

CAA Procedures in case of non -compliance

Certification refusal and right of appeal (applicable law)



European Union Aviation Safety Agency

EU-ASEAN Sustainable Connectivity Package Aviation Partnership Project
(EU-ASEAN SCOPE APP)

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Certification refusal and right of appeal

ARA.GEN.310 Initial certification procedure

- In cases where an application for an organization certificate is refused, the applicant should be informed of the right of appeal as exists under national law.



Example via regulatory procedure

- ARA.GEN.310 Initial certification procedure – organizations
- AMC1 ARA.GEN.310(a) Initial certification procedure – organizations
- (e) In cases where an application for an organization certificate is refused, the applicant should be informed of the right of appeal as exists under national law.

Example via legal procedure



- Italy: Department for European Affairs
- Right of a appeal against the decision of the competent authority
- The professional or the organization is allowed to appeal against a negative decision of the competent authority under Italian law.
- The Italian regulation offers two choice:
- judicial appeal to the Regional Administrative Court within 60 days of the date of notification of the measure;
- extraordinary appeal to the Head of State within 120 days of the date of notification of the measure.

Finding : level 1

ARA.GEN.350 Findings and corrective actions – organisations

- Level 1 finding:
- findings relating to non-compliance with requirements of CAA FCL lowering management standards organization of training courses approved, aircrafts and flight operations that could have negative effects on safety are classified level 1.

Finding : level 1

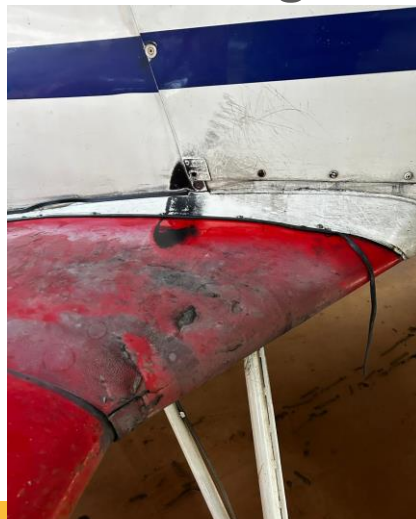
- In particular, they are considered findings of level 1 the significant non-compliance in one of the following areas:
- non-implementation of the management system, financial resources, continuous monitoring, fitness of premises and teaching aids, training and qualification of personnel, flight duty period,.....
- It also considered Level 1 in case the CAA Team it is not allow access to the ATO accommodation and structure, to the documentations and data in order to conduct its own investigations.

Finding : level 1

- In the case of level 1 findings the competent authority shall take immediate and appropriate action to prohibit or limit activities and, if appropriate, it shall take action to revoke the certificate or specific approval or to limit or suspend it in whole or in part, depending upon the extent of the level 1 finding, until successful corrective action has been taken by the organisation.

Example of level 1 finding

- Personnel and/or Flight instructor not authorize to provide training
- Evidence of documents alter
- Aircrafts with noticeable airworthiness issue
- willingness not to comply with the regulations



Finding : level 1

- For a level 1 finding it may be necessary for the competent authority to ensure that further training by the organization is carried out and audited by the competent authority before the activity is resumed, dependent upon the nature of the finding

Finding : level 2

- Level 2 finding: findings relating to non-compliance with the standard FCL, which could lower the standard of aircraft management and flight operations are classified as Level 2 measurements.

Finding : level 2

- In the case of level 2 findings, the competent authority shall:
- grant the organization a corrective action implementation period appropriate to the nature of the finding that in any case initially shall not be more than 3 months. At the end of this period, and subject to the nature of the finding, the competent authority may extend the 3-month period subject to a satisfactory corrective action plan agreed by the competent authority; and

Finding : level 2

- assess the corrective action and implementation plan proposed by the organization and, if the assessment concludes that they are sufficient to address the non-compliance(s), accept these.
- Where an organization fails to submit an acceptable corrective action plan, or to perform the corrective action within the time period accepted or extended by the competent authority, the finding shall be raised to a level 1 finding.

Finding record

- The competent authority shall record all findings it has raised or that have been communicated to it and, where applicable, the enforcement measures it has applied, as well as all corrective actions and date of action closure for findings.



Findings and enforcement measures – persons

ARA.GEN.355

- If, during oversight or by any other means, evidence is found by the competent authority responsible for oversight in accordance with national law that shows a non-compliance with the applicable requirements by a person holding a license, certificate, rating or attestation issued in accordance with the FCL regulation, the competent authority shall raise a finding, record it and communicate it in writing to the license, certificate, rating or attestation holder.

Findings and enforcement measures – persons

- When such finding is raised, the competent authority shall carry out an investigation. If the finding is confirmed, it shall:
- limit, suspend or revoke the license, certificate, rating or attestation as applicable, when a safety issue has been identified; and
- take any further enforcement measures necessary to prevent the continuation of the non-compliance.
- Where applicable, the competent authority shall inform the person or organization that issued the medical certificate or attestation.

example

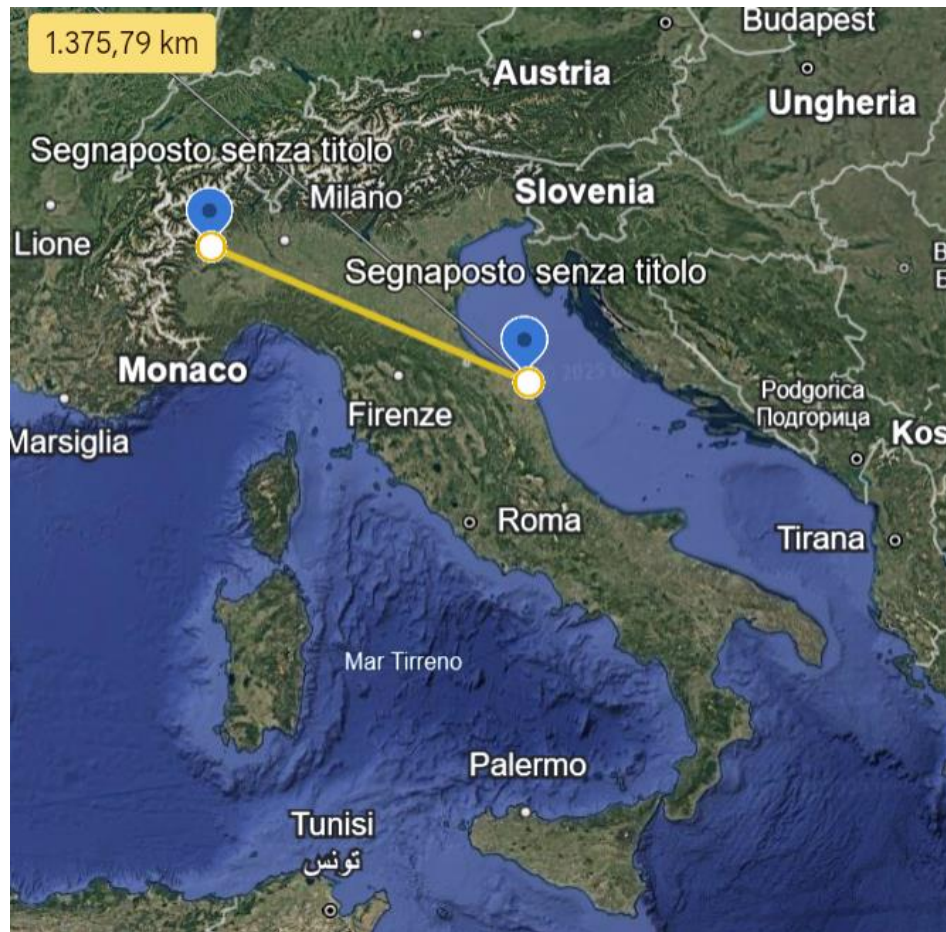
→ INCIDENT AND FOLLOWING INVESTIGATION

..\Esempio incidente ATO\RAP e
unione.docx

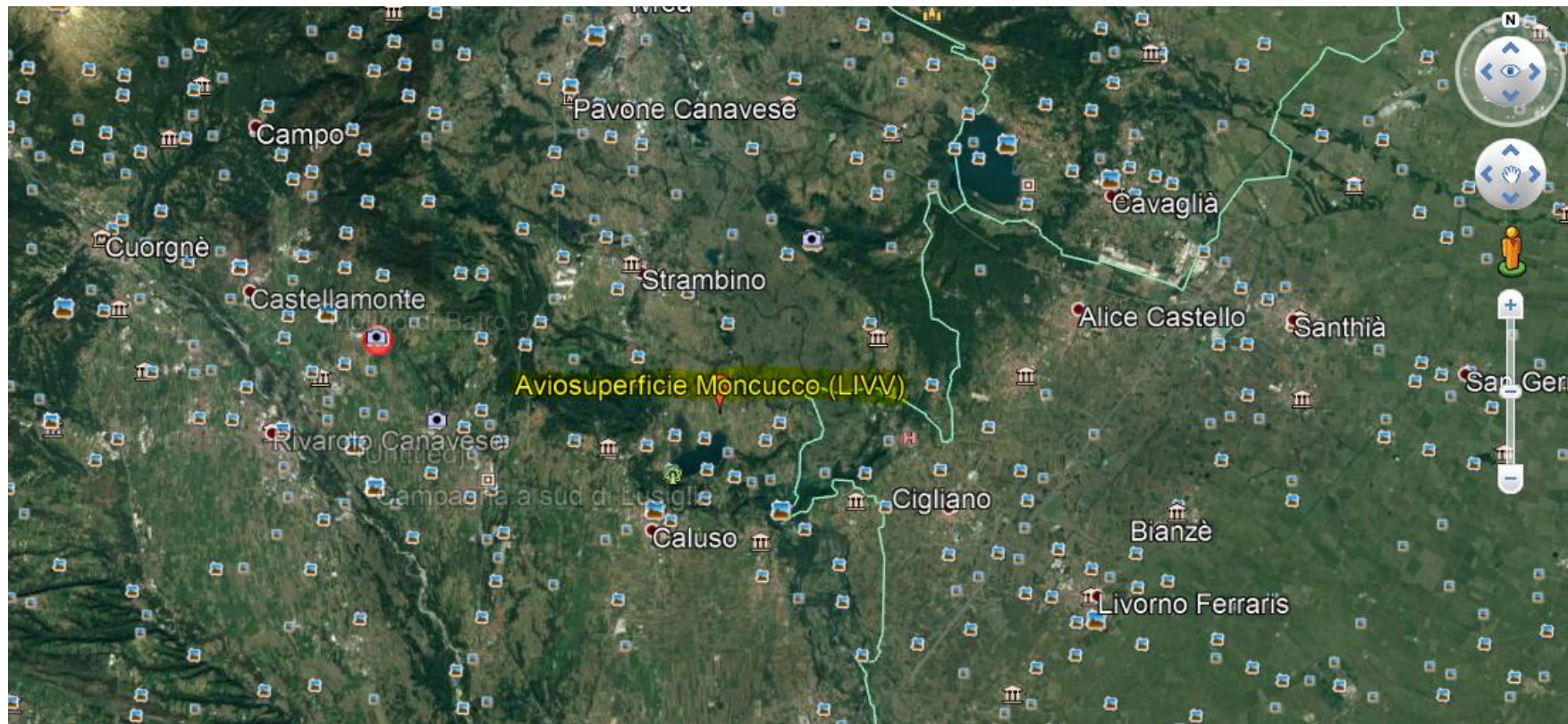
	ENTE NAZIONALE per l'AVIAZIONE CIVILE	RAPPORTO DI ATTIVITA' PROFESSIONALE	n. 201 - data _____
Oggetto <u>evaluation of violations of regulations by instructor pilot -yyyyyy in relation to the aircraft accident C-172 registration I-MIKJ of 10/13/2017</u>			
☐ Esercente ☐ Impresa di Manutenzione P 145 ☐ Impresa di Costruzione ☒ PILOTA			
ACCERTAMENTI CONDOTTI On 13/10/2017 the C-172 aircraft of the I-MIKJ brands was in collision during the landing phase with a hangar present in the air surface of <u>Moncucco di Viscè</u> at 07.00 LT. Following the accident, the ANSV opened an ongoing investigation. The flight was declared as DC flight as ATO Aeroclub <u>Biella</u>, IT.ATO.0018, with the presence on board of a FI, ----- <u>yyyyyyyyyy</u>, and a student <u>xxxxxxxxxx</u>. Considering that the flight was instructional, the team in charge carried out investigations of the nature of the flight to show whether the IF complied with the regulations during the instructional activity. • Flight activity details (take-off and landing times in GMT) The aircraft I-MIKJ took off on 12/10/2017 at 14.55 from Biella airport with destination the air surface of <u>Viscè</u> with only the student on board. The aircraft landed at 15.14. The transfer was necessary to take on board the FI ----- that was waiting on the same. The aircraft departed at 17.15 from Ancona to perform the VFR night flight activity required for the acquisition of the CPL license of student <u>Ercolè</u>. The aircraft landed at 19.55 at Ancona airport after 2 hours 40 minutes <u>flight</u>, where it carried			

TYPE OF FLIGHT

- NIGHT FLIGHT
- ANCONA (LIPY) TO VISCHE (LIVV)
- Dual instruction
- Type of aircraft :C-172
- Student: 125 hr total, CPL training
- FI: 1400 hr, 850 as FI, 150 night time
- Date:13/10/2017
- Time of accident : 05,20 am LT
- Aircraft: BPR (Beyond Physical Repair)
- No injury



general overview



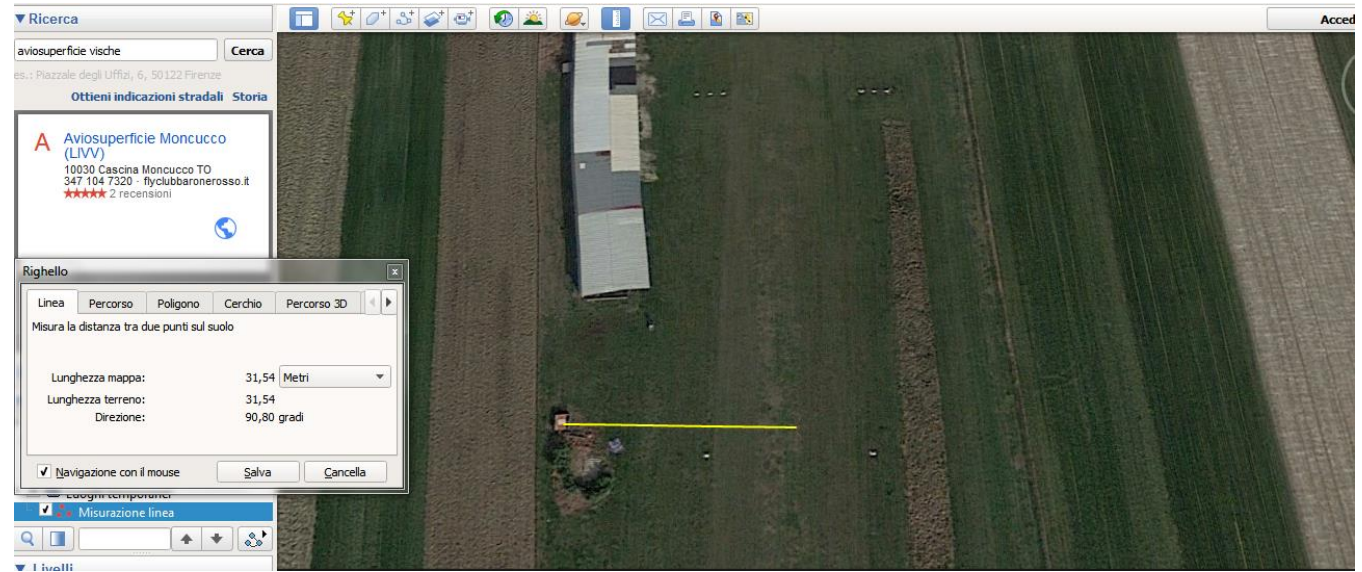
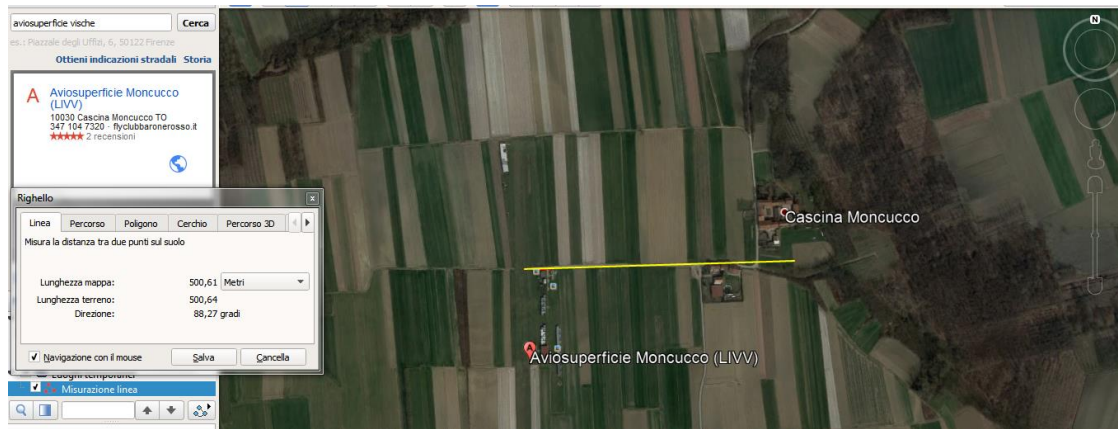
Accident picture





→ ..\Esempio incidente ATO\CCTV NUM1.avi

→ ..\Esempio incidente ATO\CCTV NUM2.avi



aviosuperficie vische

es.: Piazzale degli Uffizi, 6, 50122 Firenze

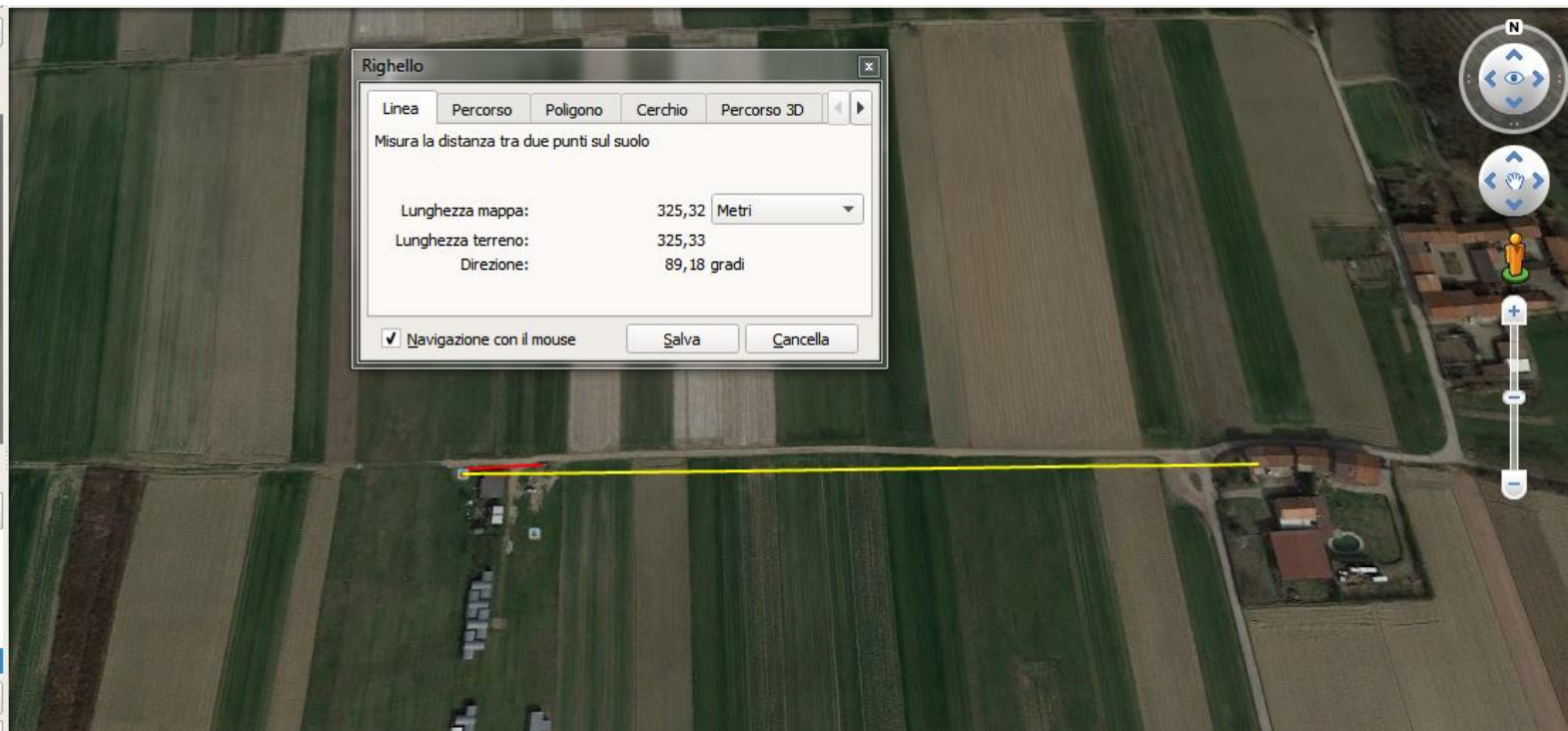
Otteni indicazioni stradali Storia

A Aviosuperficie Moncucco (LIV)
10030 Cascina Moncucco TO
347 104 7320 - flyclubbaronerosso.it
★★★★★ 2 recensioni



Luoghi

- ☒ I miei luoghi
- ☒ [Tour panoramico](#)
Verifica che il livello Edifici 3D sia selezionato
- ☒ Luoghi temporanei
- ☒ Misurazione linea



es.: Piazzale degli Uffizi, 6; 50122 Firenze

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Righello

Linea Percorso Poligono Cerchio Percorso 3D

Misura la distanza tra due punti sul suolo

Lunghezza mappa: 31,37 Metri

Lunghezza terreno: 31,37

Direzione: 86,14 gradi

☒ Navigazione con il mouse

Salva

Cancella

Logout temporaneo

☒ Misurazione linea



aviosuperficie vische

via : Piazzale degli Uffizi, 6, 50122 Firenze

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★★★★★ 2 recensioni



Righello

Linea Percorso Poligono Cerchio Percorso 3D

Misura la distanza tra due punti sul suolo

Lunghezza mappa: 18,89 Metri

Lunghezza terreno: 18,90

Direzione: 356,37 gradi

☒ Navigazione con il mouse

Salva

Cancella

Loggi temporanei

☒ Misurazione linea

REPORT

- OUTCOME
- JUST CULTURE
- REVIEW OF REGULATION
- RIGHT TO APPEAL





Thank you very much for your attention and patience



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