

AERONAUTICAL CIRCULAR CIVIL AVIATION AUTHORITY – MACAO, CHINA

SUBJECT:

Macao Confidential Aviation Reporting System

EFFECTIVE DATE:

15 September 2015

CANCELLATION:

Nil.

GENERAL:

The President of Civil Aviation Authority, in exercise of his power under Article 35 of the Statutes of Civil Aviation Authority, approved by the Decree-Law 10/91/M and paragraph 89 of the Air Navigation Regulation of Macao (ANRM), establishes this Aeronautical Circular (AC) which defines the Macao Confidential Aviation Reporting System (MACCARES).

1 Introduction

- 1.1 Following the adoption of an amendment to the Annex 13 by the International Civil Aviation Organization (ICAO) updating the provision related to establishment of voluntary incident reporting system, the Civil Aviation Authority (AACM) established this AC to effect the promulgation of the relevant requirements.
- 1.2 MACCARES is a voluntary, confidential and non-punitive incident reporting system established by the AACM. MACCARES allows persons who observe or become aware of safety concerns in relation to aviation safety to report such concerns confidentially.
- 1.3 MACCARES does not eliminate the requirements of notification of accident and serious incident under article 6 of Law no. 2/2013 and Aeronautical Circular AC/GEN/002, and mandatory reporting specified under paragraph 88 of the ANRM and Aeronautical Circular AC/GEN/003.
- 1.4 The sole purpose of MACCARES is to enhance aviation safety and to prevent the occurrence of aircraft accident and incident through collecting information on actual or potential safety deficiencies that may not be captured by the mandatory occurrence reporting system and providing data for improvements to aviation system.

2 Definition

For the purpose of this AC, the following definitions apply:

- (a) **report** means report filed with the AACM under MACCARES which is made voluntarily and confidentially in accordance with paragraph 7 below.
- (b) **reportable safety concern** means concern or occurrence in relation to the aviation safety, that would otherwise not be reported through other channels, or that may appear minor but may be useful for others to learn from the reporter's experience and may even lead to changes in procedures or design. Examples of reportable safety concerns can be found in Appendix 1.
- (c) **safety information** means information contained in MACCARES established by this AC for the sole purpose of promoting and improving aviation safety, and qualified for protection under specified condition in accordance with paragraph 5 below.

3 Applicability

- 3.1 The scope of MACCARES includes all reportable safety concerns as prescribed in paragraph 2(b) above, involving:
 - (a) any aircraft registered in Macao Special Administrative Region (SAR);
 - (b) any aircraft operating under the jurisdiction of Macao SAR operator (e.g. leased aircraft);
 - (c) any aircraft flying into and out of Macao SAR or Macao air space; and
 - (d) organizations providing a service or facility for aircraft operating in the Macao SAR or Macao air space regardless of the nationality of the aircraft involved.
- 3.2 The following are not reportable safety concerns and should not be reported under MACCARES:
 - (a) matters showing a serious and imminent threat to a person's health or life;
 - (b) acts of unlawful interference;
 - (c) industrial relations issues;
 - (d) labor relations issues.

The abovementioned concerns shall be reported directly to the appropriate authorities such as the Police authorities or Labor Affairs Bureau.

4 Accident Prevention and Investigation Group

4.1 MACCARES is administrated by the Accident Prevention and Investigation Group (APIG), which is an independent group directly headed by the President of the AACM. The APIG is functionally independent from the Directorates of the AACM. Figure 1 shows the organization structure of the AACM.

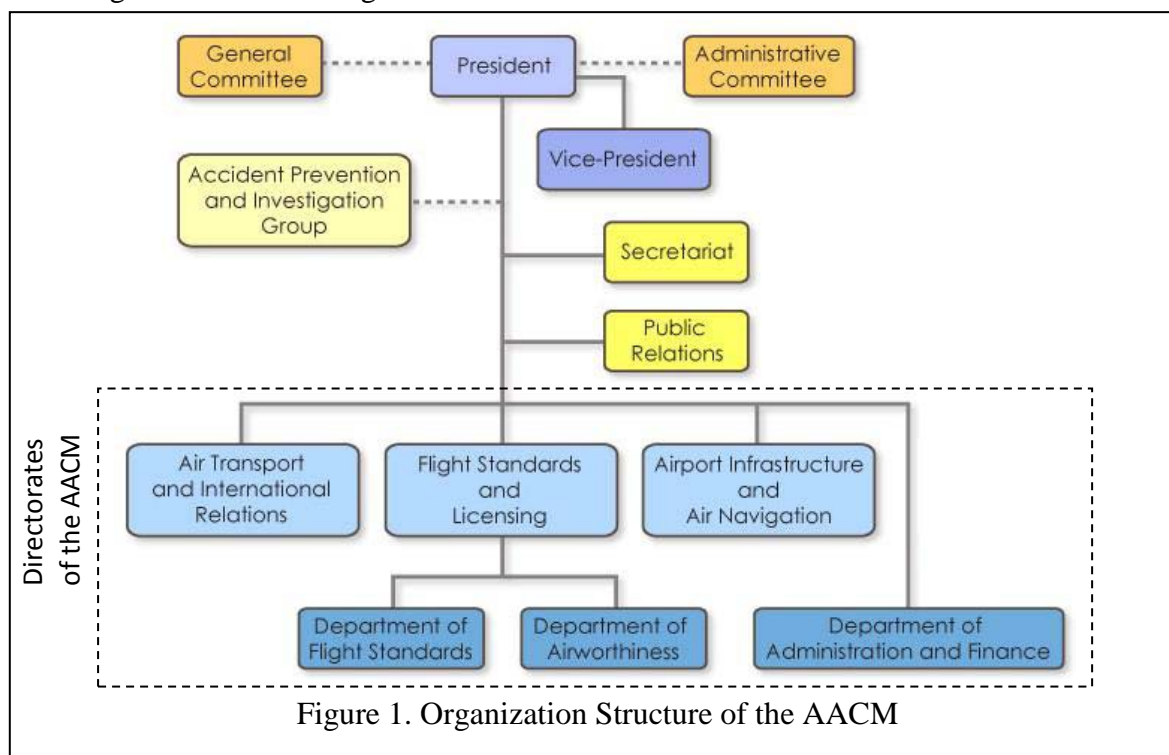


Figure 1. Organization Structure of the AACM

4.2 The APIG has the following functions in relation to MACCARES:

- (a) to establish formal procedures for protection of safety information and source of information;
- (b) to process and analysis reports confidentially;
- (c) to release de-identified analysis as derived from the safety information as prescribed in paragraph 8.2 in accordance with the criteria outlined in paragraph 8.1 below and the international standards and recommended practices in ICAO Annex 13;
- (d) to issue safety alert as prescribed in paragraph 8.3 if necessary or desirable in the interests of aviation safety.

5 Protection of Safety Information

- 5.1 The sole purpose of protecting safety information from inappropriate use is to ensure its continued availability so that proper and timely preventive actions can be taken and aviation safety improved. It is not the purpose of protecting safety information to interfere with the proper administration of justice.
- 5.2 The APIG shall ensure the internal and external confidentiality of relevant information and the source of such information.

6 Non-punitive Principle

- 6.1 The AACM shall not use report and/or information derived from the report in any disciplinary action or for enforcement purpose.
- 6.2 When contravention of the provisions of the Macao SAR civil aviation legislation and regulations comes to the attention of the AACM from a source other than the report and/or information derived from the report, if the offending person has previously filed a report of such contravention with the AACM under MACCARES, the AACM shall not impose any administrative proceeding or penalty prescribed in Administrative Regulation n.º 10/2004, as amended by n.º 18/2008, and the ANRM against the offending person, excepted for situations prescribed in paragraph 6.3 below. Nevertheless, the AACM may issue inspection finding of such contravention.
- 6.3 Exceptions to the non-punitive principle should only be granted when there is evidence that the occurrence was caused by willful misconduct or gross negligence.

7 Reporting Procedure

- 7.1 Report shall be submitted to APIG in writing.
- 7.2 The report can be submitted online via the AACM website www.aacm.gov.mo.
- 7.3 Alternatively, form AACM-MACCARES-01 (see Appendix 2) can be used to make a report. The form can be obtained from the AACM office and is available for download from the AACM website www.aacm.gov.mo. Written report in other format is also acceptable provided it includes the information specified in form AACM-MACCARES-01. Completed report is to be sent to the APIG by post or email:

By post:

Accident Prevention and Investigation Group
Alameda Dr. Carlos D'Assumpcao, 336-342,
Centro Comercial Cheng Feng, 18º andar, Macau.

By email:

maccares@aacm.gov.mo

- 7.4 If the report is submitted online or by email, the APIG staff will print out the electronic report. To ensure confidentiality, the electronic report will be deleted from the system right after printing out. The report printout will be considered and handled as the original report.
- 7.5 Every report will be read and handled by one particular APIG staff only. The reporter may be contacted to confirm the nature and circumstances of the safety concern or occurrence reported is correctly addressed and/or to provide the necessary additional information and clarification.
- 7.6 When the APIG staff who handles the report is satisfied that the information obtained is completed, the information will be de-identified and entered into the MACCARES database.
- 7.7 The original report will be returned to reporter by registered mail after processing. The reporter will not be contacted after the report is returned, as the APIG will not keep any information of the reporter. The original processed report can be used by the reporter as a proof for the non-punitive protection provided under paragraph 6.2 above.
- 7.8 If the reporter prefers the report not to be returned, or does not provide mailing address and the recipient's name on the report, he/she will not have the aforementioned proof for the non-punitive protection provided under paragraph 6.2. In this case the APIG will destroy the original report.
- 7.9 Anonymous report is not encouraged. This is to ensure that the APIG can contact the reporter to obtain or clarify information when necessary, and to discourage false report.

8 Disclosure and Use of Report Information

- 8.1 Subject to the principles of protection of safety information and source of information specified in paragraph 5 above, disclosure of safety information should always be justified and meet the following criteria:
 - (a) is necessary for aviation safety;
 - (b) does not inhibit its future availability in order to improve safety;
 - (c) does not violate the laws regarding the protection of personal data;
 - (d) is made in a de-identified, summarized or aggregate form.

- 8.2 Based on the criteria outlined in paragraph 8.1 above, the APIG will use information collected from reports to publish statistic report and newsletter periodically, so that the relevant entities can learn from the experience and plan for improvement.
- 8.3 If the APIG receive report showing a situation that poses an immediate or urgent threat to aviation safety, safety alert will be issued and addressed to relevant entities as soon as possible.

- *END* -

List of Examples of Reportable Safety Concerns

Each of the following concerns (reportable safety concerns) in relation to the aviation safety may be reported under MACCARES:

1. An occurrence or circumstance that affects the aviation safety;
2. A procedure, practice or condition which endangers, or, if not corrected, would endanger, the aviation safety, for example:
 - a) poor training, behavior or attitude displayed by aviation related entity, such as an aircraft operator, airport operator, air traffic control service provider, ground handling service provider or refueling service provider etc.; or
 - b) insufficient qualifications or experience of employees of aviation related entity; or
 - c) scheduling or rostering that contributes to the fatigue of employees of aviation related entity; or
 - d) an aviation related entity by-passing safety procedures because of operational or commercial pressures; or
 - e) inadequate airport facilities for safe operations;
 - f) unsafe passenger, baggage or cargo management; or
 - g) inadequate traffic or weather information;
3. Non-compliance with regulations or requirements;
4. Any other matter that endangers, or could endanger, the aviation safety.

澳門特別行政區 REGIÃO ADMINISTRATIVA ESPECIAL DE MACAU 民航局 AUTORIDADE DE AVIAÇÃO CIVIL CIVIL AVIATION AUTHORITY		MACCARES MACAO CONFIDENTIAL AVIATION REPORTING SYSTEM	
1. Occasion <input type="checkbox"/> Aircraft standing <input type="checkbox"/> Taxiing <input type="checkbox"/> Take-off <input type="checkbox"/> En route <input type="checkbox"/> Approach <input type="checkbox"/> Landing <input type="checkbox"/> During maintenance <input type="checkbox"/> Others (please specify):			
2. Date of occurrence	3. Local time of occurrence	4. Location of occurrence	5. Aircraft manufacturer
6. Aircraft type	7. Aircraft registration	8. Aircraft operator	9. Flight number
10. Description of the safety concern or occurrence <i>Please provide a complete description of the safety concern and associated events.</i>			
11. Suggestion <i>Please provide your suggestion on how the occurrence could have been avoided and how to improve the current situation.</i>			
12. Reporter's information			
Occupation	Total pilot hours (if applicable) hours	Total aviation experience years/months	
Telephone number	Time of day to call	Date of filling out report	
<i>The original processed report can be used by the reporter as a proof for the non-punitive protection. Do you want the original report to be returned to you after processing?</i> <input type="checkbox"/> Please return the original processed report to me by registered mail. <input type="checkbox"/> I do not want the original report to be returned. Please destroy the original report.			
Name		Email address	
Mailing address			

Form AACM-MACCARES-01 Issue 2

Instruction

For posting in Macao, postage will be paid by addressee if using this postage prepaid reporting form. No stamp is needed.

1. Fold along the dotted lines;
2. Put glue on the designated area and seal properly;
3. Drop your sealed report folder into any post box.

For posting outside Macao, postage will be paid by reporter.

1. Put your report in a properly sealed envelope;
2. Adhere postage stamp as required;
3. Mail your report to the follow address:

Accident Prevention and Investigation Group
Civil Aviation Authority
 Alameda Dr. Carlos D'Assumpção, 336-342
 Centro Comercial Cheng Feng, 18º andar, Macau

<p>澳門特別行政區 REGIÃO ADMINISTRATIVA ESPECIAL DE MACAU 民航局 SERVIÇO DE ACIDENTES DE AVIAÇÃO CIVIL CIVIL AVIATION ACCIDENT SERVICE</p>	<p>澳門回郵寄服務 RSF 許可證號碼 AUTORIZAÇÃO NO. 257</p> <p>只限在本地區寄 A UTILIZAR SOMENTE NO REGIME INTERNO</p> <p>付郵貼上郵票 NÃO CARECE DE SELO. O PORTE SERÁ PAGHO PELO DESTINATÁRIO.</p> <p>信件回郵服務 經郵局認可 CARTA RESPONSA AUTORIZADA PELA DIRECÇÃO DOS SERVIÇOS DE CORREIOS</p> <p>T</p> <p>Accident Prevention and Investigation Group Civil Aviation Authority Alameda Dr. Carlos D'Assumpção, 336-342, Centro Comercial Cheng Feng, 18º andar, Macau</p>
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