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CAPACITY & EFFICIENCY

Enforcement and Compliance - Guidelines

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Compliance and Enforcement

- It is recognized that the methods of ownership, operation and surveillance of aerodromes differ among States.
- The most effective and transparent means of ensuring compliance with applicable specifications is the availability of a separate safety oversight entity and a well-defined safety oversight mechanism with support of appropriate legislation to be able to carry out the function of safety regulation of aerodromes.
- The intent of the establishment of a regulatory regime is to ensure
- **the compliance** with the specifications and operational requirements **can be effectively enforced**.



Compliance and enforcement

- Aviation safety at aerodromes depends primarily on voluntary adherence to aerodrome regulations and operational requirements by the aerodrome operators.
- It is the responsibility of aerodrome operators to comply with the requirements of the aerodrome certification regulations.
- only when compliance efforts have failed should formal enforcement action be taken.



Enforcement

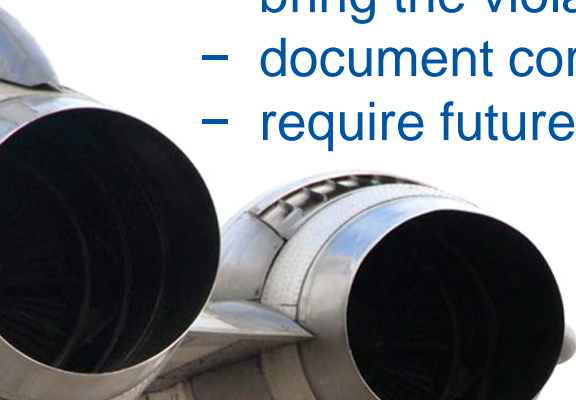
- It is recognized that States may have their own policies for enforcement of their regulations.
- Sanctions can be administrative or legal depending on the severity of the violation of the regulations and its impact on aviation safety.





Administrative Enforcement

- Administrative is considered appropriate when legal action is deemed unnecessary and warranted when the violation does not result in a significant unsafe condition it could be:
 - a warning letter or correction letter
- Administrative enforcement action is intended to:
 - bring the violation to the attention of the aerodrome operator;
 - document corrective action, and
 - require future compliance.





Legal Enforcement

- Formal legal enforcement action warranted to prevent future violations of the regulations and or persisted unresolved reported safety concerns.
- Legal enforcement actions are pursuant to appropriate statutory provisions in the civil aviation legislation of the State.





Legal Enforcement

- Sanctions may include:
 - the issuance of cease-and-desist orders;
 - injunctions and the imposition of sanctions after the act to deter violations.
 - revocation, suspension or amendment of the certificate.





Formal legal enforcement actions

- Factors to be considered in determining the appropriate type and measure of sanction to be applied:
 - the nature of the violation;
 - the potential or actual hazard to aviation safety created by the violation;
 - the aerodrome operator's level of responsibility;
 - records of previous violations;
 - the operator's attitude toward the violation and whether action was taken to correct it and;
 - the impact of the proposed sanction on the violator and its value as a deterrent to other operators in similar situations.



Certificate-related legal sanctions

- Since the public interest and aviation safety are the principal objectives of aerodrome certification regulations and have can have a significant impact on air services and may also have other repercussions; recourse to the imposition of sanctions may be warranted only after all other means of resolving safety violations have failed to ensure compliance.



Certificate-related legal sanctions

- **Suspension of an aerodrome certificate** may be considered if:
 - ✓ a) the aerodrome operator's safety management system is found to be inadequate;
 - ✓ b) it is in the interest of operational safety;
 - ✓ c) all other means for timely correction of the unsafe condition or ensuring safe aircraft operations have not yielded the required results;
 - ✓ d) the technical proficiency or qualifications of the aerodrome operator to perform the duties to meet the critical safety requirements in accordance with the regulations are found inadequate;
 - ✓ e) the operator resists or is unwilling to take action to correct or mitigate the condition affecting aviation safety; or
 - ✓ f) the operator will fully fails to perform an already agreed upon corrective action and suspension of the certificate is the last resort to avoid unsafe operations in the aerodrome movement area



Certificate-related legal sanctions

- **Revocation of an aerodrome certificate** may be warranted if the aerodrome operator:
 - a) is incapable or unwilling to carry out corrective action or has committed/repeated serious violations;
 - b) has demonstrated a lack of responsibility, such as deliberate and flagrant acts of non-compliance or falsification of records jeopardizing aviation safety; or
 - c) has made it convincingly clear that the continued operation of the aerodrome will be detrimental to the public interest.



Compliance and Enforcement

- ICAO Reference Document for these Guidelines:
Doc. 9774 Manual on Certification of Aerodromes





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