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WA 06/02/2019 RIHINDURA ITEKA RYA  
MINISITIRI N° 04/CAB.M/08 RYO KUWA  
24/07/2018 RISHYIRAHO AMABWIRIZA  
AJYANYE N'IBY'INDEGE ZA GISIVIRI**

**ANNEX XXX TO MINISTERIAL ORDER  
N°01/CAB.M/019 OF 06/02/2019  
AMENDING MINISTERIAL ORDER  
N°04/CAB.M/08 OF 24/07/2018  
ESTABLISHING CIVIL AVIATION  
REGULATIONS**

**ANNEXE XXX A L'ARRÊTÉ  
MINISTÉRIEL N°01/CAB.M/019 OF  
06/02/2019 PORTANT MODIFICATION  
DE L'ARRÊTÉ MINISTÉRIEL  
N°04/CAB.M/08 DU 24/07/2018  
ÉTABLISSANT LES RÈGLEMENTS DE  
L'AVIATION CIVILE**

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**SUBPART A: PRELIMINARY PROVISIONS****30.001 CITATION**

- (a) These Regulations may be cited as the Civil Aviation (Safety Management) Regulations.

**30.005 INTERPRETATION**

- (a) In these Regulations, unless the context otherwise requires:

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

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

**“Acceptable Level of Safety Performance (ALoSP)”** means the minimum level of safety performance of civil aviation in Rwanda, as defined in its State Safety Programme, or of a service provider, as defined in its safety management system, expressed in terms of safety performance targets and safety performance indicators.

**“Acceptable Performance”** means normal expected behaviour and includes unintended errors and some minor violations or deviations;

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

**“Aircraft”** means any machine that can derive support in the atmosphere from the reactions of the air other than the reactions of the air against the earth’s surface.

**“Authority”** means the national institution in charge of civil aviation.

**Hazard** means a condition or an object with the potential to cause or contribute to an aircraft accident or incident.

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

**“incident”** means an occurrence, other than an accident, associated with the operation of an aircraft which affects or could affect the safety of operation;

**“Industry Codes of Practice”** means guidance material developed by an industry body, for a particular sector of the aviation industry to comply with the requirements of the International Civil Aviation Organization’s Standards and Recommended Practices, other aviation safety requirements and the best practices deemed appropriate.

**“large aeroplane”** means an aeroplane with a maximum take-off weight of more than 5 700 kg;

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**“mitigation”** means measures to address the potential hazard or to reduce the risk probability or severity;

**“Operational Personnel”** means Personnel such as flight crews; air traffic controllers; aeronautical station operators; maintenance technicians; personnel of aircraft design and manufacturing organizations; cabin crews; flight dispatchers, apron personnel and ground handling personnel, involved in aviation activities who are in a position to report safety information.

**“predictive”** means capturing the system performance as it happens in real time normal operations so as to identify potential future problems;

**“proactive”** means actively identifying safety risks through the analysis of the organization’s activities.

**“reactive”** means responding to events that have already happened such as incidents and accidents;

**“safety”** means a state in which risks associated with aviation activities, related to, or in direct support of the operation of aircraft, are reduced and controlled to an acceptable level.

**“Safety data”** means defined set of facts or set of safety values collected from various aviation-related sources, which is used to maintain or improve safety.

**“Safety information”** means Safety data processed, organized or analysed in a given context so as to make it useful for safety management purposes.

**“safety management system (SMS)”** means a systematic approach to managing safety, including the necessary organizational structures, accountabilities, responsibilities, policies and procedures.

**safety oversight”** means a function performed by a State to ensure that individuals and organizations performing an aviation activity comply with safety-related national laws and regulations

**“Safety performance”** means a State or a service provider’s safety achievement as defined by its safety performance targets and safety performance indicators;

**“Safety performance indicator”** means a data-based parameter used for monitoring and assessing safety performance.

**“Safety performance target”** means the State or service provider’s planned or intended target for a safety performance indicator over a given period that aligns with the safety objectives.

**“safety risk”** means the predicted probability and severity of the consequences or outcomes of a hazard;

**“Serious injury”** means an injury which is sustained by a person in an accident and which: requires hospitalization for more than 48 hours, commencing within seven days from the date the injury was received; or results in a fracture of any bone (except simple fractures of fingers, toes or nose); or involves lacerations which cause severe haemorrhage, nerve, muscle or tendon damage; or involves injury to any internal organ; or involves second or third degree burns, or any burns affecting more than 5 per cent of the body surface; or involves verified exposure to infectious substances or injurious radiation.

**“State of Design”** means the State having jurisdiction over the organization responsible for the type design;

**“State of Manufacture”** means the State having jurisdiction over the organization responsible for the final assembly of the aircraft;

**“State of the Operator”** means the State in which the operator’s principal place of business is located or, if there is no such place of business, the operator’s permanent residence;

**“state safety programme (SSP)”** means an integrated set of regulations and activities aimed at improving safety.

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

**30.010 APPLICATION**

(a) This part shall apply to safety management functions related to, or in direct support of, the safe operation of aircraft.

(b) Except where otherwise specified, this part shall not apply to occupational safety, environmental protection, customer service or product quality.

**SUBPART B: SAFETY MANAGEMENT RESPONSIBILITIES.****30.015 SAFETY OVERSIGHT SYSTEM**

(a) The safety oversight system established under the law establishing regulations governing civil aviation shall be in accordance with the critical elements prescribed by the Authority.

**30.020 PRIMARY AVIATION LEGISLATION AND SPECIFIC OPERATING REGULATIONS**

(a) The civil aviation industry shall comply with the provisions of the law establishing regulations governing civil aviation.

**30.025 STATE SYSTEM AND FUNCTIONS**

(a) The Authority shall establish a safety policy and safety objectives that reflect their commitment regarding safety and facilitate the promotion of a positive safety culture in the aviation community.

(b) The safety policy and safety objectives shall be published and periodically reviewed to ensure that they remain relevant and appropriate to the State.

**30.030 QUALIFIED TECHNICAL PERSONNEL**

(a) The of technical personnel performing safety-related functions for or on behalf of Rwanda shall have minimum qualifications and experience requirements as prescribed by the Authority.

**30.035 TECHNICAL GUIDANCE, TOOLS AND PROVISION OF SAFETY-CRITICAL INFORMATION**

(a) The Authority shall provide the following technical guidance and tools to guide the industry comply with the regulatory requirements;

(1) Rwanda Civil Aviation technical standards;

(2) Airworthiness Directive;

(3) Advisory circulars.

(4) And any other safety-critical information.

(b) The Authority shall provide its technical personnel with facilities, tools and safety-critical information in carrying out safety oversight functions.

**30.040 LICENSING, CERTIFICATION, AUTHORIZATION AND APPROVAL OBLIGATIONS**

(a) The Authority shall implement the licensing, certification, authorization and approval obligations in accordance with its documented procedures.

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### **30.045 SAFETY MANAGEMENT SYSTEM OBLIGATIONS**

- (a) The persons specified in article 40 of a law establishing regulations governing civil aviation shall establish safety management in accordance to this Part and any other applicable regulations.
- (b) When maintenance activities are not conducted by an approved maintenance organization, but under an equivalent system, they shall be included in the scope of the operator's SMS.
- (c) The service providers and operators shall establish safety performance indicators and targets that are acceptable to the Authority.
- (d) The Authority shall establish criteria for international general aviation operators of large or turbojet aeroplanes registered in Rwanda to Implement SMS in accordance with framework and elements contained in this Part.
- (e) The service provider shall be responsible for the safety of services or products contracted or subcontracted to, or *purchased* from, other organizations.

### **30.050 ACCIDENT AND INCIDENT INVESTIGATION FOR SAFETY MANAGEMENT.**

- (a) The Aviation Accident Investigation Division shall establish a process to investigate accidents and incidents in accordance with the Part 19 of the Civil Aviation Regulations, in support of management of safety in Rwanda.

### **30.055 HAZARD IDENTIFICATION AND SAFETY RISK ASSESSMENT**

- (a) The Authority shall:
  - (1) establish and maintain a process to identify hazards from collected safety data, and
  - (2) develop and maintain a process that ensures the assessment of safety risks associated with identified hazards is conducted.

### **30.060 MANAGEMENT OF SAFETY RISKS**

- (a) The Authority:
  - (1) Shall establish mechanisms for the resolution of safety issues including enforcement measures to resolve identified safety concerns.
  - (2) May develop and maintain a process to manage safety risks.

### **30.065 SAFETY ASSURANCE OBLIGATIONS**

- (a) The Authority shall implement a documented surveillance programme by by defining and planning inspections, audits and monitoring activities on a continuous basis, to proactively assure that aviation licence, certificate, authorization and approval holders continue to meet the established requirements.
- (b) The surveillance of the service provider shall take into consideration the safety performance as well as the size and complexity of its aviation products or services.
- (c) The Authority shall establish procedures to prioritize inspections, audits and surveys towards those areas of greater safety concern or need.
- (d) The Authority shall review the safety performance of an individual service provider annually.

**30.070 ESTABLISHMENT OF ACCEPTABLE LEVEL OF SAFETY PERFORMANCE**

- (a) The Authority shall establish an Acceptable Level of Safety Performance to be achieved through the SSP.
- (b) The Authority shall develop and maintain a process to evaluate the effectiveness of actions taken to manage safety risks and resolve safety issues.
- (c) The Authority shall evaluate the effectiveness of its SSPs to maintain or continuously improve their overall level of safety performance.

**30.075 INTERNAL COMMUNICATION AND DISSEMINATION OF SAFETY INFORMATION**

- (a) The Authority shall promote safety awareness and the sharing and exchange of safety information to support, within the Rwanda aviation organizations, the development of a positive safety culture that fosters an effective SSP.

**30.080 EXTERNAL COMMUNICATION AND DISSEMINATION OF SAFETY INFORMATION**

- (a) The Authority shall promote safety awareness and the sharing and exchange of safety information with the aviation community to foster the maintenance and improvement of safety and to support the development of a positive safety culture.

**SUBPART C: SAFETY MANAGEMENT SYSTEM (SMS)****30.085 SMS BY SERVICE PROVIDERS.**

- (a) The SMS of a service provider shall:
  - (1) be established in accordance with the framework elements as prescribed by the Authority in the applicable technical standards.
  - (2) be commensurate with the size and complexity of the service provider's aviation products or services;
- (b) The service provider shall develop SMS implementation plan acceptable to the Authority in order to facilitate the systematic SMS implementation.
- (c) The SMS of an approved training organization approved in accordance with Part 09 of the Civil Aviation Regulations, that is exposed to safety risks related to aircraft operations during the provision of its services shall be acceptable to the Authority.
- (d) The SMS of a certified operator of aeroplanes or helicopters authorized to conduct international commercial air transport certified in accordance with Part 06 the Civil Aviation regulations, shall be acceptable to the Authority.
- (e) The SMS of an approved maintenance organization providing services to operators of aeroplanes or helicopters engaged in international commercial air transport, in accordance with Part 05 of the Civil Aviation Regulations, shall be made acceptable to the Authority.
- (f) The SMS of an organization responsible for the type design or the manufacturer of aircraft, engines or propellers, in accordance with Part 03 the civil aviation regulations, shall be made acceptable to the Authority.
- (g) The SMS of an ATS provider certified in accordance with Part 22 the civil aviation regulations, shall be acceptable to Authority.
- (h) The SMS of an operator of a certified aerodrome, in accordance with the Part 26 of the civil aviation regulations, shall be acceptable to the Authority.



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### **30.090 SERVICE PROVIDER REPORTING OBLIGATIONS**

- (a) Air operators of civil, state, or foreign aircraft in Rwanda, aircraft maintenance organizations, air navigation service providers, aerodrome operators and any other person identified in respective Parts of the Civil Aviation Regulations, shall notify the respective AAID and the Authority through the most expeditious means (i.e. telephone call or email) and submit a written notification within 48 hours following the occurrence of accident or incident.
- (b) Service providers shall establish mechanisms for identification of hazards associated with its aviation services and products and implement a non-punitive voluntary reporting system.

### **30.095 INTERNATIONAL GENERAL AVIATION — AEROPLANES**

- (a) An international general aviation operator of large aeroplane or turbojet aeroplane, shall establish and implement a Safety Management System acceptable to the Authority.
- (b) The SMS of an international general aviation operator, conducting operations of large or turbojet aeroplanes, in accordance with Part 28 of the Civil Aviation Regulations, shall:
  - (1) be established commensurate with the size and complexity of the operation and meet the criteria established by the Authority.
  - (2) address the SMS framework and elements contained in the technical standards prescribed by the Authority.

## **SUBPART D: SAFETY DATA AND SAFETY INFORMATION COLLECTION, ANALYSIS, PROTECTION, SHARING AND EXCHANGE**

### **30.100 SAFETY DATA COLLECTION AND PROCESSING SYSTEMS**

- (a) The Authority shall establish Safety Data Collection and Processing Systems (SDCPS) to capture, store, aggregate and enable the analysis of safety data and safety information.
- (b) The Authority shall establish a mandatory safety reporting system that includes the reporting of incidents.
- (c) The Authority shall establish a voluntary safety reporting system to collect safety data and safety information not captured by mandatory safety reporting systems.
- (d) The Authority and the Aviation Accident Investigation Division shall have access to the Safety Data Collection and Processing Systems as referenced in sub regulation (a) to support their safety responsibilities, in accordance with the principles prescribed by the Authority in the applicable technical standard.
- (e) The safety database shall use standardized taxonomy to facilitate safety information sharing and exchange.

### **30.105 SAFETY DATA AND SAFETY INFORMATION ANALYSIS**

- (a) The Authority shall establish and maintain a process to analyse the safety data and safety information from the SDCPS and associated safety databases.

### **30.110 SAFETY DATA AND SAFETY INFORMATION PROTECTION**

- (a) The Authority shall accord protection to safety data captured by, and safety information derived from, voluntary safety reporting systems and related sources, such as individuals and organizations, in accordance with the applicable technical standards prescribed by the Authority.

- (b) The Authority shall extend the protection referred to in sub regulation (a) to safety data captured by, and safety information derived from, mandatory safety reporting system and related sources.
- (c) Subject to sub regulations (a) and (b) the Authority shall not make available or use safety data or safety information collected, stored or analysed in accordance with these regulations for purposes other than maintaining or improving safety, unless the competent authority determines, in accordance with the with the applicable technical standards prescribed by the Authority that a principle of exception applies.
- (d) Notwithstanding sub regulation (c), the Authority shall not be prevented from using safety data or safety information to take any preventive, corrective or remedial action that is necessary to maintain or improve aviation safety.
- (e) The Authority shall take necessary measures, including the promotion of a positive safety culture, to encourage safety reporting by the service providers/operators to achieve their safety objectives.

**30.110 SAFETY INFORMATION SHARING AND EXCHANGE**

- (a) Where the Authority, in the analysis of the information contained in its SDCPS, identifies safety matters considered to be of interest to other States, the Authority shall forward such safety information to them as soon as possible.
- (b) Prior to sharing the information in sub regulation (a), the States shall agree on the level of protection and conditions on which safety information shall be shared and exchanged.
- (c) The level of protection and conditions shall be in line with the applicable technical standards prescribed by the Authority.
- (d) The Authority shall promote the establishment of safety information sharing or exchange networks among users of the aviation system, and shall facilitate the sharing and exchange of safety information, unless national aviation law provides otherwise.

**SUBPART E: GENERAL PROVISIONS****30.115 CONSISTENCY OF QUALITY POLICY WITH SMS**

- (a) A service provider shall ensure that the organization's quality policy is consistent with and supports the fulfilment of the activities of the SMS.

**30.120 ADMINISTRATIVE SANCTIONS**

- (a) A person who fails to comply with the provisions of this Part of the Civil Aviation Regulations, is liable to administrative measures as specified in the Law establishing regulations governing civil aviation, Part 1 of Civil Aviation Regulations and or as prescribed by the Authority.

**30.125 CONSEQUENTIAL AMMENDMENTS**

- (a) The Regulations are amended by as provided in Part 1 of the Civil Aviation Regulations as may be deemed necessary.
- (b) Notwithstanding sub regulation (a) any acts done under the amended regulations shall be continued as if they were instituted under these regulations.

*END OF RCAR PART 30*

**Bibonywe kugira ngo bishyirwe ku mugereka w'Iteka rya Minisitiri n°01/CAB.M/019 ryo ku wa 06/02/2019 rihindura Iteka rya Minisitiri n°04/CAB.M/08 ryo kuwa 24/07/2018 rishyiraho amabwiriza ajyanye n'iby'indege za gisivili**

Kigali, ku wa **06/02/2019**

(sé)  
**GATETE Claver**  
Minisitiri w'Ibikorwa Remezo

**Bibonywe kandi bishyizweho Ikirango cya Repubulika:**

(sé)  
**BUSINGYE Johnston**  
Minisitiri w'Ubutabera/Intumwa Nkuru ya Leta

**Seen to be annexed to Ministerial Order n°01/CAB.M/019 of 06/02/2019 amending Ministerial Order n°04/CAB.M/08 of 24/07/2018 establishing civil aviation regulations**

Kigali, on **06/02/2019**

(sé)  
**GATETE Claver**  
Minister of Infrastructure

**Seen and sealed with the Seal of the Republic:**

(sé)  
**BUSINGYE Johnston**  
Minister of Justice/Attorney General

**Vu pour être annexé à l'Arrêté Ministériel n°01/CAB.M/019 du 06/02/2019 portant modification de l'Arrêté Ministériel n°04/CAB.M/08 du 24/07/2018 établissant les règlements de l'aviation civile**

Kigali, le **06/02/2019**

(sé)  
**GATETE Claver**  
Ministre des Infrastructures

**Vu et scellé du Sceau de la République:**

(sé)  
**BUSINGYE Johnston**  
Ministre de la Justice/Garde des Sceaux