "*Aviation Strategy for Europe*" and is available on the EU website.

Single European Sky - SES

At Community level, in 2004 the European Commission launched the first Single European Sky package (EC Regulations 549/2004, 550/2004, 551/2004 and subsequent amendments) for the SES program with the aim of reducing the fragmentation that had characterized the management of air traffic in Europe. This programme is a set of measures, designed also to meet future requirements in terms of aviation *Safety*, capacity, environmental sustainability and economic efficiency, covering both the civil and military sectors. With subsequent regulatory measures, the European Union also updated the requirements and coverage of the Single European Sky (SES II - SES II +).

Safety investigations

With EU Regulation 996/2010 of the European Parliament and 20/10/2010 of the Council, the European Union introduced significant changes in national rules relating to *Safety* investigations (previously known as "*technical investigations*") strengthening the role of the civil aviation *Safety* investigating authorities.

This regulation aims to ensure that investigations into accidents and serious incidents in the civil aviation sector are held rapidly in order to improve air *Safety*, thus helping to prevent the occurrence of similar events.

Reporting, analysis and monitoring of events in the civil aviation sector

With EU Regulation 376/2014 of the European Parliament and of the Council on 03/04/2014, the European Union introduced a harmonious and single framework for the management and collection of information on *Safety*, formally defining the parties required to report events and identifying the information and sharing of such as an essential resource for the identification of hazards, actual and/or potential, which threaten the *Safety* of civil aviation.

3.1.4 National legislation

The revision of the aeronautical section of the Navigation Code took place through Legislative Decree No. 96/2005, and the subsequent adoption of corrective and supplementary provisions, made by Legislative Decree No. 151 of March 15, 2006, have innovated and streamlined a large part of the legal framework, in order to be consistent with the regulations in force in Europe as well as the most recent international regulations.

In addition to the Navigation Code, the following are the primary sources of law which regulate *Safety* in the civil aviation sector in Italy:

- Legislative Decree No. 250 of July 25, 1997, relating to the "*Institution of the Italian Civil Aviation Authority (ENAC)*", as integrated by Law 265/2004, titled "*Conversion into law, with amendments, of Legislative-Decree No. 237 of September 8, 2004, embodying urgent interventions in the civil aviation sector. Delegation to the Government for the enactment of corrective and supplementary provisions to the Navigation Code*".
- Legislative Decree No. 66 of February 25, 1999, relating to a "*Italian Safety Investigation Agency, and changes to the Navigation Code, implementing EC Directive 94/56 of November 21, 1994*", as amended by Presidential Decree No. 189 of October 5, 2010 and by EU Regulation 996/2010.
- Ministerial Decree No. 628 of July 21, 2009, relating to the "*Designation of an Authority responsible for coordinating and monitoring the implementation of the common basic standards in the field of civil aviation security*".
- Legislative Decree No. 118 of July 28, 2009, relating to "*Supplementary and corrective provisions of Legislative Decree No. 192 of November 6, 2007, implementing EC Directive 2004/36 concerning the safety of third country aircraft using EC airports, and implementing EC Directive 2008/49*".

In accordance with the provisions of Legislative Decree No. 250 / 97, ENAC regulates all aspects pertaining to flight *Safety* in the civil aviation domain and is responsible for the promulgation of technical regulations in its areas of competence.

The regulations contain those technical and operational requirements applicable to the sector being regulated, the application of which is expected to achieve state of the art standards of *Safety* and / or efficiency levels compatible with those of the national civil aviation system.

Normally, the Regulations identify those obligations and rules for correct conduct of activities and the procedural requirements that must be followed by the user. In the case of licence holders, certifications or

other forms of recognition, the regulations identify the autonomy, the prerogatives and responsibilities they must assume.

The ENAC regulations reflect the international standards set out in ICAO Annexes in those areas where such documents are applicable. In other cases they either provide the necessary discipline for matters governed on a national basis by laws and decrees, or meet specific needs of the sector.

The promulgation of ENAC regulations is the subject of a complex procedure that normally includes the establishment of expert groups for development, regulatory and legal compatibility checks with the existing regulatory framework, consultations with relevant bodies and concerned industry associations, analysis of the comments received and evaluation of the final version by the top management.

The regulations are adopted by resolution of the ENAC Board of Directors, based on the results of the activities outlined above and transmitted to the Minister of Infrastructure and Transport. The adoption of regulations and amendments to existing regulations is made known through the publication of appropriate information in the Official Gazette.

Updates to existing national legislation can be found in the appropriate sections of applicable corporate websites (Annex 3).

3.2 Italian policy concerning the *Safety* of civil aviation

As already stated in the introduction, the Policy and the objectives of civil aviation *Safety* are the first of the key elements of the State Safety Programme.

In particular, the State Safety Policy indicates the vision and general policies of the State on the issue of *Safety* and sets out a commitment, among other things, to develop and implement specific operational policies based on the principles of Safety Management, to disseminate and promote the culture of *Safety*, to ensure adequate staff training, to implement the principles of "just culture" and to ensure the implementation of the State Safety Programme and to verify its effective implementation based on defined indicators and objectives of *Safety*.

25

The *State Safety Policy* bears the signature of the Accountable Executive and is provided at the beginning of this document.

3.2.1 The *Safety Policy* of the State of Italy

The management of aviation *Safety* within the framework of the civil aviation system is one of the commitments most felt by the governing bodies and the Italian authorities. Italy, like all other countries participating in the International Civil Aviation Organization (ICAO), develops and implements strategies aimed at achieving and maintaining a *Safety* level which is politically and socially acceptable through continuous improvement activities and also through processes of institutional adjustments, certification and supervision of compliance with national, European and international standards.

The acceptable level of *Safety* is determined, shared and supported by the State, in order to ensure the resources necessary for its implementation.

The need for implementation of a Safety Management System by all organizations working in the field of civil aviation emerged from the evolution of the concept of *Safety*.

This approach is reflected by a more advanced organizational model which complements the current management of *Safety* based on fulfillment of the regulatory requirements (*compliance-based*) with a

continuous evaluation and measurement of system performance (*performance-based*).

As a result, the Safety Management System is a management system able to define, measure and govern performance related to *Safety*.

The management of *Safety* is therefore an integral part of organizational management in the civil aviation sector and the achievement and maintenance of the highest standards represents, for the Italian State, a primary objective of strategic importance, in line with the provisions on the subject from ICAO and the European Union.

The management policy of *Safety* is shared and approved by the State, which makes a commitment to:

- a) participate in defining international standards on *Safety* in the appropriate forums
- b) conform to international standards of *Safety* and, if necessary, augment such standards to make them more suitable to deal with any specific concerns of national *Safety*;
- c) develop a regulatory authority, in line with European and international law, for the definition of specific operational policies based on the principles of Safety Management;
- d) consult all segments of the aviation industry on issues related to the development of *Safety* related regulations;
- e) conduct *Safety* supervisory activities to ensure the verification of the implementation of *Safety* standards using management and risk mitigation (Risk Management) methods;
- f) ensure the regular and rapid actuation of *Safety* investigations;
- g) promote and disseminate within the aviation industry the culture of *Safety* and the concepts and principles of Safety Management with particular emphasis on those of Just Culture;
- h) supervise the implementation of the Safety Management System within the civil aviation organizations, where required by law;
- i) put into effect the activity of monitoring of *Safety* standards through the implementation of an effective reporting system;
- j) ensure the circulation of information "top-down" and "bottom-up" to ensure adequate levels of awareness and commitment at each hierarchical level (generative information);
- k) interact effectively with organizations and individuals operating within civil aviation for the resolution of *Safety* related problems;
- l) ensure the allocation, within the responsible authorities, of an adequate number of appropriate human and financial resources;
- m) promote the processes for the appropriate training courses for personnel, aimed at the acquisition of competence and awareness of their role;
- n) ensure that all activities subject to surveillance reach the highest standards of *Safety*;
- o) make provisions for the protection of data concerning *Safety*, and the collection and management of such data, in order to encourage individuals to provide information regarding *Safety*;

- p) ensure a flow and a continuous exchange of data on the "management" of *Safety* between the Authority and the operators involved;
- q) develop the State Safety Programme and verify its actual implementation on the basis of specifically-defined *Safety* indicators and objectives;
- r) ensure that, unless the fact constitutes a crime and is subject to national rules and/or those of the European Union regarding access to information by a court in criminal cases, the information and data related to *Safety* events available to ENAC and ANSV are used only for the purpose of prevention.

3.2.2 ENAC Safety Policy

Given the special role of ENAC as the sole authority for technical regulation, certification, supervision and control in the civil aviation sector in Italy, it is relevant to point out that ENAC declares and clarifies those activities which it intends to implement in the *Safety* sector through the Safety Plan, from which the strategic objectives set out in the Performance Plan are derived.

The Safety Plan has a duration of five years and is aligned with the European Plan for Aviation Safety (EPAS) issued by EASA.

3.3 Change management

The civil aviation is in a constant state of development due to technological advances, globalization, different socio-economic contexts undergoing rapid transformation, as well as the continuous evolution of the relevant legislation. As the result of such changes, the following measures may become necessary:

- Adjustment of regulatory surveillance on the basis of risk assessments
- Promotional activities for the event reporting system regarding areas of change or of significant criticality, even if only potential
- Monitoring of key *Safety* parameters.

27

ENAC interfaces with EASA, through its participation in committees and working groups for development of technical regulations, to report opportunities for improvements that require modifications and/or additions to the regulations at an EU level.

ENAC is also responsible for implementing, wherever necessary, any changes to national regulations within its terms of reference.

3.4 Management (accountability), administrative and operational responsibilities for the development, implementation and maintenance of the State Safety Programme

The State has identified, defined and documented the requirements and responsibilities related to the development and implementation of the State Safety Programme.

In particular:

1. With provision No. 0045238 dated December 13, 2011, the Minister for Infrastructure and Transport pro tempore identified the Director General of ENAC as the Accountable Executive of the State Safety Programme - Italy - (Attachment 1). This function ensures the promulgation and updating of the programme, of the State *Safety* Policy and the coordination of all public and private entities involved in

its implementation.

2. For the production of this document as well as for its updating and monitoring, a *Safety Committee* was established. This meets at least once a year, and its members are the representatives of the institutions involved in implementing this programme.
3. The Organizations responsible for the State Safety Programme allocate the necessary resources for its management and, in particular, actively participate with their own representatives in the activities of the designated Working Group, which reports directly to the *Safety Committee* and which convenes as required by the Committee or by the Accountable Executive.
4. Training activities are promoted, aiming at the acquisition of principles and methods applicable to the State Safety Programme and the Safety Management processes, addressed to personnel involved in the implementation of the State Safety Programme.

3.5 National Plan for the performance of Air Navigation services

The national plan for the performance of Air Navigation services is developed at national level, in compliance with the provisions of EC Regulation 691/2010 and its subsequent amendments and additions.

The relevant legislation in this respect sets the necessary measures to improve overall performance of air navigation services and network functions for general air traffic within the EUR and AFI regions of ICAO where Member States are responsible for providing air navigation services in order to meet the needs of all airspace users. The regulations for the performance of the Single European Sky requires that all EU Member States should take action to develop national performance plans, specifying performance targets for fixed periods.

ENAC has been designated as the National Supervisory Authority and is responsible for drafting the National Plan for the performance of air navigation services, in line with the objectives set by the European Commission, established by the State (Ministry of Infrastructure and Transport) and sent to the European Commission for approval.

The Commission may decide to review the objectives at EU level in accordance with the procedure contained in EC Regulation 549/2004. A review of objectives at EU level may lead to a modification of the existing national performance plans. The national supervisory authorities and the European Commission monitor the implementation of the performance plans in question.

At the end of the first reporting period (Reference Period 1 - years 2012/14) defined in the European Performance Scheme, the European Commission, with the promulgation of EU Regulation 390/2013, has determined that, in analogy to other Key Performance Areas – KPA - (Capacity, Environment and Cost-Efficiency), specific performance indicators and targets for the assessment of "*Safety performance*" and for the assessment of the interdependence between the various performance areas will be identified for the essential area of *Safety* performance.

Unlike the provisions of EC Regulation 691/2010, with EU Regulation 390/2013, the European Commission has determined that the performance plans will be drawn up at European (European-wide), national and local (i.e. at ANSPs level and operational route and/or airport unit level, as appropriate).

During the second reporting period (2015-2019 RP2), the National Supervisory Authority will contribute to the formulation of the Performance Plan of its related Functional Aerospace Block (FAB) and will ensure the verification and validation of the FAB Plan of its jurisdiction, including the specific activities planned for the essential area of *Safety*.

In this regulatory context, as Italy is part of the Blue Med FAB, ENAC guarantees its contribution under the supervision of EASA and guarantees supervision of the monitoring and reporting of the *Safety* Performance recorded by the ANSPs involved. In accordance with the current procedure, at least once a year, ENAC will perform a verification and validation of the *Safety* Performance achieved by ENAV SpA and will report within the ambit of Blue Med FAB to the Performance Review Body. ENAC has the right to intervene in cases where the outcome of the *Safety* performance monitoring indicates that there is a risk that the *Safety* performance targets might not be achieved by the State and/or by the individual Organizations concerned.

The process of identifying performance indicators and targets that will be adopted by the European Commission for the Reference Period 3 (RP3 2020-2024) is currently in progress.

3.6 Definition of the Acceptable Level of *Safety* Performance

The *State Safety Programme* also aims to achieve and maintain an Acceptable Level of *Safety* Performance (ALoSP) through the improvement of the institutional activities of regulation, certification and surveillance of the civil aviation system.

The term "*acceptable*" indicates that the level of provision of *Safety* has been determined and supported by the State and defines the minimum objective to be pursued.

The following key elements define the acceptable level of *Safety* performance:

- ***Safety* Performance indicators:** Evaluation of the *Safety* performance of an aeronautical organization or sector. Generally to be expressed in quantitative values.
- ***Safety* performance targets:** strategies expressed as target values of the *Safety* performance of an aeronautical organization or sector. Generally expressed in quantitative values.

29

The *Safety Performance Indicators* (SPIs) identified by the state are reported in a separate document, approved by the Security Committee and published in the ENAC website.

The establishment of a monitoring and measurement process for *Safety* performance on an ongoing basis is also envisaged in order to:

- identify the critical areas for *Safety* in the civil aviation system, identify high-level indicators that can define and measure the level of *Safety* performance for the whole system;
- identify targets which define the level of maintenance, or the desired level of improvement to be attained by the *Safety* indicators, in order to achieve continuous improvement in the whole civil aviation system;
- identify the conditions of alert which may indicate the presence of real or developing problems of *Safety* performance for each particular *Safety* indicator;
- review the *Safety* performance of the State Safety Programme to determine a requirement for changes or additions to existing indicators, objectives or alerts, in order to achieve continuous improvement.

Italy also actively participates with its specialists in the activities of the Network of Analysts (NoA) in order to cooperate in the development of common *Safety* indicators that will be shared throughout Europe.

The *Safety Performance Indicators* defined at the stakeholder level, and their relative performance levels, are instead evaluated and accepted by ENAC, in accordance with applicable law, in the context of the recognition of their Safety Management Systems. These indicators are commensurate with the complexity of organizations and the criticality of their operations.

3.7 Accident and serious incident Investigations

In the civil aviation context, investigations into accidents and serious incidents (as defined in Annex 13 "*Aircraft Accident and Incident Investigation*" to the Convention on International Civil Aviation and the EU Regulation No. 996/2010 of the European Parliament and of the Council of October 20, 2010) are to determine the causes of these events, with the goal of prevention.

The only objective of *Safety* investigations is the prevention of future accidents and incidents, not the attribution of blame or liability. In particular, they consist of a set of operations that includes the collection and analysis of evidence, reaching conclusions, the determination of the causes and the factors which have led to the event.

Based on the data obtained during a *Safety* investigation or on the basis of the evidence collected as part of its study, the investigation authority for civil aviation security may issue *Safety* recommendations, which consist of proposals addressed to the competent authorities, aimed, with a goal of prevention of air accidents, at removing the identified criticality in the context of flight *Safety*.

The organization or person to whom a *Safety* recommendation is addressed shall, within 90 days of receipt, inform the investigation authority for civil aviation *Safety* of the initiatives undertaken to implement the recommendation in question or the reasons for non-implementation.

The investigation authority for civil aviation security has, in turn, 60 days from the receipt of the recipient's response to reply confirming that it deems the answer provided appropriate, or to motivate its dissent if a decision has been taken not to implement the *Safety* recommendation.

In order to ensure that the said security inquiries are performed efficiently and impartially, on the basis of international and Community law on the subject, the State has instituted a permanent investigation authority for civil aviation *Safety*. This operates with complete impartiality with respect to the civil aviation system.

In Italy, this investigation authority is the Agenzia Nazionale per la Sicurezza del Volo (ANSV), established by Legislative Decree No - 66 of February 25, 1999. It is independent with respect to those subjects responsible for airworthiness, certification, flight operations maintenance, licensing, air traffic control or aerodrome operation and operates on the basis of the provisions of Annex 13 to the Convention on International Civil Aviation and EU Regulation n. 996/2010.

This independence allows ANSV to conduct *Safety* investigations with the utmost objectivity, precisely in order to ensure that the critical issues in the field of flight *Safety* identified in the course of the investigation are made public in the clearest way possible.

The final reports of *Safety* investigations carried out by ANSV are given the maximum possible dissemination by means of publication on the institutional website.

Therefore, through the performance of its investigative activities, ANSV provides fundamental support for *Safety* management within the State.

Preliminary ENAC-ANSV agreement

In 2015, within their respective powers, ANSV and ENAC entered into a preliminary agreement to follow Article 12 of EU Regulation No. 996/2010 of the European Parliament and of the Council.

This defines the mode of interaction between the two organizations during the phases of communication of the event and the opening of an investigation, including the operating procedures and institutional cooperation between them, for example the establishment of technical meetings and any working groups required to study issues of common interest.

This agreement is available for consultation in the institutional websites of the two organizations.

3.8 Search and Rescue Activities

In the State of Italy, the Search and Rescue (SAR) service for civil aviation in the event of an accident or serious incident is performed by more than one institutional organizations depending on the type of accident, i.e. dependent upon whether it occurs at sea or on land.

The Italian Coast Guard service is the institution responsible for maritime search and rescue in case of an aircraft accident or incident at sea, as specified by the current Navigation Code.

Search and rescue operations on the ground, in the event of civil aviation accidents on land, involve a variety of institutions, including the Civil Aviation Authority, the Department of Civil Protection, the Police, the Fire Brigade and the Ministry of Defence through appropriate elements of the Armed Forces.

The Italian Air Force, despite neither having title nor responsibility for the provision of SAR in the event of a civil aeronautical accident on land, and considering the limited availability within its fleet of aircraft specifically dedicated to search and rescue activities, will however provide support to those activities, together with that of the other state bodies and administrations involved.

Still with regard to the adoption of ICAO Annex 12, a process to identify the institutional body responsible for the search and rescue activities in case of aircraft accidents on land is ongoing. In the meantime, the provisions of the Navigation Code apply, as well any current directives by the Prime Minister's Office - Department of Civil Protection, containing indications for the operational coordination of emergencies.

These Guidelines distinguish between various types of aircraft accidents, depending on whether they occur at an airport or in another part of the territory, defining, for each of them, the roles and responsibilities of the Organizations and subjects involved, as well as their duties during the performance of Search and Rescue.

For the activities of search and rescue at international level, Italy also adheres to the SARMEDOCC (SAR Western Mediterranean) Agreement.

CHAPTER 4 - SAFETY RISK MANAGEMENT

4.1 The ENAC Safety Plan

To render the State Safety Programme operational within the limits of its mandate, ENAC has drawn up a *Safety Plan* which defines the *safety* priorities to be pursued and identifies the actions that must be effected to implement the State Safety Programme according to the goals contained therein.

The *ENAC Safety Plan* is also dependent upon and cannot deviate from the *European Plan for Aviation Safety* issued by EASA (EPAS) which identified the main priorities for *Safety* at the European level.

Among the ENAC objectives is the support, through continuous improvement, of the performance of *Safety* (Safety performance) for civil aviation in Italy and, in cooperation with EASA, across Europe.

Safety improvement it is also pursued by ENAC through engagement with European partners aimed at ensuring that complementary *Safety* objectives to national ones are also established at Community level.

The *ENAC Safety Plan* involves both a 'bottom up' approach, using the organization's significant experience to identify any potential risk, and a 'top down' process, starting from the major risks, highlighted by data obtained from the mandatory events reports (eE-MOR system) and other sources of data related to *Safety*.

The *Safety Plan* is related to the performance of the Italian civil aviation *Safety* sector and highlights the improvements of *Safety* on which ENAC action will be focused. These are shown in the *Safety Plan* sector by sector, thereby helping to identify risks and actions related to each sector.

Improvements to *Safety* require continuous efforts by ENAC in all sectors of the Italian aeronautical industry. The production and publication of the *Safety Plan* is part of the determination of ENAC to build a profitable relationship of exchange with the industrial world for a greater involvement of industry in the development of the *Safety Plan* and to share the results of this partnership.

The *Safety Plan* is managed by a *Safety Board*, consisting of directors and managers of the organizational structures directly involved in regulation and surveillance activities, and is published by ENAC on its website.

4.2 ENAC Risk Management Process

ENAC has recently introduced a formal risk management process in its management system as a method associated with the performance of its institutional processes of support, management and supervision in order to ensure the effective management of the risks inherent in its activities. This process is approached in an integrated perspective, and will be progressively extended to all areas of the Authority's activities.

Among the objectives of the risk management methodology, the following are the most significant:

- identification of the hazards related to internal processes, performance of a risk assessment for each hazard and development of control measures / risk mitigation where necessary;
- performance of risk analysis to validate the results of the risk analysis of a service provider and / or its *Safety Risk Management* process;
- implementation of changes to the ENAC Management System.

The overall management of the Risk Management process is entrusted to the highest level of the organization, that of coordination and direction, called the Management Executive Committee.

A Risk Management Committee was also set up for the development, continuous improvement and implementation of the risk management methodology and activities required for effective risk management within the ENAC structure.

4.3 Safety requirements for the SMS of organizations operating in the civil aviation sector

In accordance with the ICAO standards contained in Annex 19, the adoption and implementation of Safety Management System is a requirement for all providers within the services sector of civil aviation (Air Navigation Service Providers - ANSP).

The application of the Safety Management System in some areas of civil aviation has led to a substantial change in the Italian regulatory regime. In fact, in response to the existing ICAO standards and in accordance with European regulations, the implementation of SMS is already required by the ANSPs involved as airport operators, air transport operators and organizations for flight personnel training.

ICAO has outlined a stage by stage, phased implementation of the SMS by ANSPs. This approach allows service providers to institute a manageable series of steps to follow during the implementation of the Safety Management System, helping to manage the workload associated with SMS implementation.

The Italian State promotes and supports this gradual approach, in that it recognizes that time is required to develop, implement and test the effectiveness of a Safety Management System, taking into account the size and complexity of an organization.

The component of risk management by the State foresees, in fact, that the Safety Management System requirements which are determined to ensure that national providers implement hazard identification and risk management criteria. Part of these requirements must include a mechanism such that an acceptable level of *Safety* performance can be concurred with each provider.

The actual risks, which are determined through the analysis made by the provider, also require coordination or agreement with ENAC so that appropriate mitigation measures are identified.

4.3.1 Air Navigation Service Providers

For the ANSPs, Eurocontrol has defined the requirements for the SMS through the Eurocontrol *Safety* Regulatory Requirements (ESARRs) 2, 3, 4 and 5. Most of the ESARR content has been implemented as part of the legislation known as Single European Sky , either as part of the Common Requirements (CR), or with specific regulations. Italian ANSPs are required to implement an SMS.

As regards the certification of the SES by the ANSPs, the *Safety* requirements are defined in EU Regulation No. 1035 of October 17, 2011 and subsequent amendments.

ENAC, in accordance with the rules of the Single European Sky, approves the SMS of the certificated service providers and oversees their application through audits, inspections and examinations or changes to the functional Air Traffic Management (ATM) system.

4.3.2 Airport operators

Similarly, for airport operators, EU Regulation 139/2014 of the Commission requires the adoption of a *Safety Management System*.

The structuring of the process ensures that the content referred to in ICAO DOC 9859 (Safety Management Manual - SMM) and the above-mentioned Regulations is respected.

The fundamental element of the legislation on Safety Management System is the concept of unity and operational inseparability between the airport, the operator and any other entity operating on the airport.

The Safety Management System therefore, while having the Operator as its principal protagonist, refers to the "airport system" as a whole and is thus concerned with all activities pertaining to airport *Safety*, with the result that all those involved in such activities are required to meet the standards of *Safety* of the airport and to apply the relevant procedures.

4.3.3 Aircraft operators, Maintenance and training organizations

For air transport operators, pilot training organizations, aero-medical centers and holders of FSTD certificates of qualification, the European regulations for implementing the essential requirements set out in EC Regulation 216/2008 provide for the implementation of a management system substantially in line with ICAO standards.

So far as maintenance organizations and enterprises for the management of continuing airworthiness are concerned, while waiting for the revision in actuation of EC Regulation No. 216/2008 to include the requirements for the Safety Management System, ENAC encourages their adoption and implementation in accordance with ICAO standards, and will contribute to the development of the new EASA implementing rules, which will form the legal basis for its mandatory implementation throughout Europe.

34

In consideration of the impact of the introduction of the requirements of the Safety Management System on the current aeronautical regulations, it is essential that the ENAC staff have a common and clear understanding of its fundamental principles. In response to this, ENAC has provided and will continue to provide internal training on the Safety Management System to all concerned staff.

To assist service providers in its implementation, ENAC has already issued appropriate guidelines.

In view of the nature of the SMS being an ongoing process of development, ENAC systematically provides updates to all guidance documents.

4.4 Safety performance of organizations: approval of individual ALOSPs.

In accordance with the information provided by ICAO and by national and international legislation, organizations with approved Safety Management Systems must, as part of the *Safety* assurance process, identify and adopt their own ALOSP.

The acceptable level of *Safety* performance is defined through a set of performance indicators of *Safety* plus *Safety* performance targets (i.e. target values of *Safety* performance).

Consistent with the ICAO provisions, each organization will have its own ALOSP which will require to be agreed with ENAC with regard to the effective services and activities of its specific responsibility.

ALOSPs must also be periodically reviewed to ensure that they remain relevant and appropriate.

4.4.1 Air Navigation Service Providers

The regulations issued by the European Union, applicable to ANSPs, states that, within the European Performance Scheme, the determination of *Safety* indicators consistent with those that, at the level of FAB, is guaranteed by each individual State with respect to the European Union.

With effect from January 1, 2012, the *Safety* related performance objectives and their related reports, as specified in EU Regulation 390/2013, for the part applicable to ENAV are confirmed in the Programme Contract between the State and ENAV.

The Programme Contract defines the relationship between the State and ENAV and also regulates the associated levels of service that ENAV is required to provide against payments determined in application of EU Regulation 391/2013 "*ANS Charging Regulation*". With regard to this, note that the periodic reports to be prepared according to the European Performance Scheme substitute what was previously mandated by the specific annex to the Programme Contract between the State and ENAV.

In addition to the objectives, *Safety* parameters and quality of services to be provided in accordance with EU Regulation No. 376/2014, ENAV has implemented its own Occurrence Reporting System and operates to ensure that all known *Safety* problems are transmitted to the Competent Authority, (ENAC and/or ANSV), to guarantee analysis, quality control, storage and protection for the concerned signalers for all incidents which are subject to reporting in accordance with EU Regulation No. 2015/1018, and ensuring tracking of the investigation results.

CHAPTER 5 - SAFETY ASSURANCE

5.1 Safety Oversight

In Part A of DOC 9734, ICAO provides a particularly detailed and organic definition of *Safety* oversight, intended as that function which is expressed through a series of activities with which the State ensures the effective implementation of the recommended standards and practices concerning *Safety*. At the same time, by carrying out this function, each State ensures that sector operators are achieving levels of *Safety* as high or higher than those fixed by the aforementioned standards and recommended practices.

Community legislation has reiterated that States are exclusively responsible for the performance of the *Safety* oversight function.

Italian legislation, in particular Article 687 of the Navigation Code identifies ENAC as the sole authority for certification, supervision and control of civil aviation.

The areas of responsibility for State Authorities, both under the Chicago Convention, and essentially, under Community legislation, are:

- Personnel Licensing
- Certification of aircraft, operators, enterprises and airports
- Control and supervision of the licensee staff, products and approved organizations
- Supervision of the provision of air navigation services
- Investigation of serious accidents and incidents: the latter area is usually, as in the case of Italy, attributed to a different authority from that responsible for the *Safety* oversight function.

36

The airworthiness requirements for individual aircraft are attested by ENAC through the release of a certificate of airworthiness, following the successful completion of technical assessments on such aircraft.

During its service life, the airworthiness state of each aircraft is controlled through the oversight of those continuing activities of the technical requirements that lead to the release of an airworthiness review certificate and its periodic renewal.

The supervisory activities on civil aviation organizations range across the certification of companies involved in design, construction, maintenance, continuous airworthiness management, aircraft operators, schools, the initial certification of aircraft and products, while those relating to qualification of personnel are effected through the licensing of flight crews and maintenance personnel

ENAC control over air operations performed by civil aircraft is aimed at maintaining *Safety* standards and the regularity of flights.

ENAC is responsible for the release of Air Operator Certificates (AOC), issued to Italian air transport operators following verification of compliance with European standards.

The investigations for the above-mentioned verifications take place through certification processes, carried out by operational staff (flight inspectors) and ENAC professionals, who are also entrusted with the subsequent continuous technical surveillance.

ENAC is also responsible for the initial qualification and periodic inspections to verify compliance with the regulatory requirements of Flight Simulation Training Devices (FSTD) employed by Italian users.

ENAC is similarly delegated, with particular reference to *Safety*, with the duties of surveillance, certification

and release of licenses for air navigation service providers.

In particular, in its specific context, ENAC is responsible for:

- licensing, certification or attestation of personnel engaged in the provision of air navigation services and maintenance of the equipment of the European Air Traffic Management Network (EATMN). ENAC conducts the process of certification of the said staff training centers;
- certification of companies operating as air navigation service providers or with flight inspection activities;
- supervision of such certified companies to verify the maintenance over time of their certification requirements.

However, a thorough review of the national surveillance program of certified organizations has already been effected according to the concepts of Risk-Based Oversight (RBO) and Performance-Based Oversight (PBO)/Environment (PBE), introduced in the recent implementation regulations. A Risk-based surveillance activity implies that the surveillance programme takes the following aspects into particular consideration:

- the specific nature of the organizations;
- the complexity of their business activities;
- the results of previous surveillance

through an assessment of the associated risks. This identifies the level of risk associated with a specific organization. The surveillance programme cycle can be shortened or extended depending on the *Safety* performance of the organization, for example on the basis of the following evidence:

1. evidence of the effectiveness of the hazard identification process and the management the associated risks (effectiveness of the SMS);
2. *evidence that the organization has full control over all the organizational changes;*
3. evidence that effective management of *Safety* during the previous surveillance activities has been implemented.

37

5.2 Aircraft Safety Oversight

The *Safety* oversight activities on aircraft is effected by ENAC through three inspection programmes: **ACAM**, **SAFA** and **SANA**.

5.2.1 Aircraft Continuing Airworthiness Monitoring Programme (ACAM)

Annex I (Part M) to the EU Commission Regulation No.1321/2014, requests the authorities in each EU Member State, ENAC for Italy, to draw up an annual programme of inspections in a logic of sample verifications which monitor the airworthiness condition of the national aircraft fleet. Such inspections are configured as product verifications on a sample of aircraft identified by ENAC according to established criteria based on the knowledge of the local aeronautical reality and the results of previous surveillance activities.

The size of the aircraft sample and the areas of special interest to be subjected to audits under the ACAM program are reviewed based on the results of inspections carried out the previous year, taking into account the progress of *Safety* performance indicators specifically identified by ENAC.

5.2.2 Safety Assessment of Foreign Aircraft Programme (SAFA)

The responsibility for the technical suitability and operation of air carriers and the surveillance of compliance with *Safety* standards lies with the State of registry through its own national authorities.

The State must ensure, in accordance with the Chicago Convention, the transposition into national law of the standards and recommended practices set out in the various ICAO Annexes. Without prejudice, however, the Chicago Convention, also provides that every State has the right to conduct its own inspections on foreign operators operating at its airports. In this sense, the European Union has established the SAFA programme, which consists of the performance, by each Member State, of ramp inspections, either random or according to a predetermined programme, on the aircraft belonging to foreign operators at airports of transit through its territory.

The SAFA program began with the participation of Member States on a voluntary basis. In recent years, however, as a result of Directive 2004/36 / EC (renamed SAFA Directive and implemented by Legislative Decree. No. 192/2007) and the creation of a so-called EC "Black List" (EC Regulation 2111/2005 and related regulations), the SAFA program has become increasingly important, becoming in fact decisive in the evaluation of the *Safety* of the operators that are under the supervision of third country authorities.

The SAFA program is aimed at verifying the documentation of aircraft, operator and crews and of the aircraft condition, such as is detectable by external inspection during transit at the airport concerned. This activity is conducted with reference to the standards set by ICAO in its Technical Annexes, and aims to identify any shortcomings of the foreign operators with respect to these standards.

In cases of major findings, the local Aviation Authority may request the correction of the problems encountered before the aircraft departs; when such findings tend to be repetitive, the carrier may also be signaled for the start of the procedure for possible inclusion in the EC Black List.

38

All data from such inspections are fed into a single European database for consultation by each Member State. The centralization of data management allows for analysis by both the Member States and by the centralized European structures (European Commission, EASA, etc.).

ENAC also participates in the Air Safety Committee of the European Commission, which is responsible for the management of the SAFA program.

With the issuance of the EU Regulation 965/2012, which repealed Directives 2003/36 /EC and 2008/49 /EC, the SAFA program is now governed by the said Regulation.

5.2.3 Safety Assessment of National Aircraft Programme (SANA)

In its role as supervisory authority over Italian civil aviation, ENAC is constantly involved in intensifying inspection activities on aircraft operated by domestic carriers.

For this purpose it was considered appropriate to complement the national plan for the surveillance of all public transport aircraft operators with a ramp inspection programme inspired by the existing SAFA programme currently managed by EASA .

This programme, known as SANA to indicate its applicability to aircraft operated by domestic carriers, also aims to improve the time management and effectiveness of inspections already conducted by the ENAC Operations Department monitoring team and add a further element of return on compliance with the *Safety* standards of the national fleet.

The programme consists of the planning, performance and analysis of ramp inspections, aimed at verifying the operational *Safety* conditions of aircraft during the transit of such aircraft or in arrival or departure, according to a predefined check list. Inspection planning is centralized to ensure access to the results of those inspections and the homogeneity of the interventions within the national territory.

5.3 Certification and oversight of Operators and Service Providers

Safety oversight by ENAC is also expressed through the certification of organizations and service providers working in the field of civil aviation. In particular ENAC certifies (or approves):

- design organizations
- aircraft, engines and parts manufacturers
- Continuing Airworthiness Maintenance Organizations (CAMO)
- maintenance companies
- aviation schools
- aero-medical centres
- airline operators
- Air Navigation Service Providers (ANSP)
- airport managers
- Airport Services Providers (Handlers)

The certification is conceded by ENAC after verifying compliance by the organization of the applicable regulations, while the continuation of the certified conditions is ensured through a process of periodic surveillance, which is carried out, usually in the form of an audit.

Rules and regulations applicable to the various types of organization are indicated in the EASA and ENAC internet sites.

5.4 Safety enforcement

The enforcement activities of the Italian State concerning *Safety* are carried out through specific functions attributed to the national organizations and institutions operating in the field of civil aviation and aim to promote compliance of the whole system, or at both operational and organizational levels, to the regulations and *Safety* requirements by all subjects or organizations concerned.

The same organizations and institutions adopt a systemic approach to the enforcement activities, using appropriate regulatory instruments with due attention to the facts and circumstances which may give rise to violations to be sanctioned and, at the same time, to the implications on *Safety* of sanctionable conduct.

Such regulatory instruments are prepared and promulgated with the prior agreement between all concerned institutional figures.

The appropriate methods of enforcement adopted by the Italian government, exercised through the opportune regulatory instruments envisaged by ICAO, by the European standards, by the Navigation Code and the applicable national law, are developed according to the following principles:

- are based on principles of fairness and proportionality;
- have a dissuasive purpose toward the parties and organizations;
- have preventive purposes regarding the recurrence of acts which are contrary to the regulations and potentially negative for *Safety*;

- are based on principles of transparency regarding the parties involved as well as the protection of information;
- are consistent with the *Safety* Policy and with the *Safety* objectives of the State and the European Union;
- should encourage a full awareness of their responsibilities on the part of the recipients;
- can be periodically revised in function of the *Safety* performance of the entire system.

With particular regard to organizations, it is well known as that *Safety* and the prevention of accidents and incidents also depends on the efficiency and resilience of the organizational levels to bridge any gaps that may have a negative impact on operational *Safety* in the functional chain of the various structures involved. The enforcement of the State policy also aims to encourage, through the above-mentioned purpose of prevention and deterrence, the resilience of the organizational processes in remedying gaps or inefficiencies which are potential sources of conditions that may adversely affect the *Safety* of such operations.

In most European regulations applicable to the civil aviation industry the state is expected to make legislative provision for sanctions to be applied in cases of violation of the requirements of these regulations and, where applicable, its Implementing Rules.

On the basis of the Navigation Code, ENAC may impose penalties for violations of the rules contained therein. That function is confirmed in Legislative Decree No. 250/1997, Article 2 paragraph 1, which, among other things, gives ENAC the authority to impose administrative penalties (sanctions) within the limits and conditions specified therein.

Currently, such administrative penalties, imposed directly by ENAC, include the limitation, suspension or revocation of licenses in the event of regulatory requirement violations.

Also in course of approval, based on Art. 68 of Regulation 216/2008, Article 15 of EU Regulation 255/2010 and Article 21 of EU Regulation 376/2014, are the necessary regulatory measures backed by effective, proportionate and dissuasive sanctions to be applied in the event of breach of the respective European regulations.

Article 23 of EU Regulation No. 996/2010 stipulates that the EU Member States must "*provide for rules on penalties applicable to infringements*" of the regulation, indicating that such sanctions must be "*effective, proportionate and dissuasive*". For this reason, Legislative Decree No. 18 of January 14, 2013 was issued with the intention of sanctioning behaviour that prevents or penalizes the smooth conduct of *Safety* investigations, and attributes responsibility to ANSV for the instruction of the relevant proceedings and the imposition of any resulting sanctions.

Finally, the organizations and the State administrations responsible for the imposition of sanctions shall disseminate appropriate information to ensure that the institutional figures and operators concerned are aware of any regulatory updates related to their responsibilities and the entity of any resulting sanctions.

5.5 The Continuous Monitoring Approach

In order to monitor a State's ability to guarantee *Safety* Oversight, the 37th ICAO Assembly adopted a resolution to change from the Universal Safety Oversight Audit Programme (USOAP) to the so-called Continuous Monitoring Approach (CMA) to ensure that information regarding the performance of Member States' security is made available to other Member States and to the public in an organized manner.

For this purpose, using the computer media made available by ICAO, ENAC has systematically arranged to provide the required information which includes the compliance to Standard and Recommended Practices

(SARPS) checklists and differences between national regulations and ICAO Annexes, updates to the questionnaires and Protocol Questions (PQs) prepared by the Organization.

5.6 Safety data collection, analysis and exchange

Efficient data collection, the analysis of *Safety* data and the exchange of information all play a vital role in the prevention of accidents and identifying the appropriate corrective actions to be put in place to prevent risks and remedy the latent shortcomings of the system.

The ICAO and European regulations provide that the State should make an efficient reporting system available.

In particular, EU Regulation 376/2014 of the European Parliament and the European Council, for the purpose of improving aviation *Safety*, identifies the criteria and standards for reporting, collection, recording, preservation and dissemination of information relating to aeronautical events.

EU Regulation 376/2014 also provides for the obligation of reporting by private pilots and the "risk classification" of such events.

This therefore establishes a mandatory occurrence reporting system, entrusted to ENAC, and another, voluntary reporting system entrusted to ANSV for those events not included within the mandatory reporting system, but which according to the informants constitute a real or potential risk to the *Safety* of Air Navigation.

The establishment of such systems has the prevention of accidents and aircraft incidents as its sole objective, and is not intended to apportion blame or liability, under the banner of a "no penalty policy" that becomes the true cornerstone of an innovative approach to *Safety* issues, and sees cooperation between ENAC and ANSV as a fundamental lever to achieve significant results.

The eE-MOR mandatory reporting system

The mandatory event reporting system must have the following characteristics:

- provide for the obligation of event signaling
- be based on mutual trust
- collect the information in a national event database
- provide a mechanism for processing and analysis of the information collected
- define the methodology for the implementation of the corrective action plans
- ensure the identification and treatment of *Safety* risks.

To comply with regulatory requirements and the above requirements, ENAC has designed a report collecting system for aeronautical events called eE-MOR (*electronic ENAC - Mandatory Occurrence Reporting*), into which flow the mandatory reports referred to in EU Regulation 2015/1018 of the Commission and which uses the ICAO-developed classification of events known as Accident/Incident Data Reporting (ADREP), according to internationally agreed taxonomic principles and divulged to all operators.

In the event of accident or serious incident, as well as communication within the mandatory reporting scheme of events, communication of the event must also be sent immediately to ANSV, in accordance with Article 9 of EU Regulation No. 996/2010.

To ensure the adequate exchange of information with the stakeholders, ENAC publishes periodic *Safety*

Reports in which the data collected and the results of the *Safety* analyses performed are reported in an aggregate and anonymous manner.

In addition, in accordance with EU Regulation 376/2014, in cases of mutual interest, mechanisms of *Safety* data exchange are activated with other aviation authorities within the EASA member states.

The voluntary reporting system

In compliance with the provisions of Article 1 of Legislative Decree. No. 213/2006, ANSV established the "*voluntary reporting system*", structured to protect the confidentiality of those who issued the alert.

In order to facilitate the gathering of the greatest number of voluntary reports, the ANSV website contains details of how to make such reports.

The voluntary reports provide details of events that might not be picked up by the mandatory reporting scheme or other *Safety* related information that the reporter considers to be of real or potential threat to aviation *Safety*, in accordance with Article 5 of EU Commission Regulation 376/2014.

CHAPTER 6 - THE PROMOTION OF SAFETY IN ITALY

6.1 Training of civil aviation personnel

6.1.1 ENAC Training

The training policy at national level in the framework of civil aviation, in particular within ENAC, is based on the knowledge of the central role that the training of human resources can play in improving the organization's ability to pursue its institutional goals and improve the overall performance of its processes.

The contribution of education plays a key role in the effectiveness and efficiency of the activities in the performance of institutional processes relating to the *Safety* of civil aviation. In this regard, ENAC ensures the fulfillment of the training obligations arising from Italy's membership of international organizations ICAO, EU, EASA and Eurocontrol concerning the formation of the Authority's personnel involved in *Safety* activities.

ENAC has therefore defined a training policy that is implemented through a staff training plan, aimed at ensuring that the quality of services provided by its facilities complies with the reference standards. ENAC, however, also conducts external courses for the dissemination of aeronautical culture.

Training by ENAC is conducted through:

- internal courses, covering training activities planned, planned and executed by ENAC, using internal and / or external teachers;
- external courses, created in external companies, related to sectors with high specialization on the basis of specific needs.

43

The following tools are also part of the ENAC training system:

- *Safety* Policies and related procedures
- Newsletter
- Periodic bulletins
- A section on the ENAC intranet.

6.1.2 ANSV Training

ANSV, in line with the requirements set out in ICAO Circular 298 "*Training Guidelines for Aircraft Investigators*" and the ENCASIA document "*Investigator Training Guidelines*", has a specific training program for its investigators, aiming to ensure maximum preparation and ongoing professional development.

6.1.3 The ENAV Academy

ENAV SpA, in addition to being the certified provider of Air Navigation Services in accordance with the Single European Sky regulations, is a Training Organization certified under EU Regulation No. 340/2014.

The management and the implementation of training activities, entrusted to the ENAV Academy, is founded on specialized expertise, methodologies and high-level simulation systems, which meet the educational standards and the sectorial technical regulations, both national and international, which

authorize ENAV to select, train and update the various professional profiles operating in the civil Air Traffic Services, namely: air traffic controllers, flight information service operators, aeronautical meteorologists and flight inspection pilots.

The ENAV Academy, in addition to being a certified Training Organization, is a member of TRAINAIR Plus, within the ICAO global network of training centers.

The training projects of the Academy, which in the last three years has provided some 280,000 hours of training, develop a set of technical and operational capabilities, integrated with *Safety* and Human Factors competence, which enable the professional figures for whom the training is targeted to operate in maximum *Safety* and according to the expected standards.

In relation to the overall activities of *Safety* Promotion, the *Safety* function of ENAV SpA and, in particular, the "Report and Communication" sector undertakes all useful initiatives to promote *Safety* Culture and Just Culture to the extent possible to stakeholders both in domestic and in international projects developed by Eurocontrol and CANSO.

6.1.4 Italian Air Force

Higher Institute for Flight *Safety*

The Italian Air Force's Higher Institute for Flight *Safety* (*Istituto Superiore per la Sicurezza del Volo - ISSV*) provides staff training and qualification in the field of *Safety* for national military and civilian organizations concerned with activities related to flight.

Specifically, the ISSV educational and training offer provides qualification courses for Flight Safety Officers, Accident Prevention courses, Crew Resource Management Instructors, Operational Risk Management and courses dedicated to Flight *Safety* in the ATM domain. These courses, in addition to seminars and conferences, are organized for Armed Forces personnel, State Armed Corps and staff from other Ministries and civil organizations in order to increase the dissemination of *Safety* culture concepts of flight with the aim of prevention of aircraft accidents.

On the basis of specific agreements, the Italian Air Force and the Aero Club of Italy organize seminars on the subject of flight *Safety* at AM airports. These seminars are aimed at general aviation pilots and pleasure flight pilots who fly from aviation surfaces located in the areas of military airports. Particular attention is devoted to aspects of prevention of accidents and flight incidents and problems related to conflicts of air traffic and unauthorized penetration into controlled airspace.

AM Air Traffic Control Training Department

The AM Air Traffic Control Training Department (*Reparto Addestramento Controllo Spazio Aereo - RACSA*), as the sole specialist Training Centre in the Air Traffic Control, Air Defence and Meteorology sectors, is responsible for the initial training of Air Traffic Controllers, ensuring basic and subsequent training towards the attainment of the student controller license. In this context, the Department operates as an "ATCO Training Organization", with respect to the "*Certification of compliance with EU regulations of the AM organization responsible for training and training of CTA*" issued by ENAC.

6.1.5 Aero Club of Italy (AeCI)

The Aero Club of Italy (AeCI) is the public body legally responsible (Law No. 340 of 29/05/54) for the promotion and dissemination of aeronautical culture in all its forms in the various codified disciplines (powered flight, gliding, pleasure or sports flight (VDS) and ultra-lights of different types such as paramotor, rotary-wing aircraft, skydiving, free balloons or airships; amateur aircraft construction and restoration of historical aircraft).

Since it is axiomatic that the promotion of flight is inseparable from the promotion of a *Safety* culture, it would be contradictory to promote such activities without making them as safe as possible. It therefore follows that one of AeCI's main tasks is to spread the conviction that *Safety* is an integral part of flight. Thus the role of AeCI is the promotion and dissemination of culture and not of forensic audit or sanctions. Other organizations are responsible for controlling aviation activities in Italy.

The culture of *Safety* that the AeCI (with its more than 150 federated Flying clubs, 140 aggregated sports associations and 170 VDS flight schools) develops or intends to develop, through the standardization of "*Flight Safety Reports*" and the organization of "*Flight Safety Courses*", is closely related to the training of pilots and/or users of air transport for the various disciplines listed above, and is aimed at prevention based on the "*Just Culture*" concept (i.e. those activities designed to increase *Safety* Culture by reporting incidents/accidents without investigating the persons concerned).

The formation of *Safety* personnel at each local Aero Club and the inclusion of *Safety* as a subject taught in courses for the achievement of the VDS (ultralight) license issued by AeCI, are primary targets included in the *Safety* policy that the AeCI intends to pursue.

As an indication and not an exhaustive list, this policy will subsequently be targeted, in concert with institutional authorities, at the implementation of the Safety Programme in Schools (to be included as a subject taught in the curriculum for the achievement of the various aeronautical licenses), in Medical Visits (monitoring tests), in the certification of the material used in the world of ultralights and VDS, in the monitoring of the CAMO management procedures, in monitoring of the restoration processes or home-builds in the ultralight and VDS sector for which no ENAC certification is required; up to the formulation of proposals to ENAC and ENAV concerning the review and restructuring of the airspace in which GA and VDS aircraft operate in VFR conditions.

Considerable support can result from an increase in collaboration with other users (e.g. the Armed Forces) in order to encourage an appropriate osmosis of experience and knowledge with those who fly with different aims and motives, but always in a highly professional manner.

6.2 Communication and outward diffusion of *Safety* information

6.2.1 Institutional communication within ENAC

In a social and global context in which the rapid diffusion of information is of ever increasing importance, ENAC is paying particular attention to the use of information channels that allow transmission of the latest information about its activities in real time, with a view modernizing and increasing the transparency of the Public Administration, particularly with respect to the web portal.

With particular reference to the communication and dissemination of *Safety* information, the ENAC website is a point of reference for all types of users: from institutions to citizens, from passengers to aircrew, from sector operators to the press.

In the specific context of *Safety*, the section dedicated to "*Regulation for Security*", is particularly rich in content. This offers a comprehensive and exhaustive range not only of the regulatory sources within the sector, but also provides a description of ENAC's specific activities in the field of *Safety*.

6.2.2 Institutional communication within ANSV

The ANSV cares specifically for institutional communication on *Safety* issues, in particular, but not exclusively, through its website, in which the most relevant sections are those containing:

- information: regarding events of interest for the *Safety* of the flight, on which ANSV has opened a *Safety* investigation or started investigations for the purpose of prevention;
- communications: through which ANSV informs the press about its institutional activities;
- documents which aim to contribute, in the context of prevention, towards the improvement of flight *Safety*; in particular, in this context, ANSV publishes an annual "*Informative report on activities performed and on the Safety of civil aviation in Italy*";
- investigation reports: these come from *Safety* investigations into accidents and serious incidents. Such documents, published on the website, can be read immediately;
- Safety Recommendations: this section contains *Safety* recommendations published by ANSV. In the same section the evidence provided by the recipient institutions of the recommendations are also published, if of particular interest, as well as any ANSV observations on the above-mentioned replies.

6.2.3 AM - "Sicurezza del Volo" (Flight Safety) Magazine

46

The "*Flight Safety*" magazine is the instrument through which since 1952, the Italian Air Force provides for the dissemination of the fundamental concepts of *Flight Safety*. Published bimonthly, the journal aims to provide a technical support with which to expand the preparation of the so-called no technical skills of flight crews, controllers, specialists and all that personnel, military and civilian, who work daily in connection with flight activities .

The magazine is distributed free of charge to agencies and to Air Force units, to the Armed Forces and other state bodies, as well as to associations and organizations that institutionally deal with aeronautical character issues in order to spread the "*just culture*" of *Flight Safety*, focused on fundamental concepts such as the prevention of accidents and flight incidents, the identification of risk areas and the communication of so-called lessons identified and lessons learned. It is also available in digital format on the AM Internet site.

6.3 Agreements between the Authorities and the stakeholders

Looking towards an action aimed at defining not only the *Safety* Policy in a more effective and shared manner and also the prescribed EC rules, but in addition, to better understand the possible obstacles to a full implementation of those standards by the operators, the various authorities concerned, and in particular ENAC have long established a network of reasonably stable relationships with the associations of Operators, user committees, aeronautical study centres and industry organizations which in various capacities are involved with aviation *Safety*.

In particular, through the "*stakeholder portfolio*", ENAC has identified, in its Performance Plan, those institutional, entrepreneurial and category-representative bodies which are the largest stakeholders in the activities, services and results achieved by ENAC.

To better focus on their relationship with respect to ENAC, these have been grouped into three main classes: regulators, operators and beneficiaries, depending on whether they cooperate with ENAC in the definition of standards, are directly involved in the implementation of these same provisions, or merely become the recipients/beneficiaries of ENAC activities.

A further articulation takes place depending on the level of interest and the degree of influence that these stakeholders have with respect to ENAC.

In the context of *Safety*, in addition to the institutional players who have an active role in the definition of the State Safety Programme and the implementation of the actions contained in it, among the most important stakeholders, for which there are established forms of consultation and exchange, are:

- Air Navigation service providers;
- Airport Managers;
- Aircraft Manufacturers;
- Technical Management and aircraft maintenance companies;
- Airline Operators.

6.4 Participation in international forums for the promotion of *Safety*

There are many international contexts where Italian authorities participate on subjects related to *Safety*.

In the first instance, this allows bringing to the attention of a much wider audience than a purely national one those issues that can assume a more detailed and organic definition due to becoming inserted in a supranational context.

On the other hand, by actively participating in the genesis of directives, regulations and recommendations of supranational scope, it is easier for these national entities with such a mandate to ensure the implementation of such texts.


The most important institutional participation is with regard to ICAO, while an Italian presence becomes ever more consistent in European organizations, initiatives and working groups, in particular those deriving from EASA and Eurocontrol. In addition, bilateral cooperative agreements also play their part.

Italy is thus present in an active manner in various ICAO, EASA, ECAC, ENCASIA and Eurocontrol organizations and working groups.

In addition, Italian participation is constant in initiatives such as workshops and seminars on the theme of *Safety*, at which the exchange of experiences and opinions is fundamental.

Attachment 1: Formal designation of the *Accountable Executive*

M INF.GABINETTO.REGISTRO UFFICIALE.U.0045238.13-12-2011


*Il Ministro
delle Infrastrutture e dei Trasporti*

M INF-GABINETTO
Ufficio Diretta Collaborazione Ministro
UFFGAB
REGISTRO UFFICIALE
Prot: 0045238-13/12/2011-USCITA

Dott. Alessio Quaranta
Direttore Generale dell'ENAC
Viale Castro Pretorio, 118
ROMA


e p.c. Prof. Vito Riggio
Presidente dell'ENAC
Viale Castro Pretorio, 118
ROMA

Direzione Generale per gli aeroporti
ed il trasporto aereo
Viale dell'Arte, 16
ROMA

Oggetto: Designazione dell'Accountable Executive per lo State Safety Programme.

In riferimento alla Convenzione relativa all'Aviazione Civile Internazionale stipulata a Chicago il 7 dicembre 1944, resa esecutiva con D.Lgs. 6 marzo 1948, n. 616, ratificato con legge 17 aprile 1956, n. 561, ed in particolare a quanto previsto dagli Annessi ICAO 1, 6, 8, 11, 13 e 14, nonché in relazione al documento ICAO n. 9856 "Safety Management Manual", considerato che lo Stato italiano ha l'onore di identificare e nominare un *Accountable Executive* per lo *State Safety Programme*, si comunica che la S.V. è stata designata quale *Accountable Executive* per lo *State Safety Programme* dello Stato italiano.

Si invitata a divulgare la presente designazione agli Enti ed Organismi interessati al fine di poter concretamente operare secondo le indicazioni previste dalla normativa sopra citata.


Corrado Passera

Attachment 2: Websites of reference institutions

Organization/Association	Website
Aero Club of Italy	www.aeci.it
ANSV	www.ansv.it
CANSO	www.canso.org
EASA	www.easa.europa.eu
ECAC	www.ecac-ceac.org
ENAC	www.enac.gov.it
Enav SpA	www.enav.it
ENCASIA	ec.europa.eu/transport/modes/air/encasia_en
ESSI	easa.europa.eu/essi
Eurocontrol	www.eurocontrol.int
European Union	europa.eu
Home Ministry	www.interno.gov.it
ICAO	www.icao.int
Italian Air Force	www.aeronautica.difesa.it
Ministry of Infrastructure and Transport	www.infrastrutturetrasporti.it
National Fire Brigade Corps	www.vigilfuoco.it
Prime Minister	www.governo.it/presidenza
Skybrary	www.skybrary.aero

Acknowledgements

This third edition of the present document has been drawn up by a working group with the participation of personnel from:

Agenzia Nazionale per la Sicurezza del Volo (ANSV)

Aero Club d'Italia (AeCI)

Aeronautica Militare Italiana (AM)

Direzione Generale per gli Aeroporti ed il Trasporto Aereo del Ministero delle Infrastrutture e dei Trasporti (MIT)

Ente Nazionale per l'Aviazione Civile (ENAC)

Ente Nazionale per l'Assistenza al Volo (Enav SpA)

