

COURTESY TRANSLATION  
ROYAL DECREE 995/2013  
OF 13 DECEMBER, WHICH LAYS OUT  
THE REGULATION OF THE SPANISH  
STATE SAFETY PROGRAMME FOR  
CIVIL AVIATION

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**AGENCIA ESTATAL DE SEGURIDAD AÉREA**

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A courtesy translation of Royal Decree 995/2013 of 13 December, which lays out the regulation of the Spanish State Safety Programme for Civil Aviation, can be found below.

## I. GENERAL PROVISIONS

### MINISTRY OF THE PRESIDENCY

**13809** *Royal Decree 995/2013 of 13 December, which lays out the regulation of the Spanish State Safety Programme for Civil Aviation*

Articles 11 and 12 of Law 21/2003 of 7 July on Aviation Safety, as amended by Law 1/2011 of 4 March, which establishes the Spanish State Safety Programme for Civil Aviation and amends Law 21/2003 of 7 July on Aviation Safety, regulate the Spanish State Safety Programme for Civil Aviation (hereinafter, the "Programme"), which must be approved by the Cabinet of Ministers for the purpose of employing a preventive approach to improve safety.

The Programme, in keeping with the requirements laid out by Annex 19 to the Convention on International Civil Aviation (Chicago 1944) and with European Union guidelines, shall establish the State's policy and objectives for aviation safety through the national management of safety risks, national assurance of safety and national promotion of safety. Specifically, the Programme will allow for the acquisition, gathering, processing, exchange and analysis of safety information or data and its integrated management, as well as for the adoption and tracking of risk control measures for safety and the promotion of safety.

Before the Programme is approved, the regulatory development of Law 21/2003 of 7 July is required in order to address specific aspects of its regulation needed for its implementation, such as identifying the bodies, public organisations, entities and other public- and private-sector parties that will be covered under the Programme, the scope of their respective obligations, and the duties assigned to the superior body responsible for advancing it.

Thus, this Royal Decree identifies the public, civil and military bodies, organisations and entities required by the Programme, it lays out the respective responsibilities of its application in relation to the providers of aviation products or services subject to control or oversight, it defines the duties they must perform and establishes the coordination mechanisms between them.

It also specifies that the information provided by the Civil Aviation Accident and Incident Investigation Commission shall become part of the safety information that is integrated into the Programme, as per Regulation (EU) No 996/2010 of the European Parliament and of the Council of 20 October 2010 on the investigation and prevention of accidents and incidents in civil aviation and repealing Directive 94/56/EC, as shall the information from the civil aviation event reporting system and the information handled by any agency of the Spanish national government and its public entities that, pursuant to applicable laws, are tasked with advising or collaborating with aviation authorities in studying and analysing civil aviation events.

In keeping with the applicable national, European and international regulations, the identification of providers of aviation services or products associated with the Programme is done, first of all, with respect to those that are required to have safety management systems (SMS), since one of the Programme's primary objectives is to create a context that supports and complements the implementation and operation of these management systems.

The implementation of the Programme in relation to these providers enables the context for the development of their safety management systems, and consequently, their obligations are to maintain these systems and to comply with the safety performance targets.

Moreover, pursuant to the Law, and given their potential effect on the safety of civil aviation, other providers that are currently not required to have safety

management systems are included as parties subject to the Programme. Such is the case, within the group of providers subject to the Programme listed in Article 11.4 of Law 21/2003 of 7 July, of the provider of meteorological services for air navigation, the State Meteorological Agency (AEMET), and the military air traffic service provider for civil aviation.

These providers shall implement mechanisms that are equivalent to safety management systems and that help to achieve the Programme's objectives. Approved aircraft maintenance organisations and civil firefighting and search and rescue operators shall also implement these mechanisms until the regulation that requires these providers to have safety management systems is adopted.

Finally, the identification of providers of aviation services or products associated with the Programme includes a closing clause that allows integrating those other providers for which a national or European regulation is adopted that requires them to have a SMS. In the case of operators authorised to engage in commercial air transport, a transitional system is planned for incorporating them into the Programme as soon as the industry regulation requiring them to have a SMS becomes applicable.

The submission of relevant information to public entities or bodies responsible for its control and oversight and the safety training of technical and management personnel are established as obligations that are common to all providers of aviation services or products associated with the Programme, whether or not they have safety management systems.

Of relevance in the context of implementing the Programme is promoting a safety culture that reinforces the processes of reporting events and safety deficiencies, and that recognises human behaviour and organisational factors, along with the technological element, as key components for the success of an SMS and the equivalent mechanisms that are implemented.

Also reinforced are the Programme's ties to safety management systems by means of the power that the competent supervisory authorities have to apply the binding measures specified by the applicable law in the event of a failure to comply with the obligations stemming from the Programme. The regulation to protect the information provided is also implemented.

Also specified are the duties of the superior body responsible for advancing the Programme and of the Spanish Aviation Safety and Security Agency (AESA) as the entity empowered to coordinate its implementation, execution and tracking. The procedure for elaborating, processing, approving, disseminating and subsequently reviewing the Programme is regulated, the determination is made that the Programme and the documentation created by it shall be publicly accessible, and the obligation to cooperate with international authorities and organisations with competence in matters of safety is recognised.

Lastly, this Royal Decree reinforces the obligation to cooperate with and facilitate the successful outcome of aviation investigation and inspection activities, contained in Article 33 of Law 21/2003 of 7 July.

This Royal Decree is issued pursuant to the third final provision of Law 21/2003 of 7 July, and under the authority of the State to control airspace, air traffic and transport, specified in Article 149.1.20.<sup>a</sup> of the Constitution.

During the processing of this Royal Decree, input was received from organisations representing the aviation industry and the Board of Consumers and Users, and opinions were received from Spain's autonomous communities.

By virtue of which, at the proposal of the Minister of Development, the Minister of Agriculture, Food and the Environment and the Minister of Defence, with the prior approval of the Ministry of Revenue and Public Administrations, in agreement with the State Council and after being discussed by the Cabinet of Ministers at their meeting of 13 December 2013,

## I ORDER:

CHAPTER I  
General provisionsArticle 1. *Purpose and scope of applicability.*

1. This Royal Decree implements the regulation of the Spanish State Safety Programme for Civil Aviation (hereinafter, the Programme) described in Chapter I, Title II of Law 21/2003 of 7 July on Aviation Safety, and is intended to establish:

- a) The public-sector civil and military organisations, bodies and entities with control or supervisory responsibilities relating to or having an impact on the area of safety (hereinafter, supervisory public agencies) responsible for applying the Programme, the duties they must execute during said application and the coordination mechanisms between them.
- b) The public-sector organisations, bodies and entities different from those mentioned in letter a) that are integrated into the Programme (hereinafter, public agencies integrated into the Programme) and their duties.
- c) The aviation product and service providers (hereinafter, providers) associated with the Programme and the scope of their obligations.
- d) The duties of the Spanish Aviation Safety and Security Agency to coordinate the Programme's implementation and execution, the monitoring of compliance with the safety policy and objectives specified in the Programme, and the obligations of the remaining public agencies to facilitate the Agency's performance of these duties.
- e) The duties assigned to the superior body designated by the Cabinet of Ministers to advance the Programme.
- f) The procedure for elaborating, processing, approving, disseminating and reviewing the Programme.

2. This Royal Decree applies to providers who effectively provide or render aviation products or services under the oversight of the supervisory public agencies regulated in Article 3.1, without prejudice to any agreements that may, pursuant to the contents of the applicable regulation, the Spanish Aviation Safety and Security Agency may enter into with the national supervisory authorities of third countries.

Article 2. *Definitions.*

For the purposes of this Royal Decree, the following definitions apply:

- a) "Safety deviation" - safety event whose actual consequences are of little or no significance, representing a discrepancy from established rules, procedures or practices.
- b) "Safety surveys" - questionnaires sent to aviation service and product providers drafted by the supervisory public agencies and the other public agencies integrated into the Programme for the purpose of identifying areas of improvement involving safety deficiencies.
- c) "Programme safety performance indicator" - safety parameter based on data that are used to observe and evaluate performance.
- d) "Preventive measures" - activities to control evaluated safety risks adopted as part of the Programme, or those adopted by the aviation service and product providers as part of their safety management systems or equivalent mechanisms, for the purpose of maintaining the effectiveness of the Programme or of the safety management systems.
- e) "Corrective measures" - activities identified and applied by the provider intended to correct the root causes that resulted in safety deviations detected.
- f) "Safety performance target" - the improvement goal for the safety level planned or desired, in terms of the safety performance indicators, over a given time period.
- g) "Hazard or threat" - condition or object that could potentially cause serious or fatal injuries to persons, damage to equipment or structures, loss of material or reduce the ability to perform a given duty.

h) "Safety performance" - achievement by the State or by a provider in terms of safety, in keeping with the defined safety performance targets or indicators.

i) "Safety risk" - the anticipated probability and severity of the consequences or results of a hazard.

j) "Safety" - condition in which the operational risks associated with aviation activities are reduced to an acceptable level and controlled.

k) "Safety management system" - systematic set of processes and activities for managing safety, which include the necessary organisational structures, accountability, policies and procedures.

For the purposes of this Royal Decree, this term includes and management system that, either independently or integrated with other organisational management systems, addresses the management of safety.

l) "Systems for the acquisition, gathering, processing, exchange and analysis of safety information or data" - instruments for identifying safety deficiencies and hazards for the purpose of analysing and evaluating safety risks and their consequences; specifically, the occurrence reporting system, the records associated with accident and incident investigations, the programmes for exchanging safety information, the safety surveys and the self-reporting systems, including automatic and manual data capture systems, and others.

*Article 3. Supervisory public organizations and public organizations integrated into the Programme.*

1. The Spanish Aviation Safety and Security Agency, the Secretary of State for the Environment and the Air Force Staff are the supervisory public organizations responsible for enforcing the Programme among the providers subject to their control or oversight. In keeping with the above, they shall exercise the duties specified in Chapter II involving said providers.

2. The Civil Aviation General Directorate and the Civil Aviation Accident and Incident Investigation Commission, the latter as the independent agency responsible for the technical investigation of civil aviation accidents and incidents for the sole purpose of safety prevention, are integrated into the Programme and bound by it under the terms contained in this Royal Decree.

3. Also integrated into the Programme is any organization of the Spanish national government and its public entities that is tasked with advising or cooperating with aviation authorities in studying and analysing civil aviation events. Similarly integrated into the Programme is the occurrence reporting system managed by the Spanish Aviation Safety and Security Agency.

4. The Cabinet of Ministers, pursuant to Article 11.2 of Law 21/2003 of 7 July, shall designate the superior body charged with advancing the Programme.

*Article 4. Providers of aviation products and services associated with the Programme.*

1. The providers included in the scope of application of this Royal Decree, and thus associated with the Programme, are:

a) Civil air navigation service providers, including the providers of meteorological services for air navigation.

b) Approved maintenance organisations for aircraft that engage in commercial air transport activities.

c) Managers of certified or verified public-use civil aerodromes.

d) Operators authorised to provide commercial air transport.

e) Civil firefighting and search and rescue operators.

f) Approved training organisation (ATO) for obtaining private pilot, commercial pilot, airline transport pilot and multiple crew pilot licences, and class, type or instrument ratings.

g) The military air traffic service provider for civil aviation.

h) In general, public or private providers of aviation services and products that, pursuant to national or EU law, are required to have safety management systems.

2. Also associated with the Programme are the service personnel of the providers listed in Section 1.

## CHAPTER II

### Duties of the public organizations

#### Article 5. *Duties of the supervisory public organizations*

As concerns the providers associated with the Programme, the supervisory public organizations shall, within the scope of their respective competencies and insofar as is applicable to them, implement the following Programme duties:

- a) Verify and inspect the safety management systems or equivalent mechanisms of the providers subject to their oversight.
- b) Lay out the criteria for agreeing to or establishing the safety performance targets for the providers, and for monitoring the corresponding corrective measures implemented by them to correct the safety deviations, pursuant to Article 11.3.
- c) Agree with the providers on, and when this is not possible, establish the safety performance indicators and targets and their successive revisions, specifically, as a consequence of the periodic reviews undertaken of said indicators and targets. These targets must be consistent with the State's safety performance targets and suited to the provider's specific operational context and to its complexity.
- d) Monitor compliance with the safety performance targets, specifically in those areas identified as priorities.
- e) Apply the enforcement or sanctioning measures that are applicable in response to a violation of the obligations laid out in this Royal Decree.
- f) Re-evaluate, in concert with the providers, the safety performance targets when there are significant changes to the operational context of the providers in order to verify that they remain relevant and appropriate for complying with the State's safety performance targets.
- g) Request, gather and process safety information or data from providers subject to oversight, and any other information agreed to between the supervisory public organizations and the Spanish Aviation Safety and Security Agency in the areas of systems for the acquisition, gathering, processing, exchange and analysis of safety information or data.
- h) Verify, when appropriate, the accuracy of the safety information or data provided as per the above paragraph, and that involving compliance with the safety performance targets, if any.
- i) Disseminate among their technical and management personnel the policy to promote safety specified in Article 7.
- j) Promote the establishment of networks to share and facilitate the free exchange of information on actual and potential safety deficiencies to back the development of operational risk evaluation processes that are collaborative and integrative.
- k) Collaborate to promote safety among the technical and management personnel of the providers subject to their control or oversight by writing guidelines or directives.
- l) Adopt the measures needed to protect the information and data provided under the Programme by the aviation providers or professionals that render services to them, as well as to ensure that said information and data are used only for the expected purposes of the Programme.
- m) Promote the implementation and development of a safety culture that supports and promotes the development of safety management systems or equivalent mechanisms, as applicable, of the aviation product and service providers as required by the Programme.

#### Article 6. *Duties of the public organizations integrated into the Programme.*

1. It shall be the duties of the Civil Aviation General Directorate to:
  - a) Integrate the Programme and the safety policy specified in it into the design of the general civil aviation policy.
  - b) Draft and process, on the initiative of the Spanish Aviation Safety and Security Agency, the regulatory proposals that are necessary for the application of the State's safety policy.
  - c) Disseminate among its technical and management personnel the policy to promote



safety specified in Article 7.

2. Within the Programme, it is the function of the Civil Aviation Accident and Incident Investigation Commission to:

a) Transfer to the Spanish Aviation Safety and Security Agency:

1 - The reports, safety recommendations, safety studies and analyses it prepares, as well as the results of tracking the safety recommendations. It shall also transfer the safety recommendations it becomes aware of that are issued by foreign civil aviation accident and incident investigation agencies and directed at organisations subject to the oversight of Spanish authorities.

2 - The information obtained from the technical investigation of civil aviation accidents or incidents that, pursuant to applicable EU laws, should be disseminated in order to improve aviation safety.

b) Disseminate among their technical and management personnel the policy to promote safety specified in Article 7.

3. As part of the Programme, the organizations referred to in Article 3.3, in addition to being responsible for the duties assigned in their specific regulations, shall also send to the Spanish Aviation Safety and Security Agency any reports, recommendations, studies and analyses they prepare, as well as the results of tracking the safety recommendations issued, for inclusion into the safety information integrated into the Programme.

*Article 7. Promoting safety among personnel.*

The public organizations referred to in this chapter are required to inform those employees with responsibilities relating to or having an impact on safety of the State's safety policy and objectives specified in the Programme, which the organizations shall explicitly endorse.

It shall also be the task of these public organizations to identify those jobs with responsibilities relating to or having an impact on safety, if any, and to:

a) Establish the procedures required to keep available the safety information relevant to overseeing the providers, as well as to furnish said information to the organizations specified in said procedures or for any other kind of internal distribution established by them.

b) Establish the mechanisms for ensuring that they understand their responsibilities involving the performance of their duties and the achievement of the Programme's safety objectives, as well as the safety management processes and actions that affect them. To this end, they shall adopt a safety training plan that is adapted to the specific responsibilities of each job post.

*Article 8. Protection of the information provided under the Programme.*

1. The measures taken by the supervisory public organizations to protect the information or data provided pursuant to Article 5 shall ensure that they are used exclusively for the purposes specified in the Programme, as per the contents of Law 21/2003 of 7 July. To this end, the public agency responsible for gathering, processing, preserving and safeguarding said safety information or data shall guarantee that they are handled in accordance with the applicable law on the confidentiality and use of this information and data, and specifically:

a) That safety information or data containing personal information are only accessed by personnel who are expressly authorised to do so.

b) That personal information is deleted from records contained in the database once the additional information needed to ascertain the scope of the information or data provided is gathered.

2. The measures for protecting information provided under the Programme shall not be applicable to any safety information or data that reveal actions that constitute fraud or

gross negligence, as per Articles 11 and 12 of Law 21/2003 of 7 July.

In any event, the files and the processing of personal data must comply with the stipulations of Organic Law 15/1999 of 13 December on the Protection of Personal Information and its implementing regulations.

### CHAPTER III Obligations of providers

#### *Article 9. Safety management systems and equivalent mechanisms*

1. The providers associated with the Programme shall establish and maintain, when applicable pursuant to the regulations in effect, safety management systems in their organisations that are suited to the scope and complexity of their products or services.

2. Those providers that are not required by applicable laws to have safety management systems shall implement the equivalent mechanisms specified by the supervisory public organizations responsible for controlling or overseeing them, so as to achieve the State's safety performance targets.

These equivalent mechanisms must contribute to attaining the agreed safety performance targets by evaluating the risks that the activity can have on safety and measures for controlling them.

#### *Article 10. Safety performance targets for providers.*

1. The providers that have a safety management system shall constantly monitor their operations or activities related to the provision of their products or services so as to identify hazards, evaluate safety risks and adopt preventive measures to control them and maintain them at the lowest level that is reasonably possible. For these purposes, the lowest level that is reasonably possible means that at which any subsequent reduction in the risk to safety is not technically viable or is greatly exceeded by the cost following a cost-benefits analysis.

Based on the results of this monitoring, the providers shall propose to the relevant supervisory authority the safety performance targets for their management system, as stipulated in Article 3.

These targets shall be agreed to with the supervisory authority when they are consistent with the State's safety performance targets and suited to the operational context and complexity of the aviation service or product provider. Otherwise, they shall be properly adapted as required by the supervisory public organization.

2. As part of their safety management systems, the providers shall take all reasonable measures as part of an action plan that will assign responsibilities and chronological milestones, and shall make resources available to achieve the safety performance targets of their management systems or equivalent mechanism, as appropriate.

3. The providers who apply equivalent mechanisms shall abide by the contents of Sections 1 and 2, with the peculiarities established by the supervisory authority based on the nature of the activity performed.

4. Providers are required to collaborate with the supervisory authority in establishing the performance targets of their safety management system or equivalent mechanism, as appropriate, as well as in their periodic oversight and evaluation.

#### *Article 11. Safety deviations and corrective measures.*

1. Within the framework of the safety management systems or equivalent mechanisms, the providers shall establish a procedure for internally managing any safety deviations.

2. When this procedure detects safety deviations, the provider shall identify and apply the corrective measures it deems necessary, including the planned timeline for adopting said corrective measures.

3. The supervisory authority shall track the corrective measures identified and implemented for any deviation and may require their modification or the inclusion of additional corrective measures to correct the deviations within a reasonable time frame. The supervisory authority shall track the corrective measures identified and implemented by the provider during its activities to monitor and oversee the safety management systems

or equivalent mechanisms.

4. The contents of the above sections notwithstanding, when, as a result of the information obtained as part of the Programme, the supervisory authority identifies safety risks that require the adoption of corrective measures, it may require the aviation product or service provider to propose the appropriate corrective measures or demand additional corrective actions or the modification of those proposed in order to correct said risks.

Article 12. *Supply of data and information.*

1. The providers shall collaborate with the supervisory public organization by supplying the data and information required of them involving the systems for the acquisition, gathering, processing, exchange and analysis of safety information or data that may be established pursuant to the stipulations of this Royal Decree.

The providers shall supply or allow access to say information within fifteen working days of the day after the notification is received. The supervisory public organization may extend this period based on the type or volume of the information or data requested.

2. The providers and the personnel at their service are required to take part in the safety surveys sent to them by the relevant supervisory public organization and to provide the information required by them within the specified time period.

Article 13. *Collaboration within the Safety Action Plan.*

The providers shall implement the actions described in the Safety Action Plan referred to in Article 26 to achieve the State's safety policies and objectives specified in the Programme under the terms laid out in said Plan.

Article 14. *Enhancing safety internally.*

The providers, in concert with the relevant supervisory public organization, shall provide specific training to the affected technical and management personnel on the safety management system or equivalent mechanism, and shall communicate to their employees the Programme's safety policy and objectives.

Article 15. *Protection of the information furnished by aviation providers and professionals under the Programme.*

1. Employees of providers shall furnish to the latter the safety information or data specified in the areas of systems for the acquisition, gathering, processing, exchange and analysis of safety information or data. This requirement is without prejudice to the possibility of reporting this information directly to the relevant supervisory public organizations.

2. The providers shall establish mechanisms that ensure that when processing safety information or data containing personal information, it is only accessible to those responsible for the safety management systems or the equivalent mechanism, or failing that, to those responsible for gathering or obtaining safety data who are expressly authorised by the provider, and only when said information is used, without prejudice to the legally specified exceptions, for the sole purpose of gathering the complementary information needed to ascertain the scope of the information or data furnished.

3. The personal information shall be encoded in the provider's database in such a way that it can never be transferred or reported to a third party, furnishing only the corresponding disidentification codes.

4. Providers shall furnish the information referred to in the above sections to the supervisory public organizations, along with the occurrence identification mechanisms that allow for its follow-up.

5. The information and data specified in this article, furnished by the employees under the Programme, is subject to the protection specified in Article 18.1 of Law 21/2003 of 7 July.

Article 16. *Actions in case of non-compliance*

1. If the obligations specified in this chapter are violated, the supervisory public organizations described in Article 3.1 shall apply in each case the enforcement or sanctioning measures that are applicable, in keeping with their powers and with the regulations that apply in the legal regimes of which they are a part.

2. For the purposes of the previous section, it is not considered a violation of the contents of this chapter for the provider not to comply with the safety performance targets set for its management system or equivalent mechanism when it has established the means to achieve said targets, in compliance with the commitments contained in the action plan referred to in Article 10.

3. The supervisory public organizations shall restrain from adopting enforcement or sanctioning measures in response to safety deviations reported by the provider when the latter is in compliance with Article 11, unless one or more of the following apply:

- a) The deviation is the manifest result of fraud or gross negligence.
- b) Gross negligence is evident as a consequence of repeated misconduct.

4. The supervisory public organizations may adopt enforcement or sanctioning measures for events that they become aware of outside the purview of the Programme: specifically, when said events were reported by third parties or were identified during aviation inspection activities carried out completely independently of the information provided under the Programme.

Under these circumstances, the information furnished by the aviation provider or professionals under the Programme cannot be incorporated into any proceedings that are opened, pursuant to Articles 11.1 and 12.1 of Law 21/2003 of 7 July.

#### CHAPTER IV

#### Procedure for preparing, processing and approving the Programme, its review and dissemination

##### Article 17. *Preparation, processing and approval.*

1. The Spanish Aviation Safety and Security Agency shall be tasked with preparing the Programme, which shall include the State's safety policy and objectives, to be consistent with those laid out at the EU level.

2. The supervisory public organizations and public organisations that comprise the Programme shall submit a report on the proposal, which shall be open to input from organisations representing the aviation sector.

3. The Programme shall be approved, at the joint proposal of the Minister of Development, the Minister of Agriculture, Food and the Environment and of the Minister of Defence, within the scope of their powers, and after the Minister of Development appears before the relevant parliamentary Commission.

##### Article 18. *Review.*

1. The Spanish Aviation Safety and Security Agency shall be tasked with reviewing the Programme, based on the result of follow-up reports on its implementation and on compliance with the policy and objectives specified therein.

The Programme review shall receive input from the supervisory public organizations and the remaining public organisations that comprise the Programme.

2. The superior body responsible for advancing the Programme is also responsible for its review, to which end it may request the Spanish Aviation Safety and Security Agency to exercise the initiative referred to in Section 1 and require the collaboration of the public agencies that have to report on the review of the Programme.

3. At the proposal of the superior body responsible for advancing the Programme, the annual report referred to in Article 11.5 of Law 21/2003 of 7 July, and written by the Spanish Aviation Safety and Security Agency on the Programme's level of compliance, shall be submitted to the Cabinet of Ministers, along with reasons recommending that it be maintained or revised.

##### Article 19. *Dissemination.*

The approval and review of the Spanish State Safety Programme for Civil

Aviation shall be reported by the superior body responsible for advancing the Programme to the supervisory public agencies and to the agencies that comprise the Programme.

## CHAPTER V

### Coordination of the Programme's implementation and execution, and monitoring compliance with the State's safety policy and objectives

Article 20. *Duties of the superior body responsible for advancing the Programme.*

The superior body responsible for advancing the Programme shall, in addition to the duties assigned to in the previous chapter, be responsible for:

- a) Obtaining the collaboration from supervisory public organizations, the public agencies integrated into the Programme and providers that is required for its efficient implementation.
- b) Advancing the actions needed to ensure the periodic monitoring of compliance with the State's safety policy and objectives, as well as to identify priority areas to be monitored.
- c) Any other duty it deems necessary to advance and monitor the Programme.

Article 21. *Coordination.*

1. The Spanish Aviation Safety and Security Agency, as part of its duties as the entity responsible for coordinating the implementation and execution of the Programme, shall, along with the supervisory public agencies and the remaining public agencies integrated into the Programme, decide on the procedures for exchanging information and the measures specified in the sections that follow, based on which it shall prepare a binding Programme Application Manual for the public agencies.

2. The coordination will require, at least, the exchange of information on:

- a) The values of the Programme's safety performance indicators and any other safety information or data deemed appropriate.
- b) The mechanisms for analysing the safety information or data that the supervisory public organizations and the remaining public organizations integrated into the Programme shall use.
- c) The programmes for overseeing, auditing and evaluating the providers' safety management systems or equivalent mechanisms.
- d) The safety performance targets of the safety management systems or equivalent mechanisms established or agreed to with the providers, and the results of their monitoring.
- e) The minimum contents of the training plans for the technical and management personnel with direct or indirect safety responsibilities.
- f) The criteria for the measures to adopt in the event of a non-compliance by the aviation service or product providers.

3. Moreover, the supervisory public organizations shall specify:

- a) The procedures and means of reporting to the Spanish Aviation Safety and Security Agency any relevant safety information identified while executing the duties assigned to the supervisory public organizations and the remaining public organizations integrated into the Programme.
- b) The minimum requirements needed for the mechanisms equivalent to the safety management systems to ensure compliance with the contents of Article 9.2, paragraph two.
- c) The terms and frequency for sending the information referenced above to the Spanish Aviation Safety and Security Agency.

Article 22. *Programme Coordination Committee.*

1. In order to facilitate the coordination function of the Spanish Aviation Safety and Security Agency, a Programme Coordination Committee is created as a working group, pursuant to Article 40.3 of Law 6/1997 of 14 April, on the Organisation and Operation of the



General State Administration, integrated into the Spanish Aviation Safety and Security Agency through the Safety Assessment and Internal Technical Audit Department of said state agency. This Committee shall consist of:

The President, who shall be the Director of the Safety Analysis and Internal Technical Audit Directorate of the Spanish Aviation Safety and Security Agency, whose vote shall be deciding.

a) Members, one appointed by each of the supervisory public organizations and the remaining public organizations integrated into the Programme from among the personnel under its service.

b) A secretary, who shall be a civil servant included in the listing of job posts of the Safety Assessment and Internal Technical Audit Department, holding a job category rating of at least 26, appointed by the Director of the Spanish Aviation Safety and Security Agency.

When the topics to discuss affect only one or some of the supervisory public organizations or one of the other organizations integrated into the Programme, only the representatives of the public organizations affected may be convened to the Committee meetings. In these cases, a quorum shall be present when the meeting is attended by the President, Secretary and at least half of the members convened.

2 The Committee's duties are to provide support and collaborate as required by the supervisory public organizations to effectively implement and execute the Programme, and specifically to assess the coordination or effectiveness of other coordination mechanisms in addition to those specified in this article. For anything not covered by this Royal Decree, the operation of the Committee, which shall promote the use of electronic media, shall be governed by the stipulations on representative boards in Chapter II, Title II of Law 30/1992 of 26 November on the Legal System for Government organizations and Common Administrative Procedures, and by Chapter IV, Title II of Law 6/1997 of 14 April.

3 It shall be operated using the personnel, technical and budgetary resources assigned to the Spanish Aviation Safety and Security Agency. It shall meet as required, and not less than twice a year.

## CHAPTER VI

### **Duties of the Spanish Aviation Safety and Security Agency as the entity charged with coordinating the Programme's implementation and execution**

#### *Article 23. Duties.*

1. The Spanish Aviation Safety and Security Agency is tasked with coordinating the Programme's implementation and execution, as well as with monitoring for compliance with the safety policy and objectives contained in the Programme.

The Spanish Aviation Safety and Security Agency shall perform the duties assigned in this Royal Decree, fully observing the competencies that the applicable law attributes to each of the supervisory public organizations.

2 The supervisory public organizations and the remaining public organizations integrated into the Programme shall cooperate with the Spanish Aviation Safety and Security Agency in the exercise of its duties.

#### *Article 24. National safety regulation.*

If as the result of the Programme's implementation or execution, the need to update or amend the regulatory framework applicable to the safety of civil aviation were to be identified, it shall be the Spanish Aviation Safety and Security Agency's duty to present to the relevant agency the proposal to adopt the regulatory updates or amendments that may be required, within the scope of their competences.

#### *Article 25. Tracking compliance with the safety policy and objectives.*

1. In concert with the superior body responsible for advancing the Programme in the exercise of the duties specified in Article 20, letter b), the Spanish Aviation Safety and Security Agency shall periodically monitor the compliance with the safety policy and objectives laid out in the Programme and identify priority monitoring areas. In the case of

providers not subject to the Spanish Aviation Safety and Security Agency's oversight, these areas shall be identified in concert with the authority responsible for their control or oversight.

2. So as to achieve the safety objectives established in the Programme, the Spanish Aviation Safety and Security Agency shall, in concert with the providers, prepare an Safety Action Plan, consistent with the European Aviation Safety Plan (EASp), which shall describe the activities of the public organizations responsible for overseeing and controlling safety and the aviation service and product providers and the remaining public organizations integrated into the Programme, intended to improve the safety of those identified as being a priority. Those aspects of the Plan that could affect providers not subject to oversight by the Spanish Aviation Safety and Security Agency shall be prepared in concert with the public agency that is responsible for controlling or monitoring them, as well as with the affected providers of aviation services and products.

3. The Spanish Aviation Safety and Security Agency shall document the monitoring and the Safety Action Plan referred to in this article under the terms specified in the Programme and in the Application Manual referred to in Article 21.1.

Article 26. *Approval of the Safety Action Plan.*

The Safety Action Plan shall be approved following the decision of the Director of the Spanish Aviation Safety and Security Agency, once reports from the supervisory public organizations and the remaining public organizations integrated into the Programme are received.

Article 27. *Archives and records.*

The Spanish Aviation Safety and Security Agency shall maintain an archiving system that ensures the generation and preservation of all the records needed to incorporate the information provided under the Programme.

Article 28. *External dissemination of information.*

1. The Programme and the documentation required by it shall be publicly accessible in order to ensure the efficient dissemination of safety information. The Spanish Aviation Safety and Security Agency shall disseminate this disidentified information on its website.

2. The Spanish Aviation Safety and Security Agency shall cooperate with international authorities and organisations responsible for safety, in keeping with its duty to exchange information on safety, pursuant to applicable laws and with the requirement for reciprocal confidentiality.

3. The Spanish Aviation Safety and Security Agency may also cooperate with other governments, public research organizations and universities that are committed to investigating aviation safety or to conducting studies on this topic, under the conditions specified in Articles 18 and 19 of Law 21/2003 of 7 July.

First additional stipulation. *Requirement to cooperate with the Commission to Study and Analyse Air Traffic Incident Notifications (CEANITA).*

1. In keeping with the requirement to collaborate and facilitate the successful outcome of aviation investigation activities described in Article 33.3<sup>a</sup> of Law 21/2003 of 7 July, the parties listed in Article 23 of said stipulation are required to provide the Commission to Study and Analyse Air Traffic Incident Notifications (CEANITA) all of the information that is requested by the Commission that is related to the study and analysis of air traffic incidents subject to study, no later than twenty working days from the day following receipt of the request.

If the Commission issues a safety recommendation, the addressee shall inform the Commission no later than ninety days from the day following receipt of the notification of the measures implemented or being studied and, if appropriate, of the planned implementation date, or shall report the reasons that justify its decision not to adopt the recommendation.

Failure to comply with these obligations could be regarded as an administrative

air safety violation of the kind described in Title V of Law 21/2003 of 7 July.

A safety recommendation shall in no case presume blame or liability.

2 The contents of the previous section shall also be applicable to other bodies of the national government and to their public organizations included in Article 3.3 that, pursuant to the applicable law, are tasked with advising or collaborating with aviation authorities in the study and analysis of civil aviation events or with the event reporting system managed by the Spanish Aviation Safety and Security Agency.

3 CEANITA, the organizations referred to in Article 3.3 and the Spanish Aviation Safety and Security Agency, as the agency responsible for the occurrence reporting system, shall have full access to the voice and data recording and processing systems of civil providers of aviation services and products, except for those described in Article 14.1 of Regulation (EU) 996/2010 of the European Parliament and of the Council of 20 October 2010 on the investigation and prevention of accidents and incidents in civil aviation and repealing Directive 94/56/EC, and within the limitations contained in Article 14.2 of said Regulation, all pursuant to the applicable regulation on the confidentiality of this information. They shall also have access to any other information or data from said providers or their employees, which, as safety information within the Programme, shall benefit from the protection specified in Article 18.1 of Law 21/2003 of 7 July.

This information shall be obtained for the sole purpose of analysing the air traffic incidents or events reported, in order to help to improve safety, but not to apportion blame or liability.

Second additional stipulation. *Mechanisms equivalent to safety management systems.*

1. Within eight months following the enactment of this Royal Decree, by resolution of the relevant supervisory public organization, as determined by Article 3.1, the equivalent mechanisms to be implemented by air navigation meteorological services providers, the military air traffic service provider of civil aviation, the approved maintenance organisations for aircraft that engage in commercial air transport activities, and civil firefighting and search and rescue operators shall be specified. This resolution may also consider the possibility of including said equivalent mechanisms in the quality systems of the providers.

2 As concerns the approved maintenance organisations for aircraft that engage in commercial air transport activities and the civil firefighting and search and rescue operators, the contents of the above section shall not apply if before the aforementioned eight-month period elapses, a regulation is adopted that requires them to have a safety management system.

Third additional stipulation. *Public-use aerodromes managed by regional authorities.*

Subject to the stipulations on the protection of information and concerning public-use aerodromes managed by regional authorities, the Spanish Aviation Safety and Security Agency and the Autonomous Communities that effectively exercise their powers in this area may enter into agreements to exchange information that specify that the information provided by the relevant Autonomous Community is to be entered into the Programme.

Fourth additional stipulation. *Agency responsible for the mandatory and voluntary occurrence reporting system.*

All of the references made in Royal Decree 1334/2005 of 14 November, which establishes the mandatory reporting system for civil aviation occurrences, to the Civil Aviation General Directorate shall be deemed to refer to the Spanish Aviation Safety and Security Agency.

First temporary stipulation. *Temporary regulations for providers who must implement equivalent mechanisms.*

The providers referred to in the additional second stipulation shall implement the mechanisms equivalent to safety management systems no later than six months following the adoption of the resolution specified in said stipulation. These



mechanisms shall be replaced by safety management systems when the regulation that applies in each case imposes the requirement to have such a system.

Second temporary stipulation. *Temporary regulations for providers who must have safety management systems.*

1. Operators who are authorised to engage in commercial air transport activities, specified in Article 4.1, section d), shall be integrated into the Programme and be subject to the contents of this Royal Decree on the date that Commission Regulation (EU) No 967/2012 of 5 October 2012, laying down technical requirements and administrative procedures related to air operations pursuant to Regulation (EC) No 216/2008 of the European Parliament and of the Council, goes into effect, pursuant to the applicability of the stipulations in Article 10.2 therein.

2. Air navigation service providers, except for air navigation meteorological service providers and the military air traffic service provider of civil aviation, as well as the providers referred to in Article 4.1, letters c), f) and h), shall have six months from the entry into effect of this Royal Decree to adapt to the obligations contained in Articles 14 and 15.

Third temporary stipulation. *Provision of information.*

During the three months following the entry into effect of this Royal Decree, the period for providing the information referred to in Article 12.1 shall be 30 working days.

First final stipulation. *Authority to implement rules of application.*

The Ministers of Development, the Minister of Agriculture, Food and the Environment and of the Minister of Defence, within the scope of their powers, are given the authority to dictate the stipulations required to implement the contents of this Royal Decree.

Second first stipulation. *Aviation Circulars.*

The Civil Aviation General Directorate is empowered, pursuant to the requirements contained in Article 8 of Law 21/2003 of 7 July, to adopt aviation circulars of its own initiative or as proposed by the Spanish Aviation Safety and Security Agency, for the purpose of enacting technical stipulations of a secondary nature that complete, specify and ensure the more efficient application of the stipulations on the obligations of air product and service providers contained in Chapter III; specifically, to keep them updated based on international and EU recommendations and provisions.

Third final stipulation. *Jurisdictional authority.*

This Royal Decree is issued pursuant to the sole authority assigned to the State by Article 149.1.20.<sup>a</sup> of the Constitution to control airspace, air traffic and transport.

Fourth first stipulation. *Entry into effect.*

This Royal Decree shall enter into effect on the day following its publication in the "Official State Gazette".

Given in Madrid on 13 December 2013.

JUAN CARLOS R.

The Vice-President of the Government and the Minister of the Presidency,

SORAYA SÁENZ DE SANTAMARÍA ANTÓN