

# **Resolution and Enforcement Administration Manual**



**CIVIL AVIATION  
AUTHORITY OF VIETNAM**



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## **Chapter 0: Manual Administration**

### **1. Definitions**

The following definitions apply to terms used in this manual—

- 1) **Resolution.** The correction of an identified issue to the satisfaction of the CAAV.
- 2) **Safety Concern.**
  - (a) An issue of conformance with civil aviation safety law or regulation;
  - (b) An issue of adherence to published standard or relevant safety practice.
- 2) **Safety Concern Resolution.** The process, action and events used to resolved an identified safety concern.

### **2. Acronyms**

The following acronyms are used in this manual—

- 1) **ACN** – Aircraft Condition Notice
- 2) **AOC** – Air Operator Certificate
- 3) **VAR** – Vietnam Aviation Regulation
- 4) **CAAV** – Civil Aviation Authority of Vietnam
- 5) **FSSD** – Flight Standard Inspectorate of the CAAV
- 6) **CASORT** – Civil Aviation Safety Oversight Reporting and Tracking
- 7) **EIR** – Enforcement Investigation Report
- 8) **ICAO** = International Civil Aviation Organization
- 9) **LOI** – Letter of Investigation
- 10) **RT** – Remedial Training
- 11) **SI** – Safety Concern
- 12) **SCR** – Safety Concern Report
- 13) **ANS** – Air Navigation Services (ATS, CNS, MET, AIS, SAR, MAP/CHART and PANS-OPS, ATC PEL)
- 14) **ANSP** – Air Navigation Services Provider
- 15) **ATC**- Air Traffic Controller
- 16) **ATO** – Aviation Training Organization
- 17) **ATS**- Air traffic services
- 18) **CNS**-Communication navigation surveillance
- 19) **MET**-Meteorology
- 20) **AIS**-Aeronautical information services
- 21) **SAR**-Search and rescue
- 22) **MAP/CHART**
- 23) **PANS-OPS**-Procedure for air navigation surveillance operations
- 24) **ATC PEL** - Air traffic controller personnel
- 25) **AGA** – Aerodrome and Ground Aids



26) **EDO:** Enforcement Decision Order

### **3. PRIMARY USER MANUAL FOR RESOLUTION OF SAFETY CONCERNS**

A. This manual is the primary user manual for all CAAV inspector personnel involved in resolution of issues with the aviation industry.

B. The policies and procedures outlined in this manual are approved for CAAV's use in the day-to-day resolution of safety concerns. The guidance in this manual has precedence over any other guidance issued by the CAAV regarding resolution of safety concerns.

C. This manual provides the process and methods for the resolution of safety concerns. The manual outlines a system that will result in the objectives outlined in ICAO Guidance Documents 9734, 8335, 9859 and 9389 for resolution of safety concerns and parallels the systems and methods used by other Contracting States.

D. It is important that the CAAV Inspectors become familiar with and implement this system for the resolution of all identified safety concerns. The CAAV recognizes that the application of this system will need some adjustments during the transition. We welcome your suggestions and assistance during this period.

*End of Chapter*

# **Chapter 1**

## **Delegation & Basis for Action to Achieve Compliance**

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This chapter provides guidance regarding the legislation basis for CAAV actions to resolve safety concerns.

### **1.1 CIVIL AVIATION ACT (AS AMENDED)**

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The Civil Aviation Act (2006) and amended (2014) the basis for establishing the Civil Aviation Authority. It provides the basis to meet Vietnam's ICAO obligations and empowers the CAAV to to ensure

### **1.2 VIETNAM AVIATION REGULATIONS (VARs)**

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A. The VARs are secondary legislation necessary to implement the minimum safety standards necessary to meet international aviation standards. Since that time the VARs have been amended and expanded in scope.

B. The VARs provide the foundation for resolution of safety concerns, enforcement and powers of authorized persons to implement safety oversight and resolve safety concerns in a timely manner.

### **1.3 DELEGATION OF MINISTER'S POWERS**

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#### **1.3.1 GENERAL**

A. Throughout this chapter, the references – especially the VARs – delegate the powers to take action to the Minister with the portfolio for aviation safety.

B. In actual practice, the Minister has delegated these powers to the CAAV Director-General and Airport Authorities.

C. The CAAV Director-General further delegates some of these powers to the Director (FSSD, ANS, AGA) and/or aviation safety inspectors as indicated in the individual chapters of this manual.

D. It is the Minister's direction that the application of the most of the powers be exercised at the inspector level where possible, with the Director (FSSD, ANS, AGA) as the first level of appeal.

E. The intent of that delegation is to allow the use of administrative procedures for resolution, such as Prevent Flying and/or ATC No-Flight Clearance, where possible to avoid complicated investigations and legal processes.

### **1.3.2 MORE COORDINATION REQUIRED**

- A. The exercise of some powers, (such as the issuance of a Prevent Flying order), should be immediately coordinated with the Director (FSSD, ANS, AGA) after issuance. The Director (FSSD, ANS, AGA) will ensure that the Director-General is advised of the situation as soon as possible.
- B. The exercise of termination of the operations of ANSP, Airport, should be implemented by the Director-General in coordination with related ANSP, Aerodrome Operator.
- C. An investigation that may result in provision order of suspension, revocation, civil penalty or criminal charges must be coordinated with the Director-General, who will involve the Aviation Inspectorate or the Airport Authority for specific direction.

### **1.4 ADMINISTRATIVE HANDLING SHOULD BE FIRST CHOICE**

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- A. “Administrative handling” essentially means that, where possible, it is recommended that the resolution of safety concerns not be handled by complex enforcement actions. The preferred method of resolution should be one that is immediate and restrictive. The actions outlined in this manual allow the CAAV to use administrative procedures for resolution before involving the Attorney-General’s staff.
- B. Administrative action establishes the evidence of non-compliance (record) in the event future punitive action becomes necessary. This evidence will be proof of a pattern of non-compliance.
- C. The Director (FSSD, ANS, AGA) will be the focal point for making the decision to change from administrative handling to enforcement investigation with intent of supporting punitive sanctions..

### **1.5 REVIEW OF VARS ENFORCEMENT CONCEPTS**

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To better understand the level to which Vietnam has made provisions for pro-active safety oversight, resolution of safety concerns and enforcement of the regulations, inspectors need to be intimately knowledgeable of the concepts that are included in the legislation and regulatory requirements. The following excerpts provide insight into how these concepts work in the day-to-day resolution.

#### **1.5.1 CONCEPT OF INDIVIDUAL RESPONSIBILITY TO MAINTAIN STANDARDS**

- A. The responsibility for compliance with the minimum standards of the aviation requirements is placed on the individual (for PEL licensing), owner and operator (aircraft airworthiness) and operator or organization (standards applicable to certificated organizations). The CAAV, as a part of its safety oversight program, conducts surveillance and other activities, but usually when they identify safety concerns the individual license holder, owner or accountable manager has failed to continue to maintain the standards for original issuance.
- B. Ideally it is the responsibility of the individual to recognize that they are not in compliance, correct this discrepancy in a safety and timely manner. Or they should surrender their license or certificate. CAAV inspectors should proceed from the expectation that timely correction will occur or there is the expectation of surrendering of the license or certificate.

#### **1.5.2 CONCEPT OF SURRENDER OF A CERTIFICATE OR LICENSE (For the Airworthiness and Operation of the Aircraft)**

- A. There are provisions for involuntary and voluntary surrender of a certificate or license in primary legislation and Circular 01/2011/TT-BGTVT. Surrender of a certificate or license is sometimes preferred by the holders to avoid a record of suspension or revocation.
- B. Part 1 of Circular 01/2011/TT-BGTVT contains a provision for the individual or organization to voluntarily surrender their license or certificate. Such action will usually terminate any enforcement action underway against the holder.

■ **SECTION 1.015(C): IF THE HOLDER OF A LICENCE, CERTIFICATE, AUTHORISATION OR PRIVILEGE IS UNABLE TO MEET THE MINIMUM STANDARDS FOR ORIGINAL ISSUANCE OF THAT DOCUMENT, THEY SHALL SURRENDER THAT DOCUMENT TO THE AUTHORITY.**

### **1.5.3 CONCEPT OF PROVISIONALLY VARYING AN AUTHORIZATION (For the Airworthiness and Operation of the Aircraft)**

A. The ability of the CAAV to grant approvals and authorizations and retract them when the individual, aircraft or organization does not maintain the standards for the original grant is a key concept for resolution of safety concerns without elaborate enforcement processing. This concept is well supported in Circular 01/2011/TT-BGTVT .

- This manual has policy, procedures and delegated authority for use of the concept of varying approvals, authorizations, licenses and certificates.

B. Part 1 of Circular 01/2011/TT-BGTVT has two Sections that address varying of license, certificate, authorization or privilege as necessary to ensure qualification and compliance.

■ **SECTION 1.015(D)(3): IF THE AUTHORITY BECOMES AWARE THAT THE HOLDER OF LICENCE, CERTIFICATE, AUTHORISATION OR PRIVILEGE NO LONGER MEETS THE MINIMUM STANDARDS TO HOLD THAT DOCUMENT, IT MAY SEEK, DEPENDING ON THE CIRCUMSTANCES, MITIGATING FACTORS AND RISK TO AIR SAFETY— ((5) VARIANCE TO AN EXISTING LICENCE, CERTIFICATE, AUTHORISATION OR PRIVILEGE...**

■ **SECTION 1.020(B): VARIANCE OF A PREVIOUSLY ISSUED FORMAL AUTHORISATION OR APPROVAL IS PERMISSIBLE THROUGH ADMINISTRATIVE HANDLING. THIS VARIANCE MAY BE ISSUED AS A FORMAL RECORD AND IS EFFECTIVE— (1) IMMEDIATELY AND WITHOUT APPEAL IF DETERMINED TO BE NECESSARY IN THE INTEREST OF PUBLIC SAFETY, OR (2) FOLLOWING A 20 BUSINESS-DAY PERIOD TO ALLOW AN APPEAL OF THE BASIS TO THE AUTHORITY.**

### **1.5.4 THE CONCEPT OF PREVENT FLYING (For the Airworthiness and Operation of the Aircraft)**

A. The concept of a Prevent Flying Order is very effective when not over-used. It should be limited to individuals, aircraft and organizations when the CAAV determines that an imminent safety of flight situation is identified. A derivative called the ATC No-Fly Order, requested by the Director may be used to penalize organizations that are not complying with regulations. Prevent flying concept is very supported by the VAR Parts.

B. There are two sections in Part 1 of Circular 01/2011/TT-BGTVT references to support a Prevent Flying Order.

■ **SECTION 1.015(D): IF THE AUTHORITY BECOMES AWARE THAT THE HOLDER OF LICENCE, CERTIFICATE, AUTHORISATION OR PRIVILEGE NO LONGER MEETS THE MINIMUM STANDARDS TO HOLD THAT DOCUMENT, IT MAY SEEK, DEPENDING ON THE CIRCUMSTANCES, MITIGATING FACTORS AND RISK TO AIR SAFETY— (7) ISSUANCE OF A PREVENT FLYING ORDER TO PREVENT AN IMMINENT SAFETY OF FLIGHT SITUATION.**

■ **SECTION 1.035(A): AN AUTHORISED PERSON HAS THE POWER AS DELEGATED BY THE AUTHORITY TO— (6) DETAIN THE FLYING OF AN AIRCRAFT IN THE INTEREST OF PUBLIC SAFETY WHEN AN IMMINENT SAFETY OF FLIGHT SITUATION EXISTS REGARDING THE AIRWORTHINESS OF THE AIRCRAFT AND OPERATIONAL CAPABILITY OF ITS CREW;**

### **1.5.5 CONCEPT OF RE-EXAMINATION/RE-INSPECTION**

A. The concept of re-examination is a foundation authority for safety oversight. Re-examination is the basis for continuing inspections for compliance with the minimum standards.

B. This particular concept is also effective for ensuring the qualifications of the PEL license holders. Re-examination of individual PEL license holders is usually accomplished only after accidents, incidents or repeated failures of proficiency checks. It is more effective when used sparingly. There is almost always positive results for these re-exams, because the individuals usually take training before the re-examination.

C. For the Airworthiness and Operation of the Aircraft, Part 1 of Circular 01/2011/TT-BGTVT further describes the use of re-examination when a question arises regarding the continued qualification of the holder of a license, certificate, authorization or privilege. The authority to re-inspect at any time for qualification is key concept to safety oversight.

■ **SECTION 1.015(D): IF THE AUTHORITY BECOMES AWARE THAT THE HOLDER OF LICENCE, CERTIFICATE, AUTHORISATION OR PRIVILEGE NO LONGER MEETS THE MINIMUM STANDARDS TO HOLD THAT DOCUMENT, IT MAY SEEK, DEPENDING ON THE CIRCUMSTANCES, MITIGATING FACTORS AND RISK TO AIR SAFETY— (6) RE- EXAMINATION OF THE BASIS FOR ISSUANCE OF THE LICENCE, CERTIFICATE, AUTHORISATION OR PRIVILEGE..**

### **1.5.6 CONCEPT OF PROVISIONALLY SUSPENDING**

A. The ability of the CAAV to provisionally suspend approvals, authorizations, licenses and certificates when the individual, aircraft or organization does not maintain the standards for the original grant pending correction of safety concern is provided in Vietnam legislation and VARs.

- Provisionally suspending the approval, approvals, authorizations, licenses and certificates approvals, licenses and certificates is provided in the VARs.
- This manual has policy, procedures and delegated authority for use of the concept of varying approvals, authorizations, licenses and certificates.

B. For the Airworthiness and Operation of the Aircraft, Part 1 of Circular 01/2011/TT-BGTVT has two Sections that directly address the ability to levy a provision suspension.

■ **SECTION 1.013(B): SUCH ENFORCEMENT MAY RESULT IN, DEPENDING ON THE CIRCUMSTANCES AND MITIGATING FACTORS— (2) SUSPENSION OF A LICENCE, CERTIFICATE, AUTHORISATION OR PRIVILEGE;**

■ **SECTION 1.015(D): IF THE AUTHORITY BECOMES AWARE THAT THE HOLDER OF LICENCE, CERTIFICATE, AUTHORISATION OR PRIVILEGE NO LONGER MEETS THE MINIMUM STANDARDS TO HOLD THAT DOCUMENT, IT MAY SEEK, DEPENDING ON THE CIRCUMSTANCES, MITIGATING FACTORS AND RISK TO AIR SAFETY— (2) A SUSPENSION OF THE LICENCE, CERTIFICATE, AUTHORISATION OR PRIVILEGE;**

C. **FOR ANS: Article 343 Circular 19/2017/TT-BGTVT:**

+ **Revocation of license to operate ANS facilities, license to operate technical systems and equipment to ensure ANS staff.**

+ **An organization or individual shall have their license to operate ANS facilities, their license to operate technical systems and flight equipment assuring thier operations, and their license to ensure flight operations revoked in the following cases:**

- a) **Intentionally falsifying information in the application file for a license;**
- b) **Operating for the wrong purpose or not in accordance with the content stated in the license;**
- c) **Failure to maintain eligibility under the issued license;**
- d) **Violating regulations on ensuring security and safety in ensuring flight operations;**
- d) **License for erasure and repair.**

+ **In case an organization or individual has a license revoked as prescribed in Clause 1 of this Article, it must be 3 years after the date of revocation before being allowed to carry out procedures for re-issuance of the license.**

### **1.5.7 CONCEPT OF EMERGENCY SUSPENSION**

A. There have been past situations where emergency suspension in the public interest was warranted. This is a usable methodology when it is obvious that the individual or organization has intentions to continue operations in unsafe situations.

B. For the Airworthiness and Operation of the Aircraft, Part 1 of Circular 01/2011/TT-BGTVT reference to emergency suspension is more explicit.

■ **SECTION 1.015(D) IF THE AUTHORITY BECOMES AWARE THAT THE HOLDER OF LICENCE, CERTIFICATE, AUTHORISATION OR PRIVILEGE NO LONGER MEETS THE MINIMUM STANDARDS TO HOLD THAT DOCUMENT, IT MAY SEEK, DEPENDING ON THE CIRCUMSTANCES, MITIGATING FACTORS AND RISK TO AIR SAFETY— (1) AN EMERGENCY SUSPENSION OF THE LICENCE, CERTIFICATE, AUTHORISATION OR PRIVILEGE IN THE INTEREST OF PUBLIC SAFETY...**

### **1.5.8 THE CONCEPT OF COMPOUNDING MONETARY PENALTIES**

A. The concept of civil (monetary) penalties for non-compliance with regulatory requirements is well supported by Vietnam legislation and VARs. Additionally, there are provisions for these penalties to compound (grow) with each violation and each flight.

■ **SECTION 1.013(B): SUCH ENFORCEMENT MAY RESULT IN, DEPENDING ON THE CIRCUMSTANCES AND MITIGATING FACTORS— (3) MONETARY FINES, IN COORDINATION WITH AND SEPARATE FROM OTHER PENALTIES; AND/OR**

■ **SECTION 1.015(D): IF THE AUTHORITY BECOMES AWARE THAT THE HOLDER OF LICENCE, CERTIFICATE, AUTHORISATION OR PRIVILEGE NO LONGER MEETS THE MINIMUM STANDARDS TO HOLD THAT DOCUMENT, IT MAY SEEK, DEPENDING ON THE CIRCUMSTANCES, MITIGATING FACTORS AND RISK TO AIR SAFETY— (4) MONETARY FINES...**

### **1.5.9 CONCEPT OF DUE PROCESS (For the Airworthiness and Operation of the Aircraft)**

A. Normally a license or certificate holder is accorded “due process.” This concept provides for them to receive—

- 1) A period to review the proposed restrictive or punitive action before it is implemented, or
- 2) Where public safety requires the immediate imposition of the restrictive or punitive action, they much be able to have a timely appeal to high level for relief.

B. Within the VARs there are regulatory outlines of the due process. Section 1.155 outlines for following formal process prior to revocation, suspension or civil penalties.

■ **IF THE AUTHORITY DETERMINES THROUGH INSPECTION, INCIDENT, ACCIDENT OF ANY OTHER METHOD THAT A NON-COMPLIANT SITUATION DESCRIBED IN SECTIONS 1.013 AND 1.015 MAY EXIST, THEY SHALL COMPLETE A FORMAL INVESTIGATION.**

■ **UNDER THE CIVIL AVIATION ACT, THE DIRECTOR, OR HIS AUTHORISED REPRESENTATIVE, MAY CONDUCT INVESTIGATIONS, HOLD HEARINGS, ISSUE SUBPOENAS, REQUIRE THE PRODUCTION OF RELEVANT DOCUMENT, RECORDS, AND PROPERTY, AND TAKE EVIDENCE AND DEPOSITIONS.**

■ **A FORMAL INVESTIGATION RECORD, COMPLETE WITH THE RECOMMENDATIONS FOR RESOLUTION OF THE MATTER, SHALL BE FORWARDED TO THE DIRECTOR FOR SUBSEQUENT ACTION TO RESOLVE THE NON-COMPLIANT SITUATION.**

■ **THE PROCESS FOR THE SUBSEQUENT FORMAL ADMINISTRATIVE, ENFORCEMENT OR CRIMINAL ACTION, INCLUDING ANY APPEALS, SHALL BE SUBJECT TO THE CIVIL AVIATION ACT.**

C. If the regulated entity elects not to accept a provisional order of revocation, suspension or civil penalty, they can appeal to the legal system for relief or dismissal. At that point, the AG staff will become primary to process the CAAV's Order in through the legal system. The CAAV will provide staff support to the AG.

D. The other Parts of the Circular 01/2011/TT-BGTVT (such as those relating to AOC, ATO, AMO and AWC organizations) provide for due process for variance of approvals and authorizations. The following is an example of this due process—

**SECTION 12.023(D): AMENDMENTS PROPOSED BY THE AUTHORITY, OTHER THAN EMERGENCY AMENDMENTS, BECOME EFFECTIVE 30 DAYS AFTER NOTICE TO THE AOC HOLDER, UNLESS THE AOC HOLDER APPEALS THE PROPOSAL IN WRITING PRIOR TO THE EFFECTIVE DATE. THE FILING OF AN APPEAL STAYS THE EFFECTIVE DATE UNTIL THE APPEAL PROCESS IS COMPLETED.**

■ **SECTION 12.023(B): IF THE AUTHORITY STIPULATES IN WRITING THAT AN EMERGENCY EXISTS REQUIRING IMMEDIATE AMENDMENT IN THE PUBLIC INTEREST WITH RESPECT TO SAFETY IN COMMERCIAL AIR TRANSPORTATION, SUCH AN AMENDMENT IS EFFECTIVE WITHOUT STAY ON THE DATE THE AOC HOLDER RECEIVES NOTICE.**

■ **SECTION 12.023(C): AN AOC HOLDER MAY APPEAL THE AMENDMENT, BUT SHALL OPERATE IN ACCORDANCE WITH IT, UNLESS IT IS SUBSEQUENTLY WITHDRAWN.**

### **1.5.10 Revocation**

A. VietNam Civil Aviation Regulations provides the Authority that may suspend, vary or revoke an authorization, certificate, licence or approval issued.

- Civil Aviation Law: Article 51: An airport or airfield operation certificate shall be withdrawn in the following cases: a/ The airport or airfield fails to meet the conditions specified in Clause 1 of this Article; b/ The airport or airfield has not been operated or has ceased operation for twelve consecutive months; c/ Other cases as decided by competent state agencies.

- Circular 19/2017/TT-BGTVT, Article 343: Revocation of ANS units' operation licence, ANS technical and equipment system operation licence, ANS personnel licence. + An organization or individual have been revoked their ANS units' operation licence, ANS technical and equipment system operation licence, ANS personnel licence in the following cases: a) Intentionally falsifying information in the application file for a licence; b) Operating for the wrong purpose or not in accordance with the content stated in the licence; c) Failure to maintain eligibility under the issued licence; d) Violating regulations on ensuring security and safety in ANS; đ) Licence for erasure and repair. + In case an organization or individual has a licence revoked as prescribed in Clause 1 of this Article, it must be 3 years after the date of revocation before being allowed to carry out procedures for re-issuance of the licence.

- Circular 01/2011/TT-BGTVT, Article 1.065: Any licence, certificate or authorization issued under these regulations ceases to be effective if it is surrendered, suspended, or revoked.

B. Revocation is a process whereby a certificate is completely invalidated in case of serious validation provision.

C. A letter informing the nature of violation or omission, the decision to revoke and the need to return the certificate concerned for revocation by the Authority must be sent to the person as soon as possible.

- Point đ Clause 2 Article 21 Circular 29/2021/TT-BGTVT dated 30/11/2021 stipulated the aerodrome inspector has power to request organizations and individuals to stop the activities in serious breach of commitments and

standards in provision of aviation services and quality of aviation services at the airport/aerodrome; make written records of occurrences and incidents

## 1.6 LEGISLATION PROVISIONS FOR SAFETY OVERSIGHT

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Within the legislation, there are key concepts which enable pro-active safety oversight. This legislation establishes the Flight Standards Inspectorate, establishes the inspectors as authorized persons and provides them the necessary powers to function.

### 1.6.1 THE CONCEPT OF AN AUTHORIZED PERSON

A. VARs provides the excellent foundation for the authorized person's role in safety oversight.

B. For the Airworthiness and Operation of the Aircraft, Section 1.035(a) enumerates these powers in a listing —

- 1) *Carry out audits or surveillance activities;*
- 2) *Enter and inspect any aerodrome, hanger or other place (at which an aircraft is located or stored), aircraft or any organisation performing tasks and services related to aviation safety;*
- 3) *Inspect any aircraft, aircraft equipment, components, materials, facilities, personnel or crew members for the purpose of ensuring compliance with these Regulations;*
- 4) *Require any person to produce documents or any other article subject to these Regulations;*
- 5) *Inspect and copy any certificate, licence, logbook, document or record which he has the power pursuant to these Regulations and any directions issued thereunder to require to be produced to him;*
- 6) *Detain the flying of an aircraft in the interest of public safety when an imminent safety of flight situation exists regarding the airworthiness of the aircraft and operational capability of its crew; and*
- 7) *Cause such re-examinations, evaluations, inspections, investigations, tests, experiments, and flight trials to be made as deemed necessary to ensure compliance with these Regulations.*

C. For ANS: Article 263 of the Circular 19/2017/TT-BGTVT

**1. ATS inspector:** ATS inspector is responsible for carrying out regulatory functions in ATS and SMS in ATS.

**2. CNS inspector:** CNS inspector is responsible for carrying out regulatory functions in the subject areas of Communication, Navigation & Surveillance Systems.

**3. MET inspector:** MET inspector is responsible for carrying out regulatory functions related to MET.

**4. AIS inspector:** AIS inspector is responsible for carrying out regulatory functions related to AIS.

**5. MAP/CHART inspector:** MAP/CHART inspector is responsible for carrying out regulatory functions related to Aeronautical MAP/CHART

**6. PANS-OPS inspector:** PANS-OPS inspector is responsible for carrying out regulatory functions related to PANS-OPS.

**7. SAR inspector:** SAR inspector is responsible for carrying out regulatory functions related to SAR.

D. For AGA: the Article 21 Circular 29/2021/TT-BGTVT dated 30/11/2021 regulated the powers and responsibility of inspection:

- 1) Inspect and verify the compliance with the regulations on the safety of operation of the airport/aerodrome;;
- 2) Enter the areas where airport or aerodrome operations occur upon performing the duties;
- 3) Request relevant organizations and individuals to provide documents and objects concerning an incident that jeopardizes aviation safety or for investigating a violation; maintain confidentiality of information as prescribed and do not abuse his/her powers to use information for personal purposes;
- 4) Examine and copy licenses, certificates, technical logbooks, documents or files concerning the management and operation of the airport/aerodrome;
- 5) Request organizations and individuals to stop activities likely to threaten aviation safety or cause fire or explosion at the airport/aerodrome temporarily aviation employees and to facilitate incident investigation; make written records of occurrences and incidents;

E. It is important that aviation safety inspectors understand the proper use of these powers.

## **1.6.2 THE CONCEPT OF RIGHT OF ACCESS FOR INSPECTION**

A. VAR reemphasizes and refines this right of access for inspection.

B. For the Airworthiness and Operation of the Aircraft, Section 1.315 summarizes the right of access for inspection as—

- To any place, whether public or private, where an aircraft is located for the purpose of inspecting the aircraft or any document subject to these Regulations;
- To any aerodrome for the purpose of inspecting the aerodrome or any aircraft on the aerodrome or any document subject to these Regulations;
- To any aircraft and flight deck compartment, for the purpose of checking while in flight...

C. For ANS: ANS inspectors have the following responsibilities and powers:

- Conduct inspection and supervision of flight safety according to the contents specified in Clause 3, Article 262 of Circular 19/2017/TT-BGTVT;
- Access and check any ANS equipment/system, ANS facility/unit;
- Request any ANS staff, staff, or pilot to provide documents and evidence related to aviation safety incidents or to serve the investigation of violations; inspection and supervision of flight safety;
- Check and copy licenses, certificates, technical logbooks, documents or records related to ANS.
- When exercising the powers specified in Clause 3 of this Article, the ANS Inspector has the right to propose to the Director General of the Civil Aviation Authority of Viet Nam to consider suspending flight operations and suspending employee activities, ANS technical systems, equipment, and related ANS facilities to prevent the possibility of threatening flight safety.

D. For AGA: the Point b Clause 1 Article 21 Circular 29/2021/TT-BGTVT dated 30/11/2021 regulated the right access for inspection: Enter the areas where airport or aerodrome operations occur upon performing the duties;

## **1.6.3 REQUIRED RETENTION & PRODUCTION OF DOCUMENTS**

A. For the Airworthiness and Operation of the Aircraft, Sections 1.040 and 1.043 provide the requirement that any document or record required by any of the VARs must be presented on request of the authorized person and it must be retained as required by the VARs.

■ SECTION 1.040(A): ANY DOCUMENTS AND REPORTS SPECIFIED BY THESE REGULATIONS SHALL BE PROVIDED TO AN AUTHORISED PERSON UPON HIS REQUEST FOR SUCH INFORMATION.

■ SECTION 1.040(B): EACH PERSON INVOLVED OR PARTICIPATING IN AN AVIATION ACTIVITY SHALL, WITHIN A REASONABLE TIME AFTER BEING REQUESTED TO DO SO BY AN AUTHORISED PERSON, PROVIDE THE LICENCES, CERTIFICATES AND DOCUMENTS WHICH HE IS REQUIRED TO HAVE, CARRY, COMPLETE OR PRESERVE DURING THE COURSE OF HIS ACTIVITIES.

B. For ANS: Conduct inspection and supervision of flight safety according to the contents specified in Clause 3, Article 262 of Circular 19/2017/TT-BGTVT;

Request any ANS staff, staff, or pilot to provide documents and evidence related to aviation safety incidents or to serve the investigation of violations; inspection and supervision of flight safety;

- Check and copy licenses, certificates, technical logbooks, documents or records related to ANS.

C. For AGA: the Article 21 Circular 29/2021/TT-BGTVT dated 30/11/2021 regulated the powers and responsibility of inspection:

3) Request relevant organizations and individuals to provide documents and objects concerning an incident that jeopardizes aviation safety or for investigating a violation; maintain confidentiality of information as prescribed and do not abuse his/her powers to use information for personal purposes;

4) Examine and copy licenses, certificates, technical logbooks, documents or files concerning the management and operation of the airport/aerodrome

*End of Chapter*



## Chapter 2

# General Resolution Concepts

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This chapter provides guidance outlining the general guidance by which the CAAV will address the safety concerns identified during the conduct of inspections or investigations.

### 2.1 IDENTIFICATION OF A SAFETY CONCERN

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#### 2.1.1 GENERAL

- A. CAAV inspectors must follow the correct protocols in the identification and resolution of safety concerns. Those protocols are contained in this manual.
- B. Proper identification of a safety concern is critical to the credibility of the inspector's finding.
- C. Each inspector entering a safety concern report will remain responsible for conducting all necessary actions to achieve timely resolution of that issue, unless it is reassigned by management.

#### 2.1.2 DEFINITION OF A SAFETY CONCERN

- A. A "safety concern" is best defined as non-compliance with a—
- 1) Regulation that is in-force;
  - 2) Published standard
  - 3) Published relevant safety practice.
- B. Safety concerns (regarding existing approvals or individual actions) will be identified when interacting with and inspecting the holders of CAAV approvals, authorizations, licenses, certificates and other authorizing documents.

#### 2.1.3 REGULATIONS IN-FORCE

- A. Regulatory non-compliance can be a serious issue that can result in both administrative and/or serious enforcement actions against the entity.
- B. A regulation "in-force" could be cited from either the Vietnam primary or secondary legislation that is applicable to the particular aviation entity or individual.
- C. CAAV policy requires that, in order for the "safety concern" to be valid, the cited regulation must be—
- 1) Applicable to the organization, individual and/or type of operation or function;
  - 2) Must be applied "as-read," as opposed to inspector interpretation or inference; and
  - 3) Must be the current regulation at the time the safety concern was identified;

The CAAV personnel must cite the specific legislation that is applicable.

#### 2.1.4 PUBLISHED STANDARDS

- A. Published standards are documents that are considered to be extensions of the regulations because they include the standards that are critical to the safety of aviation operations.
- B. Examples of documents that would have the force of regulations include—
- The approved aircraft flight manual
  - The manufacturer's aircraft type-specific maintenance manuals
  - Skill test standards
  - Manuals, checklists and other documentation approved by the CAAV.
- C. When citing published standards relating to the safety concern, the inspector should cite both the—
- 1) Applicable regulation section number; and
  - 2) Applicable manual reference (manual acronym, page and paragraph number).

### 2.1.5 PUBLISHED RELEVANT SAFETY PRACTICES

A. While they do not usually have the force of regulations, published relevant safety practices may be cited as safety concerns.

B. Examples of documents that would include relevant safety practices include—

- Advisory circulars published by the CAAV
- Safety recommendations from accident and incident reports
- Documents published by ICAO and mature civil aviation organizations
- Documents published by recognized international safety organizations
- Training documentation from the manufacturer or recognized training facility

C. When citing relevant safety practices relating to the safety concern, the inspector should cite the applicable manual reference (manual acronym, page and paragraph number).

### 2.1.6 EVALUATION FINDINGS NOT ENTERED AS “SAFETY CONCERNS”

A. CAAV findings relating to evaluations of organizations, aircraft, individuals and documents PRIOR TO THEIR APPROVAL for use in aviation are not normally—

- 1) Identified as safety concerns; or
- 2) Entered into the Safety Concern database.

B. Evaluation findings of this type are normally identified through—

- De-briefings of the findings for correction
- Administrative letters listing the basis for disapproval
- Acrobat commenting to provide digital notes for correction
- Rejection of the application

## 2.2 OFFICIAL RECORDS OF RESOLUTION

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The primary records that will be the “official” record of resolution—

- 1) The completed safety concern record that summarizes the actions of resolution;
- 2) The documents that were issued to record resolution completion;
  - (a) In most cases, this may only be the associated safety concern record.
  - (b) Related Action records may be cited.
- 3) The Enforcement Investigation Report (if a Letter of Investigation was issued); and
- 4) The Enforcement Decision Order (if an enforcement sanction was assessed).

### 2.2.1 Safety Concern DATABASE

All safety concerns will be recorded in the Action/ Safety Concern database for tracking of resolution. The entry sequence (in Casort) shall be—

- 1) Before entering the safety concern, the inspector will enter the Action record and *Commit* it.
- 2) Then the inspector will *Edit* that record to insert the safety concerns that have been identified during that Action.

Normally most safety concerns will be identified as a result of inspection and investigation actions.

The unique Control Number assigned by the database to the Action record provides a method for tracking enforcement reports.

### 2.2.2 ENFORCEMENT INVESTIGATION REPORT

A. The EIR is an official record that is used by the CAAV to outline the actual enforcement case related to the individual or organization. This investigation report is the basis for initiating punitive sanctions.

Chapter 17 provides detailed guidance for the development and issue of an EIR.

B. The EIR is a supporting record. The CASORT Safety Concern record remains the official record for resolution.

- The Resolution/Mitigation field must contain a summary entry for each event involving the initiation and completion of a EIR related to the safety concern.

### **2.2.3 ENFORCEMENT DECISION ORDER**

A. The “Decision” is an official record issued by CAAV Inspectorate in situations where the Director-General has determined that it is necessary to take “penalty” action to complete the resolution of an identified safety concern.

Chapter 20 provides detailed guidance for the development and issue of a “Decision.”

B. This “Decision” is also a supporting record. The CASORT Safety Concern record remains the official record of the resolution.

- The Resolution/Mitigation field must contain a summary entry for each event involving the initiation and issuance of a Decision related to the safety concern.

## **2.3 RESOLUTION POLICY**

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### **2.3.1 APPROPRIATE RESOLUTION LEVEL**

It is the policy of the CAAV to resolve identified safety and regulatory issues at the administrative or enforcement level appropriate to the situation and the individual or operator.

### **2.3.2 EXTENUATING CIRCUMSTANCES?**

A. The CAAV will, in each situation, assess the extenuating circumstances that resulted in the identified safety concern.

- For example, an administrative approach will be the course of action in situations where there are extenuating circumstances that indicate such methods can achieve lasting resolution.

B. The level of action taken to resolve these situations will depend on whether the individual or organization can provide information that proves that—

- A contravention occurred without his consent or connivance;
- All due diligence was exercised to prevent contravention;
- An act or omission was not avoidable by the exercise of reasonable care; and
- He or she neither knew, nor suspected the purpose of the flight was in contravention.

### **2.3.3 CONSIDERATION OF PRO-ACTIVE MITIGATION**

A. The reaction of the individual or organization when a safety concern is identified by their personnel or the CAAV is key to the choice for a method of resolution.

B. Safety concerns, regardless of potential significance, may be processed at the lowest levels of resolution for any individual or organization that demonstrates a pro-active approach to—

- “Outing” safety concerns so that they can be assessed for risk and tracked for resolution;
- Accepting responsibility for the identification and resolution of the safety concern;
- Timely interim correction or mitigation of safety concern through methods acceptable to the CAAV;
- Analysis of the root cause for the existence of safety concerns in determining the resolution methodology;
- Putting in place an enduring resolution (comprehensive fix) in concert with the CAAV;
- Supporting a comprehensive internal quality assurance program that essentially addresses conformance to the VARs and critical safety practices.

#### 2.3.4 CONSIDERATION OF TYPE OF BEHAVIOR

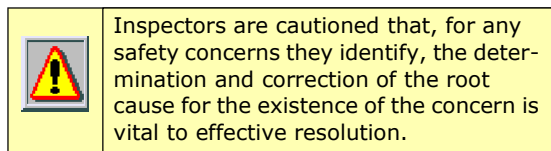
- A. The CAAV will consider the type of behavior that resulted in unsafe acts or failure to conform to at least the minimum standards applicable to the type of aviation method.
- B. The following have been identified as the primary types of behaviors affecting aviation safety—
- 1) **Deficient Knowledge and/or Skill.** When it is established that a person, through deficient knowledge and/or skill, was involved in an unsafe act or failure to conform to a regulatory requirement, this should be viewed as a “fitness” or “qualification” error.
  - 2) **Human error.** When there is general agreement that the individual should have done other than what they did, their conduct inadvertently caused (or could have caused) an undesirable outcome, this should be viewed as “human error.”
  - 3) **Negligent conduct.** Negligence is the failure to recognize a risk that should have been recognized. Negligence is conduct that falls below the applicable standards (regulations or safety practices) expected in the aviation environment. Negligence occurs in any circumstance where a prudent and reasonable person fails to use a reasonable level of knowledge and/or skill expected in the aviation activity they are conducting by—
    - (a) Omitting to take the expected action; and/or
    - (b) Doing something that is contrary to the expected action.
  - 4) **Reckless conduct** (gross negligence). Recklessness is the conscious disregard of an obvious risk. To be reckless, the risk involved in an aviation activity has to be one that would have been obvious to a reasonable person.
  - 5) **Intentional violations.** When a person knew or foresaw the result of the action, but goes ahead and does it anyway, this is considered an intentional or “willful” activity.

#### 2.3.5 RISK ASSESSMENT DRIVES RESOLUTION

- A. The initial risk assessment, both by the finding inspector and then the CAAV management, will drive the priority and methodology applied to the resolution of safety concerns.
- B. All identified safety concerns with “High” and “Medium” risk assessments will result in priority mitigation or elimination of that risk and continuously tracking of the resolution process.
- C. Even safety concerns assigned a “Low” risk assessment will be expected to complete resolution by the assigned target dates.

#### 2.3.6 ROOT CAUSE FOR LASTING RESOLUTION

- A. All resolution must include consideration of the root cause of the non-conformance that resulted in the identification of a safety concern.
- B. The CAAV recognizes that there is a tendency among both aviation professionals and inspectors to accept an “on-the-spot” corrective measure without considerations of the root cause.
- Inspectors must understand that they are not the “quality control” or the “quality assurance” of the organizations certificated by the CAAV.
  - The certificated organizations must have their own effective quality assurance program.
  - When an inspector identifies a safety concern (especially those that are repetitive), this usually is indicative that the organization’s quality assurance program is not adequate.
  - Inspectors should consider that an “on-the-spot” corrective measure may fail to address the root cause (and other contributing factors) and may actually result in additional incidence of non-conformance.
- C. To ensure that the root cause of identified safety concerns are addressed, the CAAV requires that all concerns be entered into the database and tracked to resolution.
- This process will result in identification of those concerns that are repetitive and result in patterns or trends.



- These types of concerns must receive additional consideration to identify and eliminate the root causes.

### 2.3.7 ACTIVE VS LATENT SAFETY CONCERNS

A. Safety concerns may also be categorized as “active” or “latent”—

- An “Active” failure is a decision/action that could result in an incident, accident or non-conformance with regulations.
- A “Latent” failure is a possible deficiency that currently resides in, or are missing from, the system which has not yet resulted in an observable incident, accident or non-conformance with regulations

The observable failure to follow procedures or conform to the regulations is generally considered to be “active.”

B. Findings of safety concerns are not just limited to human performance or observed failures. This is a “limitation” that inspectors sometimes project on their role. But inspectors should also be alert for “latent” safety concerns.



The CAAV encourages inspectors to be “actively” analyzing processes and documentation for weakness that could lead to accidents, incidents and non-conformance.

### 2.3.8 ROOT CAUSE: ACTIVE VS LATENT SYSTEM FAILURES

A. The first consideration has to be human performance. Were the persons involved qualified for their duties and did they follow the relevant safety practices and appropriate regulations?

- In the simplest of terms - if their life depended upon proper performance - were they capable of that performance?
- If not, then the investigator needs to look beyond the performance into the process (policies, procedures, qualification, management, human factors) for contributing factors.

B. All aspects of the “systems” and “processes,” related to the accident/incident/non-conformance should be reviewed for contributing factors that may have previously been “latent,”

C. The search for root cause will inevitably cause the investigator to review the design of these processes, including—

- **Policy.** Do the related policies adequately delineate the standards that are to be applied to the overall process and associated procedures?
- **Procedure.** Do the procedures within a process will provide the “who, what, when, where and how” adequate enough to ensure that the procedure is performed correctly by all parties?
- **Controls.** Within the performance of the process, are there identified points where persons “verify” (exercise quality control) that the process meets the defined minimum quality standards;
- **Interfaces.** Do the different users of the related process have conflicting guidance and does the process have conflicting guidance where it interfaces with other processes.
- **Process Measures.** Is there a methodology that enables an external audit of the performance and results relating to that specific process to ensure that it is functioning properly?.
- **Management responsibility and authority.** Does the related process have a manager assigned to be responsible for the proper functioning of the process and does that manager have the authority (or delegation) to revise the process to make it work correctly.

### 2.3.9 RESOLUTION VS. ENFORCEMENT SANCTIONS

A. Enforcement sanctions are not normally intended as “resolution.”, such as

- Resolution occurs when the previous safety concern and associated risk have been mitigated to the point that it is no longer a safety concern.
- Enforcement sanctions are assessed later if it is determined that the organization or individual deliberately failed to comply with safety standards.

B. The following are identified safety concerns and associated resolution actions—

- Aircraft with cracked wing spar = aircraft taken out of service = resolution of safety concern.
- Failure to follow approved training program = disapproval/cancellation of the training program = resolution of safety concern.
- Accident causes question of pilot qualification = satisfactory re-examination of pilot qualifications = resolution of safety

concern.

- Airline fails to comply with ETOPS requirements = rescinding of the ETOPS approval = resolution of safety concern.
- Providing inaccurate, incomplete or erroneous information from ground sources such as air traffic control, aeronautical terminal information services (ATIS), meteorology, navigation databases, maps charts, graphs and instructional documents, etc.
- Provide a lower distance from the ground than prescribed.
- Providing inaccurate reference barometric pressure data (such as setting barometric altitude).
- Transmitting, receiving and misinterpreting important instructions leads to dangerous situations.
- Violation of minimum separation.
- Entering airspace without permission or violating a prohibited area.
- Illegal radio voice communications.
- Failure of equipment in ground or satellite navigation systems.
- Serious damage to the air traffic control/management system or when there is serious deterioration of the airport's infrastructure.
- Airport areas, taxiways, and runways are blocked by aircraft, motor vehicles, animals, or foreign objects that can cause unsafe conditions.
- Errors in warnings or inadequate warnings about obstacles or dangers on airport areas, taxiways, and runways can cause unsafe conditions.
- Damage or malfunction of the airport lighting system, or no airport lighting system.
- ATO has not performed its function according to its procedure manual and
- Examiner has not performed his/her duties in accordance with the prescribed procedures

C. In each of the above examples, resolution occurred prior to consideration of enforcement sanctions.

- Each safety concern was resolved in a timely manner.
- Prompt, acceptable resolution mitigated risk.
- The CAAV safety oversight obligations were met.

D. Consideration of possible enforcement sanctions normally occurs only after a subsequent investigation.

1) Enforcement sanctions, such as monetary penalties, suspensions or revocation, are penalties for failure to comply after deliberate acts of non-compliance or gross negligence.

2) Enforcement sanctions, such as suspensions, emergency suspensions or revocation, become resolution only when it is determined the organization or individual intends to continue the unsafe practices.

E. Enforcement sanctions should be the results of:

- The incident is Level C or higher, and the non - compliance was the main cause of the incident
- Safety concern is not resolved in a timely manner
- Intentional violations
- Repetitive non - compliance



- The first priority should be resolution. initiated either by the organization, individual or CAAV.
- Resolution is the priority. Subsequent enforcement should only be necessary in a small number of safety concerns.

- The best sanctions analogy occurs when the bank robber turns the corner to find the policeman there.
- If the robber immediately returns the money, will the police let him go with no penalty for bank robbery?

## 2.4 RISK ASSESSMENT OF SAFETY CONCERN

### 2.4.1 INITIAL RISK ASSESSMENT REQUIRED

A. At the time of identification of the safety concern, the inspector will make an initial risk determination of the likelihood and severity of an accident or incident that would be involved in continued operations without an immediate on-the-spot resolution.

- The inspectors initial risk assessment is a required field for the entry of a safety concern into the database.

B. The CAAV management may, upon further consideration of the safety concern, revise that initial risk higher or lower based on a more thorough analysis.

C. Safety concerns that are assessed to be High or Medium Risk will be given priority for correction.

- Those safety concerns identified as H=High Risk must result in termination of operations or processes until *corrective action eliminates the risk*.

- Those safety concerns assessed to be M=Medium Risk must have termination of operations or processes until there is *mitigation of the factors which affect the risk*.

Safety concerns that are assessed to be L=Low Risk do not usually require cessation of operations or processes.

### 2.4.2 IDENTIFY THE HAZARD(S)

A. The first step in risk analysis is to identify the inherent hazard associated with the safety finding; then make a subjective assessment of the potential—

- 1) Likelihood of an occurrence in which that hazard is involved; and
- 2) Severity of that occurrence.

B. A hazard is something that exists now (in the present) that creates a potential unsafe situation.

- For example, a mountain near the airport is a hazard - it exists now.
- A violation of a safety regulation (standard) is a “hazard.”

The identified safety concern exists in the present and is considered a “hazard.”

C. The “risk” associated with that hazard is determined by a projected assessment of the possibility that the hazard will be a primary or contributing factor to a safety event.

### 2.4.3 DETERMINE SEVERITY OF UNSAFE OCCURRENCE

A. Using the following chart, make a subjective judgement as to the possible severity of an occurrence relating to the finding made by the inspectors. Use the severity bullet descriptions to assist in the determination.

SEVERITY TABLE		
4	Catastrophic	<ul style="list-style-type: none"> <li>● Loss of equipment</li> <li>● Multiple fatalities</li> </ul>
3	Hazardous	<ul style="list-style-type: none"> <li>● Large reduction in safety margins</li> <li>● Physical distress or a high workload such that operations cannot be relied upon to perform their tasks accurately or completely</li> <li>● Serious or fatal injury to a number of people</li> <li>● Major equipment damage</li> </ul>

2	Major	<ul style="list-style-type: none"> <li>● Significant reduction in safety margins</li> <li>● Reduction in the ability operations to cope with adverse operating conditions as a result of and increase in workload, or as a result of conditions impairing their efficiency</li> <li>● Serious incident</li> <li>● Injury to persons</li> </ul>
1	Minor	<ul style="list-style-type: none"> <li>● Nuisance</li> <li>● Operating limitations</li> <li>● Use of emergency procedures</li> <li>● Minor incident</li> </ul>
0	Negligible	<ul style="list-style-type: none"> <li>● Little consequence</li> </ul>

B. From the most applicable severity bullet descriptions, select the number from the left column for use with the risk analysis matrix.

#### 2.4.4 DETERMINE LIKELIHOOD OF UNSAFE OCCURRENCE

A. Using the following chart, make a subjective judgement as to the likelihood of an occurrence relating to the finding made by the inspector. Use the Likelihood bullet descriptions to assist in the determination..

LIKELIHOOD TABLE		
4	Probable	<ul style="list-style-type: none"> <li>● Likely to occur many times</li> <li>● In reference to aircraft fleet operations, may occur once or several times during operational life</li> </ul>
3	Remote	<ul style="list-style-type: none"> <li>● Likely to occur sometimes</li> <li>● In reference to aircraft fleet operations, likely to occur during total operational life of each system</li> <li>● But may occur several times when considering several systems of the same type</li> </ul>
2	Extremely Remote	<ul style="list-style-type: none"> <li>● Unlikely, but possible to occur</li> <li>● In reference to aircraft fleet operations, unlikely to occur when considering systems of the same type,</li> <li>● But has to be considered as being possible</li> </ul>
1	Extremely Improbable	<ul style="list-style-type: none"> <li>● Very unlikely to occur</li> <li>● In reference to aircraft fleet operations, should virtually never occur in the whole fleet life</li> </ul>
0	No Factor	<ul style="list-style-type: none"> <li>● So unlikely it can be assumed that it may never occur</li> <li>● Almost inconceivable that the event will occur</li> </ul>

B. From the most applicable likelihood bullet descriptions, select the number from the left column for use with the risk analysis matrix.



**2.4.5 USE THE RISK MATRIX TO DETERMINE THE LEVEL OF RISK**

A. Using the numbers derived from the Severity and Likelihood tables, find where these numbers will intersect in the risk matrix chart.

Safety Risk		Severity				
Probability		Catastrophic A	Hazardous B	Major C	Minor D	Negligible E
Frequent	5	5A	5B	5C	5D	5E
Occasional	4	4A	4B	4C	4D	4E
Remote	3	3A	3B	3C	3D	3E
Improbable	2	2A	2B	2C	2D	2E
Extremely improbable	1	1A	1B	1C	1D	1E

B. The level of risk as taken from this matrix will be—

- 1) Red area = High Risk
- 2) Yellow area = Medium Risk
- 3) Green area = Low Risk

**2.4.6 USING THE RISK DETERMINATION**

A. As applicable to the Safety Concern Resolution form, the user will make a selection of the—

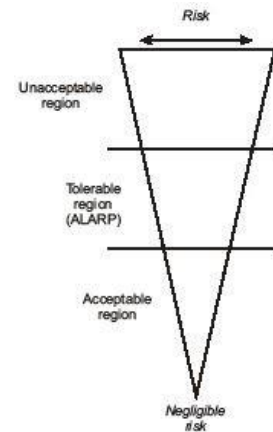
The initial risk analysis may be evaluated and revised by the CAA safety committee.

- 1) Initial risk determination when entering the concern; and
- 2) Final risk determination when resolving the concern

B. The priority of the resolution of the finding and the associated hazards identified will be based on the initial risk selection.

C. As depicted in the diagram to the right, the level of risk tolerance is based on the risk analysis—

- High Risk is unacceptable and cannot be tolerated by the CAA.
- Medium Risk may be manageable, but priority corrective actions must be undertaken to mitigate the risk.
- Low Risk is acceptable, but the CAA, certificated organizations and individuals involved must be aware of these risk and follow appropriate guidelines if available.
- Negligible Risk is an acceptable state also.



**2.4.7 RISK STATEMENT**

A. The initial risk statement should include—

A risk statement is not required for those findings given an initial risk analysis of Low Risk or Non-Risk.

- 1) A description of the identified hazard;
- 2) A discussion for why that hazard may present a risk to the operations of the organization or individual; and

3) How frequent the risk may be encountered.

B. The following are considered acceptable risk statements—

- Hazard: The air operator's pilot records indicate that 8 pilot have not received crew resource management training. Severity: Accident investigators have identified poor crew procedures as a contributing factor in catastrophic aviation accidents. Likelihood: Failure to provide that training increases the potential for such an accident.

- Hazard: A 3,000 MSL (2400 AGL) mountain is located 3 miles north of the Shelbyville aerodrome. Severity: Catastrophic accidents have occurred in situations where there was inadequate procedures and information regarding the proximity of higher terrain. There is no published departure procedure for Runway 36. The aircraft fleet operated by Anywhere Airlines generally does not reach adequate clearance altitude until they are 4 miles from the airport. Likelihood: The airline makes on average 30 departures a month on Runway 9. They estimate that 6 of those monthly departures of those departures are in instrument weather conditions.

- Hazard: The vertical stabilizer is difficult to inspect and service because of its high above the ground. It can only be checked with the lift. Anywhere Airlines does not own a lift and must borrow on Aircraft Maintenance Services. The maintenance program requires frequent inspection and service of the stabilizer. Severity: Catastrophic accidents relating to uninspected flight control surfaces. That is the basis for the requirement for RII inspections. Likelihood: Uninspected flight control surfaces noticeably increase the potential for an accident or occurrence.

C. The risk statement should be transposed to a risk worksheet for further resolution by the inspector.

D. An final risk statement made be included following the initial risk statement to describe the mitigation that occurred.

#### **2.4.8 GENERALIZATIONS ABOUT RISK**

The following generalizations can be made to assist in making the initial risk assessment—

1) High Risk—

- ◆ Has there ever been a catastrophic accident related to a similar safety concern?
- ◆ Does this safety concern have the potential to cause a failure at a critical phase of flight?
- ◆ Must this safety concern be resolved to allow the continued operation of the aircraft?

2) Medium Risk—

- ◆ Has there ever been a serious incident or accident related to a similar safety concern?
- ◆ Does this safety concern have the potential to create a serious situation for the flight crew?
- ◆ Can this safety concern be mitigated to allow the continued operation of the aircraft?
- ◆ Is this safety concern a violation of aviation regulation?

3) Low Risk—

- ◆ No serious incident/accident or catastrophic has occurred related to the similar safety concern?
- ◆ There is no known potential for this safety concern to result in an incident or accident when appropriate procedures are followed?
- ◆ If a violation of an aviation regulation, the basis for identifying the concern is no longer present?

4) Negligible Risk—

- ◆ There is no identifiable potential for the an accident, incident or violation to occur if this safety concern is not corrected?

#### **2.5 PRIORITY OF ADDRESSING SAFETY CONCERNS**

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The priority of addressing safety concerns will be based on the identifying inspector's initial risk assessment.

### 2.5.1 INITIAL RISK ANALYSIS SELECTION

A. The inspector is required to subjectively select the level of risk from the table provided by the Safety Concern form.

H - High Risk
M - Medium Risk
L - Low Risk
N - Non-Risk

B. The inspector's decision will default the corrective priority and target date selections as indicated in the table below.

C. Additionally, the inspector's initial selection will be used by the database to default the following other fields—

Initial Risk	Corrective Priority	Target Date
High Risk	0 = Safety of Flight Concern	Default target date to the day of discovery.
Medium Risk	1 = Needs Priority Correction	Default target date to 3 days into the future.
Low Risk	2 = Routine Resolution Assigned	Default target date to 45 days into the future, but day of discovery mitigation is recommended
Negligible Risk	3 = Other Resolution	This safety concern is to moved to administrative tracking database.

### 2.5.2 ASSIGNED CORRECTIVE PRIORITY

The categorization of the safety concern by the CAAV will indicate the priority and timing of corrective action required—

0 - Safety of Flight Issue
1 - Needs Priority Correction
2 - Routine Resolution Assigned
3 - Other Resolution

- **Level 0 [Safety of Flight Concern ]** The individual, operator, or AOC holder must make the necessary corrective action prior to operation of the aircraft.

- **Level 1 [Needs Priority Correction]:** The database automatically assigns a corrective target date of three days. The inspector may revise the target date depending on the nature of the situation. The individual, operator or AOC holder must complete the correction within the allotted period and advise the CAAV in writing of the correction made.



Some form of immediate mitigation may be necessary to allow the continued operations of an aircraft (or the use of the related process) where high or medium risk is assessed.

- **Level 2 [Routine Resolution Assigned]** The database will automatically assign a target date 45 days from the date of discovery. The inspector may revise those target dates depending on the nature of the situation. The individual, operator or AOC holder must complete the correction within the allotted period and advise the CAAV in writing of the correction made.

- **Level 3 [Other Resolution]:** This is to facilitate the addressing of inspector observations. This categorization must be specifically selected by the inspector and the target date should be edited to the date mutually agreed with the individual, operator or AOC holder. They should be given the opportunity to consider this concern and advise the CAAV in writing of its thoughts and intentions with respect to corrective action within thirty (30) days.

## 2.6 DECIDING HOW TO HANDLE SAFETY CONCERNS

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The purpose of this Section is to recommend the methodology for identifying and grouping safety findings.

### 2.6.1 OPPORTUNITY

A. Safety inspectors, like all auditors, are knowledgeable in the interpretation and application of the aviation safety regulations. They are also, in varying degrees according to their technical specialty, knowledgeable in the application of relevant safety practices.

B. Safety inspectors are both consciously and subconsciously in the audit mode when dealing with individuals, aircraft and organization in the aviation environment. This results in the continuous identification of concerns that may not conform to the regulations and/or safety practices. How these inspectors identify and group these concerns affects their personal credibility and the credibility of the CAA.

### 2.6.2 WHEN TO IDENTIFY AN CONCERN

A. Probably the most important advice that can be given to a new inspector is that the *act of identification of an concern brings the responsibility* to ensure the resolution of that concern.

B. The inspector routinely confronts situations where the concerns and numbers of concerns are daunting. The inspector must act carefully in the selection of the concerns to resolve.

- It can be counter-productive when working with the industry to confirm identification of every possible concern that the inspector “sees.”

C. Inspectors should take care not to identify--

- Concerns when they are not certain of their validity,
- So many concerns that neither they nor the subject can resolve them in a timely manner,
- Critical concerns in the same transmittal with concerns of lesser importance,
- Parallel concerns with so many different subjects that the resolution will be compromised by the political relationships.

D. It is necessary, then, for the inspector to identify concerns on a priority basis, beginning with--

1) **Imminent safety of flight operation.** When an aircraft or individual is about to be used for a flight operation and there is a question of airworthiness or fitness, this constitutes an imminent safety of flight operation that should receive the inspector’s immediate and concentrated attention before the initiation of that flight.

- ◆ The inspector has no option but to identify the concern to all individuals associated with the operation and the local authorities, such as air traffic control and the Director-General, and
- ◆ Issue a Prevent Flying Order. This should be given to the persons that are directly associated with the particular operation or operational control.
- ◆ Follow the civil aviation guidance (Resolution & Enforcement Manual) for further resolution.

- It is better that the industry assume that the inspector did not “see” an concern.
- Do not confirm knowledge of an concern and then deliberately fail to identify and address the concern.

- Concerns of questionable validity erode the credibility of the inspector,
- Overwhelming the subject with concerns will likely result in the failure to complete resolution, thus leaving “time bombs” in the CAA records.
- Embedding critical concerns and small concerns in the same resolution process will compromise the completion of the critical concerns.
- A danger that could arise when the inspector has similar or parallel concerns going with groups of operators is that the operators have more influence with the politicians as a group.

2) **Safety of flight.** When an organization or individual has operated or allowed the operation of an aircraft contrary to safety limitations or regulations that clearly compromised that flight, this constitutes a safety of flight concern that must be addressed before further flight.

- ◆ The inspector must advise the company management and persons directly associated with the safety of flight situation.
- ◆ Consider whether the issuance of a Prevent Flying Order is necessary for safety.
- ◆ Follow the methodology outlined in the Resolution and Enforcement Manual.

3) **Non-conformance with regulations.** Conformance with regulations is a requirement. Inspectors cannot authorize or condone any operations that are not in compliance with the aviation regulations.

- ◆ The inspector must notify the person(s) involved in the non-conformance of the regulatory requirement that they must immediately cease any practice that will result in failure to comply with the regulations.
- ◆ To the extent that an operator modifies their practices to stay in conformance with the regulations, they may continue operations.
- ◆ Complete the resolution process outlined in this manual.

4) **Non-adherence to a published safety practice.** Conformance with published safety practices is necessary to safe operation. Again, inspectors cannot authorize or condone any operations that do not comply with published safety practices

- ◆ The inspector must identify and discuss the safety practices that are not being followed with the persons directly involved in the operation.
- ◆ To the extent that an operator indicates a willingness to modify their practices to conform with the published safety practice, they may be allowed to continue operations.
- ◆ Complete the resolution process as outlined in this manual.

5) **Inadequate System Function.** When a deficiency in a company process or procedure is identified as a result of an accident, incident or inspection it becomes a safety concern. The organization must be advised of that safety concern.

- ◆ The priority for correction will be based on the latent likelihood of an occurrence relating to that deficiency.
- ◆ For trend tracking purposes it is classified as an inspector observation.

6) **Inspector observation.** Inspectors may make observations based on their training and qualifications, but that are not well publicized in the aviation community.

- ◆ The inspector may discuss the observations with the persons directly involved in the operation, or hold the information pending a discussion with company management personnel.

## 2.7 INDIVIDUAL OR COMBINED SAFETY CONCERNS?

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A. After the inspector has identified a safety concern, he must consider whether it should be resolved on an individual or consolidated basis. There are a number of considerations. These considerations center around whether the CAA would like to process the concerns on—

- 1) For emphasis (individual basis)
- 2) For tracking possible trends (individual basis)
- 3) For ease of tracking corrective action (consolidated basis)

B. The individual basis will be chosen when the concern needs to have specific focus. This action will require the concern to be resolved on a separate basis - rather than in a group resolution. This will require that a safety concern form for this specific concern be completed.

C. The combined basis will be chosen when routine findings are found during a specific inspection. In this case, all of the “routine” findings could be included in one consolidated safety concern record.

- Generally if the safety concern needs to be tracked for trends of non-compliance, it is better to track individual safety concern for each different, specific regulation non-compliance.

D. Many occasions require a mixture of both. It is critical that the inspector be able to review the concerns and decide as to the need to handle them with a single or multiple safety concern form.

E. For example, a ramp inspection of an aircraft ready for departure may identify 10+ concerns.

- If they are all minor, one safety concern form could be used.
- If they are all major concerns, 10+ separate safety concern forms might be used.
- But the more normal situation would be only 1 or 2 focused concerns, with the remainder consolidated into a single concern.

- The best example would be the results of an aircraft inspection.
- If all of the findings were concerns that could be routinely expected to be found on an aircraft inspection, these findings would be listed in a single safety concern record.

## 2.8 “OWNERSHIP” OF SAFETY CONCERN

A. The inspector conducting a safety and security oversight inspection applies technical skills related to those of the operators and organizations, plus the mindset of a qualified government inspector.

- From that perspective, a qualified safety inspector may easily identify more findings than the average person working for an organization.
- But valid and conclusive findings (not numbers) are the goal.
- Inspectors should not make a “game” of who makes the most airworthiness findings.
- This type of mindset is detrimental to the overall CAAV resolution processes and relationships.

B. Inspectors will take naturally take pride in the validity of their findings and items of proof. But inspectors should also temper their pride with a certain level of detachment from the ultimate resolution of their findings.

C. After a safety concern finding is made and documented, it becomes the “property” (responsibility) of the CAAV (as a whole), not the individual inspector.

- The CAAV management may re-assign the responsibility for resolution/mitigation of the safety concern to another inspector.

D. Even going forward with a formal enforcement investigation, the safety concern resolution remains the responsibility of the CAAV and its management.

E. Inspectors who collect items of proof and author reports will naturally take pride in the quality of work they do.

- But this pride of authorship should not be allowed to create hard feelings with management and legal counsel when a different resolution or mitigation is directed.

F. CAAV management may request changes or make changes in a report to assure that it complies with current guidelines and CAAV goals. When the EIR is accepted by management forwarding to legal counsel, it becomes a “CAAV report”



The key goal of management is ensuring that the root cause of a safety concern has been effectively addressed.

Inspectors should avoid becoming so emotionally attached to a “their” EIR that they become extremely upset with management or legal counsel for trying to make it a better report or for closing it out with no action.

## 2.9 APPEAL OF SAFETY CONCERN FINDING

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A. The organization or individual may appeal the CAAV official notification of safety concern or proposed target date to the CAAV management.

Receipt Date 03/01/2016  
Corrective Priority 1 – Needs Priority Correction  
Target Date 07/01/2016

- The appeal must be in writing.

B. This appeal must include the organization or individual's rationale for not identifying and promptly correcting the safety concern prior to the finding by the CAAV.

C. Where a safety concern is considered to be Low Risk, an appeal will have the effect of putting the required corrective action on hold until the CAAV management issues a decision in writing.

D. Those issues that were determined to be High or Medium Risk must have been corrected or mitigated satisfactorily on-the-spot or aircraft operations must have been stopped until resolution.

CAAV management will review the initial risk assessment after consideration of the merits of the appeal.

- Some levels of Medium Risk may be mitigated through the application of simple restrictions or additional management controls.

## 2.10 “CANCELLATION” OF SAFETY CONCERNS

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### 2.10.1 CANCELLATION BY X=CANCELLED (NOT VALID SAFETY CONCERN)

A. There will always be ‘second-guessing’ of inspector safety concern findings by the organizations and, sometimes by their peer groups.

Following the guidance in this manual regarding the identification of safety concerns and collection of items of proof will fend off most critics.

B. But, even with the best of precautions, some findings will be found not to be valid.

- In such situations the inspector should pro-actively ‘cancel’ any identified safety concerns which have been inserted into the database.

- The assigned inspector will make a close-out statement in the Safety Concern “Resolution/Mitigation” summary field specifying why it was closed.

- Then change the Status field to X=Cancelled,

C. If an organization or individual was notified in writing of a safety concern, the same persons must be advised that the safety concern was cancelled or closed out with no action.

- This is particularly true of those situations where a letter of investigation has been sent.

### 2.10.2 CANCELLATION BY A=MOVED TO ADMIN TRACKING

A. Some safety concerns identified by inspectors are found to be “paperwork” issues rather than true safety concerns.

If it is determined that an administrative issue was entered in the database as a safety concern—

- These types of issues should be entered in the Admin Tracking database for tracking and correction.

- The safety concern should be cancelled (moved),
- To Admin Tracking for tracking and correction.

B. Consider the following examples of identified safety concerns that were really just “paperwork” or administrative issues—

Refer to Chapter 8 of the CASORT Database Instruction Manual from more specific guidance.

- Inspector found that the pilot’s license had expired 3 days prior to the inspection. The resolution of this was merely the submission of an application and a fee and the license was reissued. This was ultimately handled as an administrative issue because safety was never at risk.
- Inspector found that the CAA had made a error in issuance the operations specifications issued to the organization. The resolution of this was the re-issuance of the ops spec by the CAA. This is an administrative issue, not a safety concern. There was no risk.

### 2.10.3 CANCELLATION BY C=CONSOLIDATED FOR RESOLUTION

A. When there are multiple safety concerns that are to be handled by a consolidated administrative or enforcement package, all of the separately entered safety concerns should be consolidated into 1 safety concern for better tracking of resolution.

B. This is accomplished by—

- 1) Opening a new safety concern as the consolidated record and include in the Finding field the SC Numbers of each record to be consolidated;
- 2) Then go to each of the separate safety concerns and enter a statement in the Resolution/ Mitigation Summary Field that includes the date of consolidation and that the safety concern has been consolidated to SC Number XX-XXXXXX;
- 3) Then revise the corrective status to C=Consolidated for Resolution.

C. All subsequent resolution and mitigation actions will be entered in the new consolidated record.

It will not be necessary to further complete the closed safety concerns records.

## 2.11 ADMINISTRATIVE ISSUES (NOT SAFETY CONCERNS)

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### 2.11.1 FOR TRACKING IDENTIFIED NON-SAFETY CONCERNS

A. The CASORT database currently contains an Admin Tracking database that allows the user (with the proper permissions) to insert administrative details for tracking to completion or correction.



- Use only for administrative issues.
- Do not use this database for tracking of Safety Concerns.

B. This feature is provided to give users the capability to track identified non-safety concerns to correction.

### 2.11.2 WHAT IS AN ADMINISTRATIVE ISSUE?

A. An administrative issue is one that—

- 1) Can be corrected by issue or modification of “paperwork;” and
- 2) Has low, negligible or no risk associated if not corrected promptly.

B. These types of issues can be encountered by inspectors during the accomplishment of their assigned functions.

- For example, an inspector determines that the organization does not have a copy of the latest approval issued by the CAA for a maintenance program (schedule). *This would be entered into Admin Tracking.*

It is important that inspectors recognize the need to treat these issues different from safety concern.

C. For example, an inspector found that a maintenance person’s license had expired two days before the inspection. The maintenance person was advised to submit the application for renewal on the spot. A day later, the CAA reissued the license. *There was no safety or proficiency concerns related to the expiration. This would be entered into Admin Tracking.*



## Chapter 3

# Summary of Resolution Process

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This chapter provides guidance outlining the overall methodology by which the CAAV will address the safety concerns identified during the conduct of inspections or investigations.

### 3.1 SUMMARY OF RESOLUTION OPTIONS

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A. The options for administrative resolution of safety concerns are—

Each of these resolution options are explained in separate chapters of this manual.

- **Routine safety concern resolution** — a formal exchange between the responsible inspector and the person or organization requiring remedial corrective action and follow-up verification.
- **On-the-spot resolution** – when an inspector finds and resolves an issue at the scene through counseling or remedial corrective action. (also considered routine)
- **Warning Notice** – a semi-formal written document given by the inspector at the time of the event and handed to the person or a formal letter.
- **Aircraft Condition Notice** – either written by the inspector at the time of the inspection or forwarded to the person under CAAV cover letter.
- **Prevent Flying Order** – may be issued in situations where the inspector considers that there may be immediate safety of flight concerns.
- **ATC No Fly Order** – may be issued by the Director in situations where it is necessary to focus the regulated entity on resolution.
- **Revoke the individual or services provider’s license, aerodrome certification**
- **Monetary penalties**
- **Varying an Authorization or Approval** – a formal action by letter or re-issuance of an authorization or approval to rescind or reduce the authorization or approval.
- **Warning Letter** – a formal letter of resolution from the CAAV to the person in situations that required the initiation of enforcement process.
- **Letter of Correction** – a formal letter of resolution from the CAAV to the holder of a certificate and/or ratings approved by the CAAV, such as an AOC, ATO, AMO or Aerodrome Operator.
- **Re-Examination of License Privileges** – a formal evaluation of a PEL license holder to ensure continued fitness after an accident, incident or demonstrated performance less than the standards to hold the specific license.
- **Remedial Training** – a semi-formal training program in lieu of re-examination or enforcement action.
- **Surrender of Licence/Certificate** – an individual or organization may choose to surrender licence or certificate in lieu of formal enforcement processes for revocation or substantial monetary penalties.

B. The options for enforcement resolution include—

- **Suspension** – a formal punitive, but temporary action that requires the holder of a license or certificate to surrender the document for a period of time.
- **Emergency Suspension** – a formal punitive action that immediately requires the holder of a license or certificate to cease use of the authorization, pending a CAAV decision for further action.

- **Revocation** – a formal punitive action that requires the holder a license or certificate surrender the document for destruction. A complete process of re-licensing or re-certification would be allowed after a period of time (usually 12 calendar months).
- **Monetary Penalty** (also called a “Civil” Penalty) – a formal punitive action that requires to the holder of a certificate or license to pay a fine to the government for non-compliance.

### 3.2 INSPECTION SITE - SAFETY CONCERN RESOLUTION

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When at the inspection (or investigation) site, It is important to follow specific steps in upon identifying a safety concern. *This procedure is applicable to all regulated entities.*

- 1) After identification of the safety concern, it is important to collect evidence at the time even if you are not planning to use it.
- 2) It is usually best to complete your notes and/or a job aid before conducting any debrief.
- 3) If it is only an individual, it may be possible to just counsel them. But if an organization is involved, management must be debriefed.
- 4) **Day of Discovery mitigation or resolution is an important goal of an inspector.** If the operator will suggest or agree to an acceptable mitigation or resolution action, it makes the correction simpler.
- 5) On-site operator resolution is preferred in High or Medium Risk situations.
- 6) If no acceptable mitigation or resolution action is taken, it may be necessary for the inspector to state what action must be taken.
- 7) The inspector needs to feel comfortable that the adequate resolution will occur before leaving the site, including a commitment from the regulated entity.
- 8) If that comfort level is not obtained, it will be necessary to pursue the correction further in consultation with the Department management.

It is important that any time a safety concern is identified it is entered into the Safety Concern database on that day or the very next morning.

### 3.3 IDENTIFICATION OF A SAFETY CONCERN IN OFFICE

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This Section provides an overview of normal resolution considerations upon identification of a safety concern. This concern may originate from incidents, complaints or inspections. *This procedure is applicable to all regulated entities. Except foreign operators.*

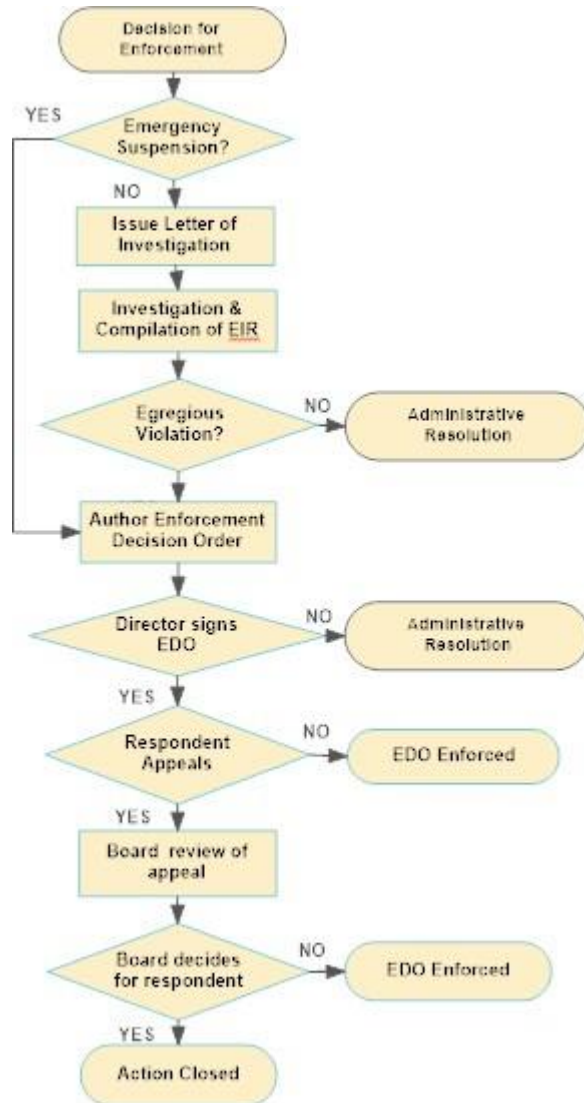
- 1) A concern regarding imminent safety of flight situation should be dealt in a manner that will prevent the flight operation.
- 2) A concern regarding the airworthiness of the aircraft that is not a safety of flight situation should be given opportunity for correction
- 3) A concern relating to the competence of a flight crew member may be closed by a re-examination of that person.
- 4) A concern relating to an organization’s ability to sustain the capability to comply with an authorization may be closed by variation of operational privileges.
- 5) A concern relating to compliance with the publish safety practices, such as an aircraft checklist, may be approached from a variety of routine resolution solutions.
- 6) Regulations compliance may closed by routine resolution or it may involve a more specific enforcement process.
- 7) If none of the above are applicable, it may be time to cancel this safety concern.

### 3.4 PUNITIVE FORMAL ACTION

A. With the variety of possible administrative resolution actions, it should not be necessary to take punitive action for most non-compliance issues. However, the “process” of enforcement investigation and prospect of possible punitive action can be a potent deterrent to continued non-compliance. *This process is applicable to all regulated entities except foreign operators.*

B. This flow chart depicts the general flow of the formal enforcement process after a decision has been made to pursue punitive enforcement.

- 1) First, is the nature of non-compliance such that emergency suspension is warranted? If so the Aviation Inspectorate should issue an EDO immediately.
- 2) The issuance of a Letter of Investigation to the Respondent notifies that a serious process is beginning.
- 3) The evidence previously gathered should be compiled into an EIR.
- 4) CAAV management will review EIR and decide if a formal enforcement is warranted.
- 5) An alternative resolution such as a Warning Letter, Letter of Correction or other admin resolution may be warranted.
- 6) If punitive enforcement is warranted, FSSD, ANS, AGA will draft an EDO for the Director-General’s signature.
- 7) If the Director-General decides to sign the Provisional EDO it will be forwarded to the Aviation Inspectorate or Airport Authority for forwarding to the Respondent.
- 8) The Director-General may recommend that administrative resolution be the final course of action.
- 9) If the respondent elects to comply with the EDO, the proposed enforcement action will be finalized.
- 10) If the respondent elects to appeal the EDO, the case moves to the Ministry of Transport for review.
- 11) If the Ministry of Transport agrees that the proposed enforcement action is warranted, the EDO will be enforced. If the Ministry of Transport recommends a lesser action, that action will be enforced.



- 12) If the Ministry of Transport finds the respondent's appeal is compelling, the CAAV case will be closed as "No Action" and noted in the resolution log.

*End of Chapter*

## Chapter 4

# Routine Safety Concern Resolution

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This chapter provides guidance for the CAAV specifying the methodology by which the CAAV will address the routine safety concerns identified during the on-going surveillance of the aviation community

### 4.1 POLICY

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#### 4.1.1 GENERAL

A. The safety concern resolution process associated with the Action Report is the primary method that will be used by the CAAV in the resolution of safety concerns.

#### 4.1.2 DELEGATION

The qualified aviation safety inspector is authorized to resolve situations that are considered routine safety concern resolution according to the guidance in this manual.

#### 4.1.3 GENERAL PROCESS

A. The “Routine Safety Concern Resolution” process outlined in this chapter involves—

- 1) Identification of the safety concern;
- 2) Counseling or de-briefing was the initial resolution action;
- 3) Acknowledgment or agreement by the organization or individual to take resolution;
- 4) On-site correction of issue or commitment for timely correction obtained and acceptable to CAAV;
- 5) Safety concern was entered in database;
- 6) CAAV management accept the proposed basis for resolution.

B. The identified safety concern must not have—

- 1) Resulted in accident or incident; or
- 2) Been assessed to be H=High Risk;

C. The majority of identified safety concerns will qualify for handling under the administrative process in this chapter.

The process outlined in this chapter is the lowest level of resolution authorized by the CAAV.

D. This does not preclude additional parallel enforcement or certificate action against the organization, its personnel or individuals by the CAAV depending on extenuating circumstances that caused the safety concern to exist.

- For example, an inspector made a determination on-the-spot that the identified safety concern has been corrected.
- But, on further review, the inspector or CAAV management may determine that the organization or individual failed to exercise due diligence and allowed the safety concern to exist for a period of time without correction.
- In such case, a separate resolution or enforcement action may be taken against the responsible parties.

## 4.2 CONSIDERATION FOR ROUTINE SAFETY CONCERN PROCESSING

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### 4.2.1 COUNSELING OR DE-BRIEFING

A. The inspector conducting the de-briefing may make a determination that the safety concern was—

- 1) L=Low Risk; or
- 2) M=Medium Risk, involving primarily records or regulation concerns.

B. The inspector may counsel the individual(s) involved or the management of the organization and also make a subjective assessment of the commitment to correction and safety.

### 4.2.2 ON-THE-SPOT CORRECTION OR TIMELY COMMITMENT

*An on-the-spot correction, or a commitment to timely correction of the issue is required.*

● For example, a pilot who has not inserted the latest instrument approaches into his hard-copy manual or electronic medium - but the specific out-dated approaches were not used in flight - would qualify as a safety concern that could be processed through the “routine” process if the issue was corrected in the presence of the inspector or subsequently presented to a CAAV representative shortly after the finding.

**Safety Concern**    NAVIGATION CHARTS NOT UPDATED.  
Pilot J. Roberts had not updated his Jeppesen instrument approach charts prior to flight operations. A comparison of his route of flight with the new charts determined that those charts were not necessary to his route of flight. Failure to update the charts is also contrary to FOM policy that has been approved by the CAAV.

● An organization using a procedure that was not the latest safety practice and was agreeable to make the necessary changes on an administrative basis.

**Safety Concern**    RELEVANT SAFETY PRACTICE NOT ADDRESSED.  
PIC Tran Ngoc Thi observed to descend below ILS glide slope during VMC conditions. When discussed, pilot was not aware of this safety practice. Upon review of VJC FOM, policy regarding this safety practice was not found.

## 4.3 SAFETY CONCERN REPORT (SCR) PROCESSING

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### 4.3.1 COMPLETE ACTION & SAFETY CONCERN ENTRIES

Following an inspection or other activity that identifies one or more safety concerns, the inspector will—

- 1) Complete an Action report of the activity; and Refer to Chapter 3 of this Manual.
- 2) Enter any associated safety concerns to that report, with special attention to ensuring that the—
  - (a) Actions taken as of the printing of the safety concerns to date are included in the Resolution & Mitigation Summary field;
  - (b) The person to whom the safety concern is forwarded for action is contained in the “Assigned To” field. and
  - (c) The target date for completed correction indicated on the safety concern is the date of the commitment of the individual or organization.

*End of Chapter*

## Chapter 5

### Authoring & Resolving of Safety Concerns

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This Chapter provides guidance on authoring, mitigating and resolving safety concerns.

#### 5.1 Editing the Safety Concern

The purpose of this Section is to recommend phrasing for editing the safety concern findings in the database.

- Don't try to edit the safety concern when it is initially entered.
- Editing should occur in the office when there is time for consideration of the guidance in this Section.

##### 5.1.1 THE HEADLINE

A. The user should consider using a short phrase or sentence which is to function as the “headline” for the concern. The intent of the headline will be to--

- 1) Focus the non-technical reader on the importance of the concern;
- 2) Focus the writer as to the priority of the concern; and
- 3) Allow a database user to select the proper concern from the view list

B. Examples of headlines include--

- “UNAIRWORTHY AIRCRAFT”
- “UNSAFE TOOL”
- “UNQUALIFIED PILOT”
- “FAILURE TO ”
- “TOOL NOT CALIBRATED.”
- “NON-ADHERANCE TO SAFETY PRACTICE” (32 characters)
- “NON-CONFORMANCE WITH OPERATING CHECKLIST” (40 characters)

EXAMPLE: “UNSAFE RADAR ANTENNA....”

##### 5.1.2 THE TECHNICAL FINDING

A. Immediately following the “headline,” the user should enter the technical finding.

B. This should be one or more sentences that states in technical terms why the inspector believes the concern found is contrary to a regulation or relevant safety practice.

C. This should be complete enough that a technical inspector would understand why this matter was a safety concern.

EXAMPLE: “UNSAFE RADAR ANTENNA. ***The radar antenna was painted blue with a substance not in accordance with the manufacturer's standard. ....***”

### 5.1.3 THE NON-TECHNICAL IMPORTANCE OF FINDING

A. It is critical for most safety findings to include a short discussion indicating why, in non-technical terms, this finding is considered a safety concern.

B. This may be in one or more sentences

C. This statement should be complete enough that a non-technical person will be able to understand why this matter is a safety concern.

- The inspector may choose to include this information in his Risk Statement text (required for High & Medium Risk) rather than the Safety Concern text.

EXAMPLE: "UNSAFE RADAR ANTENNA. The radar antenna was painted blue with a substance not in accordance with the manufacturer's standard. **Failure to comply with the manufacturers requirement could result in inaccurate altitude readings to the pilot. Inaccurate altitude information has been a contributing factor to aircraft accidents. ...**"

### 5.1.4 THE CIRCUMSTANCES

A. Many times it is necessary to include more discussion about the events leading up to the safety finding to enable the understanding of why the concern is significant.

B. This portion of the statement should include a discussion of the number of times this concern has already been a safety factor. It should also include references to any known approvals for the operator or individual that are at risk.

EXAMPLE: "UNSAFE RADAR ANTENNA. The radar antenna was painted blue with a substance not in accordance with the manufacturer's standard. Failure to comply with the manufacturers requirement could result in inaccurate altitude readings to the pilot. Inaccurate altitude information has been a contributing factor to aircraft accidents. **The aircraft had been operated on 10 flights since the paint has been applied. The airline has approval for Category II instrument approaches.**"

### 5.1.5 OTHER ITEMS OF PROOF

A. It is not necessary to put more detailed facts and information in the safety concern finding. This type of specific information regarding your findings should be in the form of inspector statements, witness statements, copies of records, letters of correspondence, etc., which should be collected as items of proof (see Chapter 16 of the Resolution & Enforcement Manual).

B. It is a good practice, even with simple findings, to draft an inspector statement on the spot. Use the Enforcement Investigation Report {EIR} standard form (Parts A, B and C) to focus your mind on the proper collection of related information and items of proof.

C. These items of proof will later be linked via the CASORT Document Control to your specific safety concerns. This linking will have the effect of consolidating all of the necessary documentation regarding your safety concern and its resolution together.

## 5.2. RESOLVING SAFETY CONCERNS

The purpose of this section is to provide guidance on the final resolution entries in the Safety Concern form.

### 5.2.1 FINAL RESOLUTION

On 17 February, Inspector Perkins conducted an inspection of the company's crew flight time records. No concerns were identified. Inspector Perkins—

- 1) Entered a CAA ACTION INSPECTION record (Crew Flight Time Records) S=Satisfactory,
- 2) Opened the safety concern record,
- 3) Added a note to the Resolution Summary to that effect,



```

Resolution Summary 11/02/2005 INSP PERKINS MONITORED CREW TRAC TRAINING.
12/02/2005 INSP PERKINS MONITORED CREW TRAC TRAINING.
15/02/2005 COMPANY SUBMITTED DOCUMENTATION - INSP PERKINS EVALUATED.
16/02/2005 INSP PERKINS APPROVED CREW TRAC AS PRIMARY FLIGHT TIME RECORDS
17/02/2005 INSP PERKINS CONDUCTED SATISFACTORY INSPECTIONOF CREW FLIGHT TIME
RECORDS.

```

- 4) Entered the Final Resolution Date,
- 5) Selected himself as the resolving inspector,
- 6) Selected the general method by which the safety concern was resolved.
- 7) Selected the final risk analysis.

### 5.3 TIMELY & EFFECTIVE SAFETY CONCERN RESOLUTION

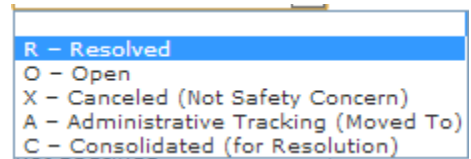
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#### 5.3.1 RESOLVING THE RECORD

A. The final action is to go to the top of the record and change the record status from OPEN to RESOLVED.

- Until this action takes place the record will remain OPEN as a final check.

B. Some civil aviation authorities have a policy that only the supervisor may make this change to ensure that a last double-check of the completed record is made prior to taking it off the OPEN list.



### 5.4 PRO-ACTIVE TRAIL OF RESOLUTION ACTIONS

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#### 5.4.1 UPDATING RESOLUTION/MITIGATION SUMMARY

##### 5.4.1.1 Summary Entry Formate & Content

A. The Risk/Mitigation field of the Safety Concern records is the most important historical summary of resolution. Each action/event should be summarized there.

B. The inspector will make summary entries within that field using the following protocol—

- 1) Date;
- 2) Space or colon;
- 3) Statement of proposed or actual action or event;
- 4) That includes at least the last name; and
- 5) Where possible, position of person

- It is not necessary that these entries be lengthy.
- It is more important that all events be included.
- Short entries are preferred.

◆Example: “31/12/2009 PIC Roberts was advised to correct the [safety concern] prior to further flight.”

C. Until the safety concern is resolved, the inspector must return to the record as necessary to enter each resolution action.

- In most resolutions, this summary record may be the only record of resolution.
- The inspector must make a special effort to keep this summary up-to-date.

D. The following is an example of resolution summary entries which involved returning to the safety concerns multiple times over a period of time.

Resolution/Mitigation 05/11/2010 PIC Roberts counseled to use available electronic and visual glide path information during all approaches to airports.  
05/11/2010 DO Beneby contacted and he agreed that this practise should be a policy in the Anywhere Airlines manual.  
05/11/2010 DO Beneby committed to publish an interim Pilot Bulletin effective immediately to be included on all flight releases requiring pilots to implement this practice.  
05/11/2010 DO Beneby also committed to publishing a manual revision containing this practice no later than 17/12/2010.  
05/11/2010 Anywhere Airlines flight release for next flight contained the appropriate notification re the glide path policy.  
06/11/2010 Ltr of Transmittal with this safety issue issued to DO Beneby.  
15/12/2010 Received AA FOM revision #4 containing policy for staying on or above available electronic and visual glide slope until safe landing is assured.  
17/12/2010 FOM Revision #4 approved for use.

#### 5.4.1.2 Events to Summarize

A. The Resolution/Mitigation field should include summaries of actions or events undertaken by the CAA personnel and other individuals, including organization management and their personnel and CAA personnel, such as attorneys or specialized inspectors. These include—

- 1) Mitigation (actions or events that result in a decreased level of risk related to the safety concern in order to permit subsequent operations);
- 2) Resolution (action or events that serve to resolve the safety concern);

- 3) Investigation (actions or events to collect facts and items or proof and determine the extent of the safety concern);
- 4) Appeal (actions or events related to appeals by the organization or individual to the CAAV or the politicians for relief); and
- 5) Enforcement (action or events to assess sanctions or penalties for non-compliance)

B. While it is good practice to make an Action record each day when accomplishing safety concern resolution, the inspector's record priority should be to keep the Resolution/ Mitigation summary updated.



It is more important to update the Safety Concern for Resolution and Mitigation events/actions than to make a related Action record.

- These summary entries may be used later to check for inspector actions that may not have been recorded in the Action database.

#### 5.4.2 EXAMPLE OF COMPLETED RESOLUTION/MITIGATION SUMMARY

The following actual example is intended to demonstrate the typical updating of the resolution actions associated with relatively complex safety concern.

- See Appendix 2-A for the complete safety concern.

- In the following examples, the inspector updates all pertinent actions that occurred in order to provide a pro-active trail of resolution.

##### 5.4.2.1 Safety Concern

The Safety Concern is a required field to save the record. Some information must be entered in this field. Usually the bare bones of the concern are entered to get the record saved.

- The inspector provides enough information to understand the safety concern, regulation involved and that the operations prior to the identification of this concern did not comply with the regulations.

**POTENTIAL MECHANICALLY UNSAFE FLIGHT OPERATIONS.**

Airline was operating aircraft VN-385 (A320) without a CAAV-approved Minimum Equipment List (MEL) and the necessary documentation for deferring defects, At the time of this finding there were determined to be 3 outstanding defects on the aircraft that had not been corrected or deferred. This is not in compliance with VAR 10 - VAR 12. It also does not conform to the stated policies in the airlines approved operations manual.

##### 5.4.2.2 Risk Statement

The risk statement is required for high and medium risk concerns. These levels of risk require prompt resolution or mitigation steps to bring the level of risk to low.

- In this situation, the inspector correctly understood that previous catastrophic accidents related to crew determinations of safety margins with inoperative equipment would make the issue high risk.

**SEVERITY:** Continued flight with uncorrected and unmitigated mechanical defects has been a factor in catastrophic aviation accidents. **LIKELIHOOD:** Depending on the type of mechanical defect that is uncorrected, the likelihood of an incident or accident ranges from negligible to highly likely. Without an MEL with specific instructions and procedures, the pilot will be making subjective decisions regarding the safety of continued flight with uncorrected defects.

### 5.4.2.3 Day of Discovery Inspector Mitigation Actions

The initial actions taken by the inspector are the foundation for all subsequent actions taken. Inspectors are expected at least to be “active” (bring the concerns to the attention of the persons involved). Inspectors are expected to be “pro-active” when identifying their concerns that can be assessed as high or medium risk (safety of flight). “Passive” initial actions are not acceptable in most situations, but especially where the risk is assessed as high or medium

- The inspector followed CAAV guidance to make the proper notifications of the key persons involved,. The PIC was notified of his non-compliant operation. The Director of Operations was also notified.
- The inspector did insert the fact that he called his manager to alert CAAV management of the possible grounding of the aircraft.
- That turned out to be a good action, since the Director of Operations immediately called the Secretary directly.

03/01/2016:VDUN advised PIC Tran Ngoc Thi that he was not in compliance with the VARs in that such an aircraft cannot be operated without an approved MEL.

03/01/2016:VDUN advised VHHT of the safety finding

03/01/2016:VHHT advised DO Dinh Duc Tuan that previous and further operations of the aircraft without an approved MEL were not in compliance with the VARs and must cease.

### 5.4.2.4 Start the CAAV Focused Oversight Immediately

In keeping with the pro-active philosophy, if the operator agrees to a compromise “fix,” it should be implemented immediately.

- In this particular situation, the inspector went back to the operator on the same day to ensure that the continued operations of the aircraft were conducted without known defects.



- It is more important to enter all summary actions in the Resolution/Mitigation summary field than to enter Action records
- Those records may be entered later by referring to these summaries.

04/01/2016:Began enhanced inspections consisting of daily ramp inspections and monitoring of the Daily Aircraft Check. No mechanical defects.

### 5.4.2.5 Start the Enforcement Process

Enforcement sanctions are necessary when it is apparent the operator or individual was aware of the regulation, but have chosen not to comply.

- In this particular situation, the inspector found items of proof (other inspector write-ups) that both the operator and the PEL holder had previously been notified of the need for an MEL, but had failed to act to resolve the non-compliance.

04/01/2016:Forwarded LOIs to VJC (EIR:ESI-16-00004A) and the PIC ((EIR:ESI-16-00004A) for operations of aircraft without MEL.

### 5.4.2.6 Pro-Active Safety Oversight

It is important to record that the CAAV is pro-actively acting on behalf of public safety and compliance with the regulations.

- In this particular case, it is easy to follow safety oversight. The inspector made an updating entry for every day of the resolution process.
- These entries demonstrate that on every day until the safety concern was resolved, the CAAV inspectors kept a close watch on the airworthiness of the aircraft.

- Keep in mind that, in addition to this summary record, inspectors are entering Action records of these inspections and other actions.
- This is the primary record. Do this entry before making any other entries.

05/01/2016:Daily inspections found aircraft without mechanical defects.  
06/01/2016:Daily inspections found aircraft without mechanical defects.  
07/01/2016:Daily inspections found aircraft without mechanical defects.

#### 5.4.2.7 Maintain Priority of Action

When the operator provides the document that will ultimately resolved the safety concern, the CAAV must act on a priority basis to clear the safety concern, but inspectors should not accept a less-than- satisfactory fix.

Keep in mind that, in addition to this summary record, these inspectors are entering daily Action records of there MEL evaluation.

07/01/2016:VJC submitted A320 MEL for evaluation.  
08/01/2016:Daily inspections found aircraft without mechanical defects.  
09/01/2016:Daily inspections found aircraft without mechanical defects.

#### 5.4.2.8 Stay on the Trail of Pro-Active Resolution

The CAAV must maintain continuity of action throughout this process, especially when an interim “deal” has been struck.

- In this case, the record shows that the CAAV followed through on the “deal.” The inspector continues to update the safety concern showing that the CAAV conducted at least one inspection each day on the airworthiness of the aircraft. Impressive safety oversight continuity

#### 5.4.2.9 MEL Back for Corrections

Where the document requires corrections, it must be returned to the organization for corrections. The document must be found satisfactory by the CAAV

Do not fall prey to an operator’s assurances that they will fix outstanding issues at sometime in the future. Clear all issues before approval.

09/01/2016:A320 MEL returned to VJC for corrections.  
10/01/2016:Daily inspections found aircraft without mechanical defects.

#### 5.4.2.10 Continue the Process Until Resolved

While the Resolution/Mitigation summary may seem repetitive, the pace of the safety oversight should continue until resolution.

- The inspector has continued to update the Resolution/Mitigation summary to show the daily oversight action of the CAAV regarding the airworthiness of the aircraft.

#### 5.4.2.11 Resolution of the Original Safety Concern

The resolution of the safety concern should appear as a summary item in text that clearly indicates resolution.

See Appendix 2-A. The resolution date is 06/12/2010. The resolution action was “inspection.”

11/01/2016:VJC A320 MEL and discrepancy tracking approved by CAAV.  
12/01/2016:Inspection of the aircraft by VQPL found approve MEL and no mechanical defects.  
12/01/2016:This safety concern closed.

#### 5.4.2.12 Enforcement or CAAV Repayment?


A. In many cases, there will be follow-up enforcement actions related to the original safety concern.

B. Some of these follow-up actions should also be recorded in the Resolution/Mitigation summary.

These actions must continue to be

summarized to provide a full picture of the completed process.

- In this case, the inspector has provided entries showing the completion of the related EIRs.
- But he has not provided all of the actions that were involved in collecting, assembling and authoring these documents. Those action will be found in the Action database.

	<ul style="list-style-type: none"><li>● It is not necessary to include the daily inspector actions relating to enforcement.</li><li>● Only the issuance of key documents such as the LOI, EIR, and EDOs will be included in the summary.</li></ul>
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#### 5.4.2.13 Inspectorate Actions

Normally the actions taken by the CAAV Inspector will not be recorded in the Action database. But the assigned inspector should continue to update the Resolution/Mitigation summary when he receives information of Inspectorate actions related to the safety concern.

- In this case, the inspector became aware that the Inspectorate had issued the Decision Orders.
- The Inspectorate will forward to the CAAV copies of all Orders issued related to EIR files submitted.

25/01/2016:CAAV Inspectorate assessed a 15-day suspension for Pilot Tran Ngoc Thi.  
25/01/2016:CAAV Inspectorate assessed a 600 million Dong penalty of the airline.

#### 5.4.2.14 Completion of All Follow-Up Actions

A. The assigned inspector should continue to update the safety concern until there are no more directly related actions occurring

28/01/2015:PIC surrendered PEL license to start 15-day suspension.  
31/01/2016:VJC paid the penalty  
11/02/2016:PEL license returned to PIC Tran Ngoc Thi after completion of suspension.

B. When the final action has been updated, the CAAV Director-General should be notified that the safety concern is now “R=Resolved.”

C. After the record has been reviewed for quality and completeness, it should be **Locked** from further editing.

*End of Chapter*

## Chapter 6

### Warning Notices

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This chapter provides guidance specifying the methodology by which the CAAV will issue and file warning notices.



#### 6.1 POLICY

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##### 6.1.1 GENERAL

The CAAV should issue a Warning Notice if there is no evidence that a person involved in a violation of the regulations was previously aware of the specific regulatory requirement.

If it is determined later that the person previous knowledge of the regulatory requirement and failed to comply, an enforcement action may be initiated.

##### 6.1.2 DELEGATION

The qualified aviation safety inspector is authorized to resolve situations meeting the criteria for resolution by warning notice.

#### 6.2 INSPECTOR COPIES OF FORMS

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A. Each inspector will be issued a book of Warning Notices containing originals and duplicates of the Notice.

Annotate Safety Concern ID# on the CAAV's yellow copy.

B. The inspector should carry this book during the course of their work outside the office.

C. The inspector may elect to use a Warning Notice Letter in lieu of issuance of the Warning Notice form.

#### 6.3 WARNING NOTICE PROCESSING

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1) The inspector will issue the top copy of the Warning Notice (or a letter) to an individual or operator observed or suspected not to be in conformance with the VAR Regulations.

2) Upon return to the office, the inspector will—

- ◆ Complete the safety concern; and.
- ◆ Have a copy of the Warning Notice inserted in the Document Control and attached to the correct SCR.

APPLICABLE Action NUMBER

- 1009B Warning Notice

Annotate Safety Concern # on the CAAV yellow copy.

*End of Chapter*

## Chapter 7

### Aircraft Condition Notices

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This chapter provides guidance for the CAAV specifying the methodology by which aircraft airworthiness findings are conveyed to the aircraft owner or operator.

#### 7.1 POLICY

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##### 7.1.1 GENERAL

A. The CAAV inspector should issue an *Aircraft Condition Notice* in any situation where he or she determines that an aircraft has mechanical defects or irregularities.

The only exception to this is when an AOC holder enters the findings provided by the inspector directly into aircraft tech log.

B. The issuance of an *Airworthiness Condition Notice* does not preclude parallel enforcement or certificate action against an individual or AOC holder (or its personnel) regarding aircraft airworthiness by the CAAV depending on mitigating circumstances.

##### 7.1.2 DELEGATION

The qualified aviation safety inspector is authorized to resolve safety concerns meeting the criteria for resolution through the use of aircraft condition notices.

#### 7.2 PRIORITIZING AIRCRAFT AIRWORTHINESS FINDINGS

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A. The risk involved for subsequent flight operations will be the deciding factor in the CAAV inspector's actions.

B. For example, it is possible during the inspection of an aircraft to have two clear groupings of findings based on risk—

- One grouping that contains minor or routine findings that do not normally preclude aircraft operations.
- A second grouping of one or more defects that preclude aircraft operations.

In this example, at least two safety concerns must be opened to track resolution.

C. The inspector must ensure that the average person reading the safety concerns developed regarding aircraft airworthiness condition must be able to determine from the records those concerns that are minor or routine and those that involve imminent safety of flight.

- All safety concerns labeled “High” or “Medium” will contain an entry in the *Risk Statement* field.
- The Risk Statement field may be left blank for safety concerns labeled “Low” or “Non.”



### 7.3 RECORDING OF AIRCRAFT AIRWORTHINESS FINDINGS

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A. After identification of findings, the inspector must ensure that these findings are communicated to the aircraft owner/lessee/operator/crew in a manner that will provide for CAAV determination that the concerns are corrected.

B. There are three methods that should be considered—

- 1) Have the findings entered into the aircraft technical log;
- 2) Issue an Aircraft Condition Notice
- 3) Issue a Safety Concern Report to the owner.

- Each of these methods is designed to have “evidence” that the notification was made.
- Failure to enter the findings into the correction process through one of these methods is not acceptable inspector conduct.

C. Having the findings entered into the aircraft technical log is generally the best method for determining that the operator’s procedures and capability for achieving satisfactory correction.

- The inspector can actually see the entries made in the logbook (even recommend the text of the entry) and note the page number.
- The inspector may also remain on-site (or come back to the site after a short interval) to see the progress of the correction/deferral.
- The inspector may subsequently follow-up to determine the actual correction. Usually this can be accomplished by requesting the operator to fax a copy of the log page to the CAAV or by actual inspection of the log page records.

The persons making the entry may also be requested to preface the entry with the words “(CAAV finding).”

D. In all other situations, the inspector should issue an Aircraft Condition Notice, either by letter or form.

- In lieu of the Aircraft Technical log entry, the use of the form provides evidence that the owner/ operator/crew received a hard-copy of the airworthiness findings on-site.
- The inspector may now follow-up to see if the findings are processed according to acceptable airworthiness practices (including insertion into the aircraft records).
- Use of the form (see reverse) also provides a convenient document for the owner to notify the CAAV that the findings have been corrected.

- Appendix 6-A provides an example letter.
- Appendix 6-B provides an example form.

A fill-in-the-blanks letter may be used during on-site inspections.

E. The letter format should be used if the information was not conveyed to the operator in writing while at the inspection site.

- The letter, plus a copy of the safety concern, should be forwarded to the operator via a controlled method that establishes a trail of evidence.

### 7.4 ON-SITE NOTIFICATION

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A. Inspectors must be prepared to ensure the documentation and notification of aircraft airworthiness findings while conducting inspections on-site.

B. The inspector may carry fill-in-the-blanks Aircraft Condition Notices in letter or form format.

- The stipulation is that the original copy will be issued to the individual and a second copy will be filled in the CAAV.

- Inspectors may print double-sided pages of the form located in Appendix 6-B to issue the Notice.
- For this purpose, the entire two pages, including headers and footers, must be printed.

C. If the technical log entry of the findings is not an option, the inspector will complete the letter/ form on-the-spot, when possible.

- 1) Have the owner, operator, or pilot sign the “Presented To” block.
- 2) Should that person refuse to sign, the issuing inspector may note in the “Presented To” block that name of that person and that the person refused to sign.
- 3) Enter the date and time that delivery was made or attempted.
- 4) Hand deliver the original copy to the owner, operator or pilot.

## 7.5 AIRCRAFT CONDITION NOTICE PROCESSING

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A. Upon return to the office, the inspector will—

1) Complete an Action record using the Action Number for the inspector action which resulted in discovery of the non-compliance (usually an inspection or investigation number).

2) Attach at least one safety concern outlining the regulation involved, organization and individual associated with the event.

- ◆ The findings should be grouped in two groupings.
- ◆ One grouping will be all routine findings which would not have the effect of grounding the aircraft.
- ◆ Any airworthiness findings that must be corrected prior to flight must be clearly identified.

Appendix 6-C provides examples of the two recommended groupings of aircraft concerns.

3) The safety concern will be completed in accordance with the guidance in Chapters 2 and 3, with emphasis on—

- ◆ Regulation Reference: (Specific Section)
- ◆ Provided to: (Name)
- ◆ Target Date: (Usually same or next day)
- ◆ Finding: (Either a single, series of singles or one “grouped” safety concern)
- ◆ Resolution/Summary: (Every corrective action/event);

- Appendix 6-C provides an example of a completed safety concern using aircraft technical log entry.
- Appendix 6-D provides an example of a completed safety concern using an aircraft condition notice.

4) Print a copy of that safety concern;

5) Attach the “second” copy of the Aircraft Condition Notice;.

Annotate Safety Concern # on the CAAV’s second copy of the hard-copy of the Aircraft Condition Notice.

6) Complete an Action record to document the issuance of the Aircraft Condition Notice;

- 1009C Aircraft Condition Notice

### 7.5.1 RESOLVING THE FINDINGS

A. The inspector must be diligent to complete the Resolution/Mitigation field summarizing the actions and events regarding resolution as this information becomes known to the CAAV.

B. To clear these findings, the owner (or operator) must present evidence of correction which may be—

- ◆ A copy (white or pink) of the Aircraft Condition Notice form with the reverse side completed by a qualified person or organization.
- ◆ A copy of the aircraft log showing the corrections
- ◆ A letter from the organization or aircraft owner outlining the corrective actions

C. Assuming that the corrections are satisfactory to the CAAV, the safety concern report will be completed as resolved and printed out.

Where possible the inspector should conduct a follow-up inspection.

#### **7.5.2 RETENTION OF HARD-COPY RECORDS**

A. The hard-copy records will be maintained for 12 calendar months and file by Safety Concern number.

B. These hard-copy records will also be converted to PDF files and uploaded to the Document Management database.

C. These Aircraft Condition Notice records may be used as items of proof in Enforcement Investigation Reports if the individual or organization is involved in subsequent non-compliance of the same regulation within 24 calendar months.

### **7.6 NO PERSON AVAILABLE TO RECEIVE AIRCRAFT CONDITION NOTICE**

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If the airworthiness findings involve an aircraft located on the ramp and no person associated with that aircraft is available, the inspector should—

- 1) Encase one copy of the Aircraft Condition Notices in a plastic binders in a watertight manner.
- 2) The ACN should be attached to or near the forward entry door of the aircraft under (but not on) the window or viewing port.
- 3) On return to the office, a second copy should be forwarded to the operator with the subsequent cover letter and printed safety concerns.

*End of Chapter*

## Chapter 8

# Prevent Flying Orders

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This chapter provides guidance specifying the methodology by which the CAAV inspector will address an imminent-safety-of-flight situation

where the flight crew or operator intends that the aircraft be operated in spite of the safety concerns identified by the CAAV.

## 8.1 POLICY

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### 8.1.1 GENERAL

A. The CAAV inspector should issue a Prevent Flying Order in any situation where the he or she believes that safety-of-flight may be compromised by the operation of an aircraft and there is reason to believe that the aircraft may be operated either knowingly or inadvertently.

B. The issuance of a Prevent Flying Order does not preclude parallel enforcement or certificate action against an individual or AOC holder (or its personnel) by the CAAV depending on mitigating circumstances.

An immediate-safety-of-flight situation is one in which—

- The aircraft appears not to be airworthy for the particular flight, or
- The crew member appears not to be in physical or mental condition for the flight.

### 8.1.2 DELEGATION

The qualified aviation safety inspector is authorized to use the Prevent Flying Order to detain an aircraft from flight, but most conform to the protocols in this chapter regarding immediate contact of management.

## 8.2 CONTACT THE APPROPRIATE MANAGEMENT

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A. If the inspector identifies a “safety of flight” concern it is important that these concerns be conveyed to the flight crew or operator. A “safety-of-flight” concern is one that could result in an accident or incident on the next flight or flights of the aircraft.

B. Any "safety-of-flight" concern will immediately be brought to the attention of the flight crew and operator. If it is a commercial air transport operation, the AOC officials on-the-spot will be advised. Those persons include the pilot-in-command, station manager and operational control person on duty. (Remember to make a note of the date, time, and names.)

### 8.2.1 PREVENT FLYING ORDER

A. After consideration of these persons input, advise them of your determination.

B. If your determination is that the flight should not be operated due to “safety of flight” concerns and the AOC holder’s personnel still intend to operate the flight, it will be necessary to issue the “Prevent Flying Order.”

C. Present the document to the flight crew, owner or operators personnel and get their signature for receipt on a duplicate copy. If they refuse to sign, print their name in the signature line and have a witness sign and date that entry.

### **8.2.2 SUBSEQUENT ACTIONS**

A. Place a phone call to the CAAV Director-General as soon as practical to advise him of the unfolding situation. (It will be the responsibility of the Director or Director to coordinate with the AOC holder's management.)

B. The inspector is to stay at the location until the situation is resolved or you have been advised by the CAAV Director-General that the situation is now resolved with the AOC holder's management. (Continue to take notes of the times, contacts, and events until a resolution occurs.)

## **8.3 INSPECTOR COPIES**

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Inspectors should keep at least one "red" and one "white" copy of the Prevent Flying Order with them when they conduct aircraft or enroute inspections. These forms are found in the "Inspector Toolkit" folder under "Forms" folder."

## **8.4 PREVENT FLYING ORDER PROCESSING**

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The inspector will use the following methodology when confronting a situation where it appears that the individual or operator intends to operate the aircraft in spite of the CAAV's safety-of-flight concerns or there is reason to believe that an unairworthy aircraft may be operated inadvertently

**APPLICABLE Action NUMBER**

- 1009D Prevent Flying Order

### **8.4.1 ON-SITE PROCESSING**

- 1) Complete an original red and an original white copy of the Prevent Flying Order on-the-spot,
- 2) Hand deliver the red copy to the individual, operator or responsible operator personnel.
- 3) Have the person receiving the Order to sign the CAAV's white copy.
- 4) Should that person refuse to sign, the issuing inspector may note in the receipt acknowledgement section the name of that person and that the person refused to sign.
- 5) Enter the date and time that delivery was made or attempted.

### **8.4.2 OFFICE PROCESSING**

1) Upon return to the office, the inspector will prepare a letter from the CAAV to the CAAV Director-General, with a copy of the Order attached, confirming the issuance of the Order.

**APPLICABLE Action NUMBERS for follow-up discussions with persons—**

- 1004F Internal Support-Enforcement
- 1003F Public Assistance-Investigation

- 2) Then an 1009D Action record will be made outlining in the "Memo" field the basis for the decision to issue the Order.
- 3) At least one SCR will be opened to track resolution of this situation.
- 4) The Safety Concern number will be annotated in the top right corner of the CAAV copy of the Order.

### **8.4.3 PROCESSING RESOLUTION**

- 1) Should the individual or operator resolve the circumstances that caused the issuance of the Order, the CAAV will issue a letter (with a copy to the Director) rescinding the Order. This letter should cite the Safety Concern ID# for this particular situation.
- 2) A copy of all documents associated with the issuance and resolution of the Order will be consolidated and filed in the “Events/Prevent Flying Orders” file chronologically by date.
- 3) If an AOC holder was involved, a copy of the Order will also be included in the operator files.

### **8.5 NO PERSON AVAILABLE TO RECEIVE ORDER**

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If the situation involves an unairworthy aircraft located on the ramp and no person associated with that aircraft is available, the inspector should consider-

- 1) Encasing the red copy of the Order in a watertight manner in one of the plastic binders located in the CAAV car.
- 2) If an Aircraft Condition Notice was also issued, that Notice should be placed inside the plastic binder on the reverse side of the Order.
- 3) The red Order should be taped to the forward entry door of the aircraft under (but not on) the window or viewing port, using the blue painting tape also located in the CAAV car.

### **8.6 OPERATION IN VIOLATION OF PREVENT FLYING ORDER**

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If the aircraft is operated in violation of the Prevent Flying Order

- 1) Immediately begin collection of items of proof.
- 2) Open an 1006C Action record to record the beginning of the investigation.
- 3) Obtain a control number to track the Enforcement Case.
- 4) Have the Systems Admin open a new “E” project number.

<b>APPLICABLE Action NUMBERS</b> <ul style="list-style-type: none"><li>● 1006C Investigation-Enforcement</li></ul>
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*End of Chapter*

## Chapter 9

### ATC No-Fly Order

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This chapter provides guidance for the use of the ATC No-Fly Order in situations where the CAAV is restricting the operations of an aircraft.

#### 9.1 POLICY

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##### 9.1.1 GENERAL

The CAAV Director-General may contact an ATC facility in Vietnam and specify that a particular aircraft, by registration number should not be issued a takeoff clearance.

##### 9.1.2 DELEGATION OF AUTHORITY

This authority is not delegated below the Director-General. Persons assigned to act as the Director- General may also have an aircraft placed on the no-fly list.

#### 9.2 PROCEDURES

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##### 9.2.1 PLACING AIRCRAFT ON THE NO-FLY LIST

Inspectors faced with situation where an ATC No- Fly Order may be the most timely way to achieve compliance may—

Vietnam ATC facilities maintain a No-Fly List to accommodate this practice.

- 1) Advise the FSSD Director of the basis for requesting this no-fly order.
- 2) Forward an email to the FSSD Director outlining the reason(s) for requesting this order.
- 3) After consideration with the assigned Principal Inspectors, the FSSD Director will forward the email to the Director-General.
- 4) If the Director-General agrees with the basis, the ATC facilities will be notified of the aircraft registration number(s) to place on the no-fly list.
- 5) The assigned inspector will update the related safety concern record to show the No-Fly Order has been issued.

##### 9.2.2 REMOVING AIRCRAFT FROM THE NO-FLIGHT LIST

It is important to remove the aircraft from the No-Fly List when the concerns have been resolved.

- 1) Principal inspectors will advise the FSSD Director via email when all concerns that triggered the No-Fly Order have been resolved.
- 2) The FSSD Director will advise the Director-General via email and direct contact.
- 3) The Director-General will have the ATC facilities delete the aircraft from the No-Fly List.
- 4) The assigned inspector will update the related safety concern to show resolution.

*End of Chapter*

# Chapter 10

## Varying Approvals, Authorizations & Ops Specs

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This chapter provides guidance for the CAAV specifying the methodology by which the CAAV will vary or revoke approvals, authorizations, designations and certificates previously issued by the CAAV.

### 10.1 POLICY

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#### 10.1.1 GENERAL

The CAAV will vary or terminate, on a routine basis, any approvals, authorizations or designations as necessary to reflect the current certification basis, the needs of Vietnam aviation community and the needs of the CAAV.

#### 10.1.2 DELEGATION OF AUTHORITY

A. Principal Inspectors are delegated the authority for and expected to take action as necessary to vary or terminate approvals and acceptances issued by the CAAV to AOC holders and AMO holders to reflect current certification basis.

B. Principal inspectors are delegated the authority for and expected to take action as necessary to vary or terminate authorizations and designations issued by the CAAV to reflect the current needs of the aviation community and CAAV.

#### 10.1.3 MANAGEMENT NOTIFICATION

The CAAV Director-General should be notified where the variance or termination of a document could be controversial. This will allow for proper briefing of the Director-General and Ministry.

### 10.2 PROCESS FOR VARYING

---

Normally the only steps necessary for varying a document will be:

- 1) When the determination is made to varying an operational authorization, complete a 1008E Action record while this action is I=In Work.
- 2) Reissuance of the document reflecting the current certification basis,
- 3) Revision of the CASORT data records to reflect the current status of the approval/ disapproval of the operational authorization.
- 4) Post the revised document in the proper office files.
- 5) Complete the Safety Concern record.
- 6) Close-out the process using an Action #1153 record, as C=Completed,
- 7) Advise the CAAV Director-General that the associated Safety Concern has been closed.

#### APPLICABLE Action NUMBERS

- 1008E Vary Operational Authorization
- 1153 Variation of Existing Authorization



### 10.3 PROCESS FOR TERMINATING

---

A. It will be necessary to “terminate” (revoke) some approvals, authorizations and designations where the holder no longer meets the basis for issuance of the document.

Licenses and Certificates will not be handled in this manner. These must be handled through re-examination, suspension or revocation.

B. In the case of authorizations or designations issued by the CAAV to individuals or organizations to serve a specific need, these will be terminated when there is no longer a need for those services.

C. The process for terminating these documents will be:

- 1) The issuance of a letter terminating the previous document, including the reason for termination, and requesting the return of that document for cancellation.
- 2) Completion of an appropriate Action report, and
- 3) Posting the revised document in the proper office files.

### 10.4 VARYING OR TERMINATING OPERATIONS SPECIFICATIONS PARAGRAPHS

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D. The timing of varying or terminating Operations Specifications paragraphs differ based on whether the effective date is on a—

- 1) Routine basis; or
- 2) Emergency basis.

E. The routine process will simply be to revise the operations specifications paragraph and forward it to the operator with an effective date of 30 days in the future.

VAR Part 12 provides that an operator is normally entitled to a 30 day period before the action becomes effective.

F. There is also a provision for the organization to appeal which could have the effect of extending the implementation of the new operations specifications until a decision on the appeal is forwarded to the operators by the CAAV Director-General.

### 10.5 EMERGENCY BASIS

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G. The process for emergency issuance as discussed in VAR Part 12. An OpsSpec issued on an emergency basis is effective upon receipt by the operator.

H. In this case the CAAV will forward a letter to the operator which contains the words to the effect that—

- 1) “this action is necessary in the public interest with respect to safety in commercial air transportation on an emergency basis,”
- 2) “this amendment is effective immediately without stay.”
- 3) It should also state that any appeal should be forwarded to the CAAV Director-General.

*End of Chapter*

## Chapter 11

### Voluntary Disclosure by Individuals

---

This chapter provides guidance for the CAAV specifying the methodology by which the CAAV may accept and process voluntary disclosures by a license holder or reporting individual.

#### 11.1 POLICY

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##### 11.1.1 GENERAL

A. The CAAV believes that the open sharing of apparent violations and a cooperative as well as an advisory approach to solving problems will enhance and promote aviation safety.

B. Vietnam licence holders are encouraged, but not required, to voluntarily disclose apparent violations of the VARs requirements to the CAAV. Those disclosures must comply with the guidance of this chapter in order to be processed through an administrative safety concern resolution.

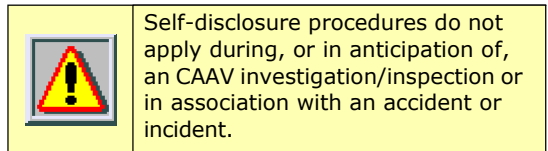
##### 11.1.2 DELEGATION OF AUTHORITY

Principal operations inspectors are authorized to resolve safety concerns by apply the voluntary disclosure procedures for a reporting individual.

##### 11.1.3 FIVE CONDITIONS THAT MUST EXIST

In evaluating whether an apparent violation is covered by this policy, the CAAV will ensure that the following five conditions are met—

- 1) The license holder has notified the CAAV of the apparent violation immediately after detecting it and before the agency has learned of it by other means;
- 2) The apparent violation was inadvertent;
- 3) The apparent violation does not indicate a lack, or reasonable question, of qualification of the license or certificate holder;
- 4) Immediate action, satisfactory to the CAAV, was taken upon discovery to terminate the conduct that resulted in the apparent violation;
- 5) The license holder can articulate the plan to ensure that non-compliance of the nature involved will not occur in the future.



#### 11.2 NOTIFICATION TO THE CAAV OF AN APPARENT VIOLATION

---

A. The voluntary disclosure policy applies only when notification of an apparent violation is made to the CAAV by the certificate holder—

- 1) Immediately after the apparent violation has been discovered by that regulated entity, and
- 2) Before the CAAV learns of the apparent violation by some other means.

B. The form of notification may be oral, a written hard copy, or a written electronic copy. The CAAV believes that it is important for the initial notification to be within 24 hours of the discovery of the apparent violation.

### 11.2.1 CAAV RESPONSE

A. Upon notification the CAAV inspector will—

- 1) Open an Action Record and safety concern;
- 2) Complete the required fields in the safety concern;
- 3) Complete the Resolution/Mitigation field to record the—
  - ◆ Day of discovery actions taken;
  - ◆ Whether the actions taken were acceptable to the CAAV.
- 4) Complete the resolving actions to close out the SCR.
- 5) Print a copy of the SCR and have the reporting individual pick it up from the Accident/Incident Coordinator.

#### APPLICABLE Action NUMBERS

- 1008C Voluntary Disclosure

This will give the Coordinator a chance to interview the license holder for possible future safety promotion activities..

### 11.3 REPEATED VIOLATIONS

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A. If a repeated violation occurs, notwithstanding the fact that the license holder's plan to avoid future non-compliance was followed, the procedures outlined in this chapter may apply to the disclosure of the repeated violation.

B. The determination whether a repeated violation will be covered under this policy will be made by the CAAV on a case-by-case basis, upon consideration of the facts and circumstances surrounding the repeated violation.

### 11.4 SECURITY OF SELF-DISCLOSURE RECORDS

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Records submitted to the CAAV for review pursuant to this voluntary self-disclosure program will be protected to the extent allowed by law.

*End of Chapter*

## Chapter 12

### Voluntary Disclosure: Organization

---

This chapter provides guidance for the CAAV specifying the methodology by which the CAAV may accept and process voluntary disclosures by a certificate holder.

#### 12.1 POLICY

---

##### 12.1.1 GENERAL

A. The CAAV believes that the open sharing of apparent violations and a cooperative as well as an advisory approach to solving problems will enhance and promote aviation safety.

B. Vietnam certificate holders are encouraged, but not required, to voluntarily disclose apparent violations of the VARs requirements to the CAAV. Those disclosures must comply with the guidance of this chapter in order to be processed through an administrative safety concern resolution.

##### 12.1.2 DELEGATION OF AUTHORITY

Principal operations inspectors are authorized to resolve safety concerns by apply the voluntary disclosure procedures for a reporting organization.

##### 12.1.3 FIVE CONDITIONS THAT MUST EXIST

In evaluating whether an apparent violation is covered by this policy, the CAAV will ensure that the following five conditions are met—

- 1) The certificate holder has notified the CAAV of the apparent violation immediately after detecting it and before the agency has learned of it by other means;
- 2) The apparent violation was inadvertent;
- 3) The apparent violation does not indicate a lack, or reasonable question, of qualification of the certificate holder;
- 4) Immediate action, satisfactory to the CAAV, was taken upon discovery to terminate the conduct that resulted in the apparent violation;
- 5) The certificate holder has developed or is developing a comprehensive fix and schedule of implementation satisfactory to the CAAV.
  - ◆ The comprehensive fix includes a follow-up self-audit to ensure that the action taken corrects the noncompliance.
  - ◆ This self-audit is in addition to any audits conducted by the CAAV.



Self-disclosure procedures do not apply during, or in anticipation of, an CAAV investigation/inspection or in association with an accident or incident.

### 12.1.4 LETTER OF CORRECTION

A. Certificate holders will receive a letter of correction or warning letter in lieu of any enforcement action for covered instances of noncompliance that are voluntarily disclosed to the CAAV in accordance with the appropriate procedures.

The issuance of a Letter of Correction or Warning Letter terminates any possibility of additional enforcement or certificate action on this particular instance of non-conformance.

B. Once the letter is issued, the case will be considered closed unless the agreed-upon comprehensive fix is not satisfactorily completed by the appropriate entity.

### 12.1.5 SAFETY ASSURANCE PROGRAM?

A. Vietnam certificate holders are encouraged, but not required, to develop under the umbrella of their SMS, a Safety Assurance Programs that continually monitors company policies and procedures and ensure that the highest level of safety and security compliance is maintained.

B. The organization may voluntarily disclose apparent violations of VARs requirements even though a Safety Assurance Program has not been established.

● Guidance on internal evaluation programs is contained in advisory materials on the subject.



The self disclosure procedures and practices **cannot** be applied for neglecting to submit reports failures, malfunctions and defects under VARs requirements within the required time frame.

## 12.2 KEY TERMS

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The following key terms and phrases are defined to ensure a standard interpretation and understanding of the CAAV's voluntary disclosure policy—

### 12.2.1 EVIDENCE

For the purpose of voluntary disclosure, evidence generally should be in the form of written documentation or reports that support a license or certificate holder's analysis of the disclosed apparent violation and the resulting elements of the proposed comprehensive fix. Evidence generally comes from the following four elements—

- 1) Documents or manuals reviewed.
- 2) Equipment examined.
- 3) Activities observed.
- 4) Interview data.

### 12.2.2 COMPREHENSIVE FIX

A. A comprehensive fix is an action, or actions, proposed by the organization and accepted by the principal inspector to preclude recurrence of the apparent violation that has been voluntarily disclosed under this program.

B. A schedule of the dates and events encompassed by the comprehensive fix must be established and included in a letter of correction.

### 12.2.3 SATISFACTORY FIX

A satisfactory fix is a comprehensive fix in which all corrective measures have been completed on schedule and are satisfactory to the CAAV.

#### **12.2.4 PRINCIPAL INSPECTOR**

Under the voluntary disclosure program, principal inspector refers to the appropriate maintenance, avionics, operations inspector, or other designated CAAV official of the program office responsible for oversight of the area of noncompliance involved in the disclosure.

### **12.3 NOTIFICATION TO THE CAAV OF AN APPARENT VIOLATION**

---

A. The voluntary disclosure policy applies only when notification of an apparent violation is made to the CAAV by the certificate holder—

- 1) Immediately after the apparent violation has been discovered by that regulated entity, and
- 2) Before the CAAV learns of the apparent violation by some other means.

B. The form of notification may be oral, a written hard copy, or a written electronic copy. The CAAV believes that it is important for the initial notification to be within 24 hours of the discovery of the apparent violation.

#### **12.3.1 NOTIFICATION BY THE ORGANIZATION**

A. When a certificate holder notifies the CAAV of an apparent violation, contact must be made with, or directed to, the appropriate principal inspector.

B. The certificate holder should not delay notification for any reason, and should address, to the maximum extent possible, the following items with the principal inspector:

- 1) A brief description of the apparent violation, including an estimate of the duration of time that it remained undetected, as well as how and when it was discovered.
- 2) Verification that noncompliance ceased after it was identified.
- 3) A brief description of the immediate action taken after the apparent violation was identified, the immediate action taken to terminate the conduct that resulted in the apparent violation, and the person responsible for taking the immediate action.
- 4) Verification that an evaluation is underway to determine if there are any systemic problems and a description of the corrective steps necessary to prevent the apparent violation from recurring.
- 5) Identification of the person responsible for preparing the comprehensive fix.
- 6) Acknowledgment that a detailed written report will be provided to the principal inspector within 10 working days.

#### **12.3.2 CAAV RESPONSE**

A. Upon notification the CAAV will—

- 1) Open an Action Record and safety concern;
- 2) Complete the required fields in the safety concern;
- 3) Complete the Resolution/Mitigation field to record the—
  - ◆ Day of discovery actions taken;
  - ◆ The fix proposed by the
  - ◆ Whether the proposed fix were acceptable to the CAAV.
- 4) Perform an evaluation (of policy/procedure) or an inspection (of the process) that was revised to ensure a

<b>APPLICABLE Action NUMBERS</b>
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- |  |
|--|
| <ul style="list-style-type: none"><li>● 1008C Voluntary Disclosure</li></ul> |
|--|

- 5) Complete the resolving actions to close out the SCR.
- 6) Print a copy of the SCR and forward it to the organization's accountable manager.

## **12.4 WRITTEN REPORT OF CERTIFICATE HOLDER**

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A. Where determined to be necessary by the CAAV, the organization must provide a written report of the particulars.

B. The written report should be provided to the principal inspector by the entity within 10 working days after the initial notification was made. The written report should include the following information:

- 1) A list of the specific CAAV regulations that may have been violated.
- 2) A description of the apparent violation, including the duration of time it remained undetected, as well as how and when it was detected.
- 3) A description of the immediate action taken to terminate the conduct that resulted in the apparent violation, including when it was taken, and who was responsible for taking the action.
- 4) An explanation that shows the apparent violation was inadvertent.
- 5) Evidence that demonstrates the seriousness of the apparent violation and the regulated entity's analysis of that evidence.
- 6) A detailed description of the proposed comprehensive fix, outlining the planned corrective steps, the responsibilities for implementing those corrective steps, and a time schedule for completion of the fix. If a proposed comprehensive fix is not fully developed within 10 working days, the pertinent regulated entity should provide at least an overview of its comprehensive fix plans.
- 7) Identification of the company official responsible for monitoring the implementation and completion of the comprehensive fix.

C. In any event, a detailed description of the comprehensive fix should be provided to the principal inspector within 30 calendar days after the certificate holder initially notified the principal inspector of the apparent violation.

## **12.5 REVIEW BY THE CAAV**

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When the organization provides a requested report, the CAAV works with the certificate holder, to ensure that the comprehensive fix is acceptable to the CAAV.

- 1) If the principal inspector determines that the proposed fix is acceptable, he/she will prepare a letter of correction that includes the date by which the comprehensive fix will be implemented and completed.
- 2) This situation may require the issuance of a warning letter or letter of correction. At this point, the case is closed but remains subject to reopening in the event that the agreed-upon actions covered in the comprehensive fix are not completed to the satisfaction of the CAAV.
- 3) The principal inspector has the authority to close the case. Consultation with CAAV management personnel may be accomplished when deemed appropriate by the principal inspector.

## 12.6 DISPUTE RESOLUTION

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- A. When disputes occur regarding the acceptance of a proposed comprehensive fix, or a modification thereto before the fix is considered satisfactory, the principal inspector and the pertinent regulated entity may request that the issue be resolved at the next level of management within the CAAV.
- B. This procedure will provide for an independent assessment of the areas in disagreement.

## 12.7 SEPARATE ACTIONS AGAINST AIRMEN OR OTHER INDIVIDUAL AGENTS

---

A. The voluntary disclosure policy applies to individual airmen or other agents of an employing certificate holder, when—



This provision does not apply to matters concerning qualifications to hold an airman certificate.

- 1) The apparent violation involves a deficiency of the employing entity's practices or procedures that causes the employing certificate holder, to be in violation of a covered violation of an CAAV regulation;
  - 2) The pilot or other agent of the employing entity, while acting on behalf of the employing entity, inadvertently violates the CAAV's regulations as a direct result of a deficiency of the employing entity that causes the employing entity to be in violation of the regulations. (
    - ◆ The voluntary disclosure policy does not apply to the airman or other agent when his/her apparent violation is the result of actions unrelated to the employing entity's deficiency);
  - 3) The pilot or other agent immediately makes the report of his/her apparent violation to the employing entity; and
  - 4) The employing certificate holder, immediately notifies the CAAV of both the airman or other agent's apparent violation and the apparent deficiency in its practice or procedures.
- B. When all the above conditions are met, a separate safety concern is opened for the individual and closed with an administrative action.
- C. If all the above conditions are not met, the principal inspector will review all facts associated with the case and determine what action is appropriate for individual airmen or other agents of the employing entity.

## 12.8 REPEATED VIOLATIONS

---

- A. If a repeated violation occurs, notwithstanding the fact that a comprehensive fix was satisfactorily completed and followed, the procedures outlined in this AC may apply to the disclosure of the repeated violation.
- B. The determination whether a repeated violation will be covered under this policy will be made by the CAAV on a case-by-case basis, upon consideration of the facts and circumstances surrounding the repeated violation.

## 12.9 APPLICABILITY SELF-DISCLOSURE RECORDS

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Records submitted to the CAAV for review pursuant to this voluntary self-disclosure program will be protected to the extent allowed by law.

*End of Chapter*



## Chapter 13

# Surrender of Certificate, Authorization or License

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This chapter provides guidance outlining the general guidance by which the CAAV will accept the surrender of an license or certificate.

### 13.1 POLICY

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#### 13.1.1 GENERAL

The CAAV will close most safety concerns through the voluntary surrender of the individual's license or the organization's AOC, AMO or ATO, **Airport, ANS license**.

#### 13.1.2 DELEGATION OF AUTHORITY

A qualified inspector is authorized to accept the voluntary surrender a PEL holder's license or an organization certificate from the accountable manager.

### 13.2 PROCEDURES

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#### 13.2.1 PEL LICENSE HOLDER

A. A PEL license holder may surrender their license by —

- 1) Placing a line in ink across the face of the form;
- 2) Providing a short informal paper that contains the words, "I am the holder of this license (insert number); and
- 3) Signing the informal paper.

B. The license will be provided to a PEL officer who will—

- 1) Edit the PEL Approvals database to show the license expired;
- 2) Enter a note that the license has been surrendered and canceled; and
- 3) Destroy the license.

#### 13.2.2 CERTIFICATED ORGANIZATION

A. The accountable manager may surrender an AOC, ATO, AMO or AWC, **Airport, ANS license** certificate by—

- 1) Drawing a line across the form;
- 2) Inserting the words: "We voluntarily surrender this certificate for cancellation" above the line; and
- 3) Signing below the line.

B. The PI will—

- 1) Insert the cancelled certificate in the working file;
- 2) Retire the file for archiving
- 3) Update the safety concern to show the resolution.

## Chapter 14

### Re-Examination of PEL License Holders

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This chapter provides guidance for the CAAV specifying the methodology by which the CAAV will conduct re-examination of license and certificate holders when there is a question of their fitness to hold a certificate or rating.

#### 14.1 POLICY

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A. The CAAV will re-examine any airman/ANS PEL when there is a basis for questioning that airman's competency and fitness to exercise the privileges of the certificate(s) and/or ratings on that certificates.

This re-examination does not preclude parallel enforcement or certificate action against the airmen where the situation that is the basis for re-examination also involves non-conformance with regulatory requirements.

B. An airman/ ANS PEL involved in an accident or incident where the pilot/ATC knowledge, competence or physical fitness appears to be a contributing factor will be re-examined to determine that he is still fit to hold the ratings and privileges of his certificate.

C. An airman/ ANS PEL who demonstrates less than satisfactory knowledge or competence during a proficiency check or other inspection for the privileges exercised may be subject to re-examination.

D. Under VAR, the CAAV is authorized to re-inspect any aircraft, aircraft engine, propeller, appliance, air navigation facility, aerodrome or air agency, and to reexamine any airman.

E. Under documents concerned, the CAAV is authorized to re-inspect any ATC, ATO for standard requirements and safety concern.

- Reexamination or re-inspection does not preclude the taking of punitive enforcement action when appropriate.
- When any certificate holder fails to comply with a request for re-inspection or reexamination, law provides legal procedures to require that the certificate holder be re-inspected or reexamined.
- The reexamination or re-inspection authority should be used when facts reasonably indicate that a certificate holder may not be qualified to hold a certificate.

If the facts demonstrate that the certificate holder is not qualified, then reexamination is not appropriate and certificate action shall be taken to revoke the certificate based on a demonstrated lack of qualification.

#### 14.2 REGULATORY BASIS

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A. Re-examination for original certification basis or competence is a fundamental principle of the VAR and documents concerned. The CAAV is authorized to re-inspect any aircraft, aircraft engine, propeller, appliance, aerodrome, aviation facility of approved organization, and to re-examine any license holder.

B. The license holder may be reexamined from time to time to determine that he is fit and qualified in accordance with the applicable requirements.

C. If the facts demonstrate that the license holder is not qualified, then reexamination is not appropriate and certificate action shall be taken to revoke the certificate based on a demonstrated lack of qualification

D. The airman may not appeal a decision that he or she is not qualified to hold the license by reason of *a deficiency in his knowledge, experience, competence, skill, physical or mental fitness.*

#### 14.3 RE-EXAMINATION REQUEST AND CONDUCT PROCESS

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When the need for re-examination is identified by the CAAV, the following steps apply:

APPLICABLE Action NUMBER  
● 1008F Re-Examination

- 1) Complete an Action Report for follow-up with a SCR stating the basis for re-examination.

- 2) Write a reexamination request letter to the airman.
- 3) File a copy of these documents in the airman's file.
- 4) Conduct or arrange for another person to conduct the re-examination.
- 5) Complete the records associated with the re-examination.
- 6) File a copy of the closeout documents in the airman's file.
- 7) If the re-examination was based on an accident or incident, also place a copy of the Action report with the SCR 'resolved' in that file.

#### **14.4 RE-EXAMINATION REQUEST LETTER**

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The letter requesting the re-examination will contain the following (samples are provided as appendices to this bulletin)—:

- 1) Briefly discuss the event which precipitated the re-examination request.
- 2) Outline the knowledge and/or skills that will be re-examination.
- 3) State that the airmen must make an appointment for re-examination within 10 days of receipt of the letter.
- 4) Request that the airman not conduct any flight operations, other than training, until the re- examination is satisfactorily accomplished.

#### **14.5 CONDUCT OF THE RE-EXAMINATION**

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A. The applicant will be required to complete an application for the certificate prior to the conduct of the re-examination. The Authorized Person conducting the re-examination will ensure that the application is complete and signed.

APPLICABLE Action NUMBER will depend on the airman practical test being conducted.

B. The Authorized Person will request and hold the airman's current license until the re- examination has been completed satisfactorily.

C. The Authorized Person conducting the re-examination will confine the exam to the areas identified in the letter.

D. It is permissible to branch into other areas if the examinee demonstrates sub-standard performance in those areas while completing the original re-examination requirements.

##### **14.5.1 SATISFACTORY PERFORMANCE**

If the airman is determined to satisfactorily meet the basis for original certification in the areas tested, an Action report will be made showing the satisfactory performance.

##### **14.5.2 SUB-STANDARD PERFORMANCE**

If during the reexamination the airman demonstrates sub-standard performance for a certificate level or rating, the airman should be issued a new certificate reflecting their current certification basis.

#### **14.6 FAILURE TO SUBMIT TO RE-EXAMINATION**

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The inspector should initiate an EIR as the basis for a Provisional Decision requiring emergency suspension of those privileges, if the applicant either—

APPLICABLE Action NUMBER  
● 1009J EIR:Emergency Suspension

- 1) Fails to make an appointment within 15 days,

- 2) Fails to submit to the re-examination within 40 days, or
- 3) Is determined to be exercising the privileges of his certificate or ratings for which questionable qualifications exist prior to re-examination,

*End of Chapter*

## Chapter 15

### Remedial Corrective Actions

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This chapter provides guidance for the CAAV specifying the methodology by which the CAAV inspector may use remedial actions and/or training to resolve a safety concern.

#### 15.1 POLICY

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- A. The CAAV inspector should consider a remedial training program for “first-time” offenders, applying the policies outlined in this chapter.
- B. The CAAV Remedial Training program is intended to—
- Bring the incident to the attention of the airman involved in a positive manner so that the airman understands why an occurrence happened and why it is important that it does not recur.
  - Encourage future compliance through improved skills and competence.
  - Document corrective action and provide a source of information for CAAV use.
  - In addition, the remedial training program serves the purpose of achieving future compliance of licensed airmen without the unnecessary imposition of certificate or civil penalty action.

#### 15.2 REMEDIAL TRAINING PROCESS

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- A. The investigating inspector, based on the facts of the case, recommends that the airman may be eligible for remedial training and the type of training that would be best.
- The investigating inspector, or any other CAAV personnel, does not conduct the training.
- B. The inspector makes his recommendation to the CAAV Manager. The CAAV Manager will then assign that recommendation to the inspector who is most qualified to interview the airman and design, implement, and monitor a program specific to the airman and the compliance concern.
- C. The airman must complete any agreed-upon RT program within 120 days of the CAAV’s becoming aware of the violation. Failure to complete the RT within the time specified results in termination of the airman’s participation in the program.
- The inspector then initiates legal enforcement action. Adverse weather conditions, unavailability of equipment, airman illness, etc., are conditions for extending the training period.;
  - After the airman has completed the training program and provided evidence to that effect to the investigating inspector. Based on that information, the inspector issues a letter of correction to conclude the case and closes out the EIR.

#### 15.3 DEFINITION

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- A. Until recently, remedial had a negative connotation, based on an erroneous inference that those needing remedial assistance were not quite as smart as the average person.
- B. Actually, the definition of remedial includes the correction of faulty habits and the improvement of overall competence.
- C. The use of a remedial training program for airmen found in non-compliance would serve to identify faulty skills and correct them, then return to the airspace system an airman with increased competency.
- D. Contrast this with mandatory sanctions: At the end of a suspension period, the airman returned to the system unsure of why he or she had been singled out for punishment and, more importantly, without the essential knowledge of how to keep it from happening again.

E. That same airman with remedial training could return to the system with improved skills and knowledge and with a positive attitude toward the assistance received from the CAAV in encouraging that improvement.

## 15.4 ELIGIBILITY FOR REMEDIAL TRAINING

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A. Deliberate, willful violations, which involve gross negligence, recklessness, recidivism, or flagrant disregard of VARs, shall be handled by the imposition of strong, legal enforcement actions.

B. This is clearly an area where remedial training is inappropriate and would be ineffective.

C. The remedial training program applies to inadvertent violations of VARs, and the inspector determines the inadvertency on a case-by-case basis grounded in the inspector's investigation of the facts and circumstances of the incident.

D. The airman's past performance and attitude toward the incident are also important factors used in determining whether remedial training is appropriate.

E. When assessing the airman's eligibility for the RT program, the inspector must determine if future compliance can, indeed, be assured solely through remedial training.

F. For the inspector to consider the airman eligible for remedial training, the act of non-compliance must meet the following conditions:

- It cannot have been deliberate, e.g., repeated buzzing of a house as opposed to an inadvertent deviation from minimum safe altitudes because of unforecast weather.
- The non-compliance cannot have been the cause of an accident.
- The non-compliance cannot have actually compromised safety, i.e., created an condition that was significantly unsafe.
- The non-compliance cannot have indicated a lack of qualification, which would require re-examination, on the airman's part.
- The non-compliance cannot have been caused by gross negligence.
- The non-compliance cannot have been of a criminal nature.
- The airman must have exhibited a constructive attitude toward safety and his or her rehabilitation and must be deemed not likely to commit acts of non-compliance in the future.
- Furthermore, the inspector will review the airman's enforcement history and evaluate whether that history supports or precludes participation in the RT program. Ideally, candidates should be first-time "offenders;" however, previous enforcement history does not automatically exclude an airman from the program.

## 15.5 RECORDING THE REMEDIAL PROCESS

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1) Issue routine SI letter to the airman suggesting the possible alternatives and enter the date and action in the Safety Concern Resolution field on the SCR.

◆ If feasible also enter an Action record using the number 1008.

2) When the airman agrees in writing to the training enter the date and action in the Safety Concern Resolution field on the SCR.

◆ If feasible, enter an Action record using the number 1008D.

3) When the airman completes the training—

◆ Issue a Warning Notice or Warning Letter.

◆ Enter the date and action in the Safety Concern Resolution field and complete the SCR for closeout.

◆ Enter an Action record using the number 1009B or E, as applicable.

### APPLICABLE Action NUMBERS

- 1008 Safety Concern Resolution Process
- 1008D Remedial Correction
- 1009B Warning Notice
- 1009E Warning Letter

4) Advise the CAAV Manager that the SI record should be closed.

*End of Chapter*

## Chapter 16

# Emergency Suspension

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This chapter provides guidance to specify the methodology by which the CAAV may use an emergency suspension to resolve a safety concern(s).

### 16.1 POLICY

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#### 16.1.1 WHEN EMERGENCY SUSPENSION IS WARRANTED

An emergency suspension may be where the CAAV has evidence that—

- 1) A regulated entity refuses a CAAV request for access for inspection or production of documents and records;
- 2) A regulated entity may not be in compliance with safety regulations and standards and has failed to respond or correct this situation;
- 3) An aircraft may be unairworthy and the operator continues to operate in this known condition without correcting the discrepancies;
- 4) A PEL license holder may be unable to continue to maintain standards for qualification, competency or medical conditions and continues to engage in activities that require the meeting of these standards;
- 5) The holder of an approval or authorization may not meet the minimum requirements to conduct those operations and continues in such operations.; or
- 6) A regulated entity may be involved in activities other than those identified here that can negatively affect the public safety.

The emergency suspension should be used in those situations where a Prevent Flying Order or ATC No-Fly Order are not practical or sufficient to terminate the regulated entity's intent to continue to exercise the privileges of a license, certificate or authorization.

#### 16.1.2 DELEGATION

The CAAV Director-General, in coordination with the Minister's staff, may issue and enforce an emergency suspension order.

### 16.2 PROCEDURE

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#### 16.2.1 ISSUANCE OF EMERGENCY SUSPENSION

When any of the situations described in paragraph 16.1.1 are determined to exist during an inspection or investigation, it is important that the inspector immediately notify Department management. That notification should initiate the following procedure—

- 1) Inspector will author a summary of the facts of the situation.
- 2) These facts will be entered into a letter following the example in Appendix 18-A;
- 3) The letter will be corrected for dates, findings and names;
- 4) The Department Director will take the provisional order of emergency suspension to and brief the Director-General on the need for emergency action;
- 5) The Director-General will sign the provisional order;
- 6) If specific aircraft are involved, the Director-General will have ATC place those aircraft on their No-Fly list;
- 7) The provisional order will be delivered (hand-delivered, if possible) to the regulated entity;

The primary events of this procedure will be recorded separately in the Resolution/Mitigation field of the related safety concern.

#### 16.2.2 APPEAL OF THIS DECISION



A. The respondent may appeal to the Civil Aviation Board who will hear the CAAV facts and respondent's appeal. If the Board supports the CAAV action the respondent may appeal to the court system.

B. Unless some interim relief is provided by the CAAV based on the respondent's subsequent corrective actions, this emergency order of suspension will continue to be in effect until resolution of the findings has occurred.

*End of Chapter*

## Chapter 17

### Enforcement Investigation Processing

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This chapter provides guidance for the conduct of enforcement investigations.

#### 17.1 POLICY

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##### 17.1.1 INSPECTOR'S ROLE

A. The inspector's role in an investigation is to gather facts, evidence, and documents, to analyze that information, and to make recommendations concerning enforcement actions.

B. The inspector should acknowledge that Enforcement Investigative Reports (EIRs) may be reviewed by other concerned departments and legal counsel before an CAAV determination is made as to whether CAAV enforcement will be taken and if action is taken, what sanction will be imposed.

C. As a result, if the inspector discusses with the alleged violator the likelihood of enforcement, or possible sanctions, there is a likelihood of misleading the alleged violator or making statements that may later prejudice prosecution of the case.

The inspector should, therefore, avoid discussing with the alleged violator or others whether action will be taken and possible sanctions.

##### 17.1.2 SECTION A & B REQUIRED FOR ALL EIRS

A. For every investigation that is initiated by an LOI, the assigned inspector should complete at least Section A of the EIR.

B. The EIRs and the associated Items of Proof should be filed in the resolution files.

- This requirement applies to all enforcement investigation reports, including those where the case was closed with “no action.”

C. After an investigation, if non-compliance is proven, the assigned inspector should complete Sections B and C of the EIR.

D. When the Attorney General advises that it will necessary to go forward for a summary judgement, the assigned inspector must provide an EIR with all Sections completed.

- Chapter 19 contains guidance for issue of a Letter of Investigation.
- Chapter 21 contains guidance for the completion of an EIR.

##### 17.1.3 SAME INCIDENT – MULTIPLE EIRS

A. When one incident involves more than one person or involves an organization and an employee, the inspector prepares a master file and one or more companion files.

B. Items of proof common to all related files need to be included only in the original copy of the master file.

- The items of proof index for the companion files needs to list only the items unique to that file, i.e., enforcement history, PEL licenses, aircraft certificates, and should include a statement that the other documents are in the original copy of the master file.

C. All related EIRs should be forwarded to legal counsel at the same time under the same cover so that they can be reviewed and evaluated simultaneously.

#### 17.2 PLANNING & INITIATING THE INVESTIGATION

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A. Upon receipt of information indicating a possible violation, the inspector should determine whether there is any basis for an investigation.

B. Before initiating an investigation, an inspector should consider the circumstances and the nature of the violation,

and develop an investigative plan of action.

- As the investigation progresses, reevaluate the plan and revise as necessary.
- Coordinate the plan with supervisors, supporting offices, and legal counsel, if necessary.

C. Consider the following—

1) What section of the law or regulation is involved in the case?

- ◆ Read the regulation.
- ◆ Determine which elements of the regulation are necessary to establish a violation.
- ◆ Use the elements to form an investigative plan.

2) What evidence is needed?

- ◆ Where is it located?
- ◆ How will it be obtained?

3) What records should be checked?

- ◆ Will they be furnished voluntarily?

4) Which witnesses, including the alleged violator, need to be interviewed?

In all cases a signed statement should be obtained from each witness, if possible.

- ◆ At what stage of the investigation should they be interviewed?

- ◆ Are written statements needed?

5) Is there a need for the CAAV to exercise its authority under the law to subpoena witnesses and records?

6) Is there a possible criminal violation?

7) Is there a need for immediate action?

- ◆ Consider an emergency action or other immediate action in situations where delay for routine handling may jeopardize public safety.

- ◆ For instance, an airworthiness inspector who finds an air carrier aircraft about to be used in air transportation that is not in condition for safe operation shall notify the air carrier of that condition in accordance with the Law.

8) The plan should ensure the evidence gathered will establish who did or did not do what, where, when, why, and how.

9) Re-evaluate the plan.

### 17.3 PROCESSING AN INVESTIGATION

1) All formal enforcement investigations should begin with an initiating Action database entry (I=In Work) with Safety Concern

APPROPRIATE ACTION NUMBER

- 1012 EIR: Detailed Investigation: Enforcement

- ◆ This 1012 Action number may be used for each subsequent action in this EIR process.

- ◆ Or you can use the following Action numbers to tell the true story of the process.

2) Use the computer assigned SI number of the applicable safety concern as the file number of this EIR and ensure that this number is used as the tracking basis for all reports, records and files that are associated with this investigation.

3) If there is a reasonable basis for

~assuming that the case may result in an enforcement sanction, issue a Letter of Investigation.

APPROPRIATE ACTION NUMBER

- 1012F: EIR: Issue Letter of Investigation

4) After issuing the LOIs, start an EIR form and complete Sections A and B.

APPROPRIATE ACTION NUMBER

- 1012G: EIR: Authoring Enforcement Report

5) Began the collection of items of proof.

APPROPRIATE ACTION NUMBER

- 1012A: EIR: Compiling Items of Proof

6) Make a decision whether the evidence points to the need for enforcement sanctions (rather than administrative resolution).

7) When the decision is made that a full EIR report will be generated,;

APPROPRIATE ACTION NUMBER

- 1012H: EIR: Assembling Enforcement Report

8) After the collection of all items of proof, compile them in the chronological way that they will be discussed in the EIR.

APPROPRIATE ACTION NUMBER

- 1012G: EIR: Authoring Enforcement Report

9) Complete the Sections C, D and E.

APPROPRIATE ACTION NUMBER

- 1012H: EIR: Assemble/Forward Report

10) Provide the EIR to IFSSD Director and be available for the authoring of the Provisional Enforcement Decision Order.

APPROPRIATE ACTION NUMBER

- 1010A-H: SI Resolution:EDO:(appropriate sanction)

11) Inspector (or supervisor) will author and process the EDO for the Director's signature.

12) This EDO must be signed and issued by the Director-General.

13) Provisional EDO will be issued to the alleged violator.

14) Alleged violator may choose to—

- ◆ Accept the Provisional Decision and authorize acceptance.
- ◆ Accept an arranged compromise.
- ◆ Provide additional evidence which clearly shows his innocence or acceptable extenuating circumstances.
- ◆ Appeal the case to the Aviation Board.

15) If the Aviation Board does not dismiss the Provisional EDO, the alleged violator may choose to—

16) Alleged violator may choose to—

- ◆ Accept the Provisional Decision and authorize acceptance.
- ◆ Accept an arranged compromise.
- ◆ Provide additional evidence which clearly shows his innocence or acceptable extenuating circumstances.
- ◆ Appeal the case in the judicial system..

17) If an appeal to the judicial system is made, legal counsel assigned by the AG and inspector will be expected to participate in the process in a supporting advisor or witness role to the government counsel.

APPROPRIATE ACTION NUMBER

- 1012J: EIR: Technical Support to Legal Counsel
- 1012R: EIR: Testimony for Deposition/Hearing

18) The appeal to judicial system will result of one of the following outcomes—

APPROPRIATE ACTION NUMBER

- 1012N: EIR: Preparation formal Hearing
- 1012O: EIR: Presentation of Enforcement Case

- ◆ The Provisional Decision will be upheld.
- ◆ A different sanction may be imposed.
- ◆ An arranged compromise.
- ◆ The case will be dismissed.

19) Either party, the Government Counsel or the alleged violator, may appeal an adverse decision of the court to the Supreme Court, which would result

APPROPRIATE ACTION NUMBER

- 1012P: EIR: Preparation of Appeal
- 1012Q: EIR: Presentation of Appeal

in another judicial hearing.

20) If the courts find in the CAAV's favor, a Final Decision to Enforce will be issued to the violator.

**APPROPRIATE ACTION NUMBER**

- 1010A-H: SI Resolution:EDO:(appropriate sanction)

## 17.4 OTHER GUIDELINES

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The guidelines for processing enforcement actions should contain elements defining the following—

### 17.4.1 SELECTION OF ENFORCEMENT ACTION

A. Responsible CAAV personnel must review the evidence compiled during an investigation to determine whether a violation of the regulations has been committed.

- If the evidence fails to support a violation or demonstrate a lack of qualifications or competency of a certificate holder, then neither administrative nor legal enforcement action is appropriate.

B. In determining the appropriate enforcement action that should be taken for regulatory noncompliance, CAAV investigative personnel must consider the previous administrative remedies applied by the CAAV.

- The sanction guidance policy should be used only in those cases where a determination has been made that legal enforcement action is warranted.

### 17.4.2 INSPECTOR RESPONSIBILITIES

A. Inspectors are responsible for having the knowledge, skill, and ability to counsel and instruct the general public, the aviation public, and the aviation industry on the accepted methods of compliance with the VARs.

B. Inspectors are also responsible for preventing violations of regulations whenever possible. One way to assure this is through the certification process where an inspector assures that airmen, air agencies, and air operators are in full compliance with the VARs before issuing any license, certificate, rating, or authorization.

C. Inspectors also ensure that all applicable persons comply with the regulations on a continuing basis through a thorough and systematic surveillance program.

D. If, during the performance of any of these duties, the inspector finds or becomes aware of any violation of the VARs, the inspector must investigate and report according to the processes in this manual.

### 17.4.3 DISCHARGING COMPLIANCE RESPONSIBILITIES

A. Inspectors must remember some very important issues when carrying out compliance responsibilities.

- 1) The VARs are the minimum standard for aviation safety.
- 2) Regulations are sometimes permissive, sometimes restrictive.
- 3) Restrictive regulations are enforceable; permissive regulations are not.
- 4) If the regulation does not specifically say a person cannot, then a person can.



- Inspectors can and should encourage compliance with the highest possible standards.
- But, when it comes to enforcement, the inspector can only require compliance with the regulation, precisely as it is written.

B. The CAAV Resolution/Mitigation processes shall not be used for a reprisal against those in the public who are uncooperative so long as they are in compliance.

- The CAAV process is not an instrument to enforce the “pet peeves” of an individual inspector or office

C. On the other hand, inspectors shall not—

- “Wink” at the enforcement of regulations they do not like or do not understand.
- “Shrug” at regulatory standards with which they do not agree or at the failure of “good guys” to comply.
- Have “double standards” for those who are friendly or hostile to “aviation safety.”

D. However, inspectors shall—

- 1) Always be mindful of the difference in being nosy and investigating, and use the latter to establish guilt or innocence and to find both mitigating and aggravating circumstances.
  - 2) Be objective, i.e., report what he or she finds, both bad and good—the good in those whom the inspector finds offensive and the bad in those the inspector likes.
  - 3) Leave the final sanction to those who must decide it on a national or equalizing basis, but be sure to give those individuals the basis for sound decisions in the technical analysis.
  - 4) Include the inspector’s feelings, opinions, and conjecture in the analysis, clearly separating them from the facts.
  - 5) Report what the inspector must instead of what the inspector wants; be detached and not emotionally involved.
  - 6) Take a positive, objective approach, not wasteful of diminishing resources, and always considering safety; keep in mind that proper regulation and promotion of the aviation industry are the same thing.
- E. Try to avoid emotional reporting. The inspector should always read what he or she wrote in aggravation after a “cooling off” period, and see if it still reflects a true and accurate picture of the event.
- Consultation with other inspectors and the supervisor can sometimes be very effective, provided the inspector is willing to take the advice given.

If the inspector is unwilling to accept that advice, his or her investigatory and reporting problems are likely to multiply.

*End of Chapter*

## Chapter18

### Letter of Investigation

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This Chapter provides guidance for the CAAV specifying the methodology by which the CAAV advise a individual, operator or organization that they are under investigation for non-conformance with the regulatory requirements.

#### 18.1 POLICY

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- A. One of the first acts of the CAAV when initiating an enforcement investigation will be to issue a Letter of Investigation (LOI) to the individual, operator or organization being investigated.
- B. The issuance of this letter does not restrict the scope of the non-conformance that may later be identified during the investigation depending on mitigating circumstances that caused the safety concern to exist.

#### 18.2 OPPORTUNITY, NOT A REQUIREMENT

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- A. The LOI is meant to advise the individual, operator or organization of the investigation and give them the opportunity to provide their input to the situation being investigated. They are not required to respond.
- B. The Enforcement Investigation Report (EIR) may be completed without their response.
- C. The fact that the LOI was sent and was not responded to is a “fact” that will be included in the EIR. If they do respond, the information they submit will be included in Section D of the EIR.
- D. Although not required, an alleged violator normally is notified in writing of an agency investigation. The letter should state that the CAAV is conducting an investigation, and should invite comments from the alleged violator on the circumstances of the incident.
  - 1) A copy of the letter should be included in the file.
  - 2) Where additional violations are discovered during the investigation, the inspector should use judgment as to whether another letter of investigation should be sent.
  - 3) Evidence should show that a violation might exist before a letter of investigation is issued.
  - 4) Failure to send a letter shall not obstruct the ongoing investigation.
- E. In cases involving companies with complex organizational structure, care should be taken to assure that the letter is addressed to the responsible official. The investigating inspector may obtain advice on such matters from CAAV supervisory personnel

#### 18.3 CONTENTS OF THE LETTER

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- A. The phrase “LETTER OF INVESTIGATION” will be the first entry below the letterhead (at least 3 carriage returns).
- B. The method of transmission (hand-delivered, fax, certified mail, etc.) will be annotated 2 carriage returns before the date entry.
- C. The address will be the official address for the individual that is on-file with the CAAV.
  - 1) The first paragraph will be a general discussion of the event (location, date, time-if known) and the allegation of the non-conformance.
  - 2) The discussion should be “in general.” It should not specifically accuse or cite a specific regulation. Although the letter is not intended to be a statement of charges, it should inform the alleged violator of the activities being investigated. Specific sections of the Regulations should not be cited unless specific regulatory reference is needed to accurately identify the incident. If the facts and circumstances are adequately presented, the letter of investigation

need only state that there may have been a violation of the Regulations.

- 3) The second paragraph should be exactly as provided in Appendix 14-A.
  - 4) Specify a time limit for reply. Normally 10 days is sufficient. Additional time may be necessary in foreign cases. Any reply received after such deadline should be considered. If the file has been forwarded to the legal office, the reply should be forwarded with an analysis, including a discussion as to whether the reply changes the inspectors' conclusions.
  - 5) Request that specific relevant documents (such as aircraft technical logs) be retained or made available.
- D. In the preparation of the letter of investigation, see the appendices to this chapter.

## **18.4 DISTRIBUTION & FILING**

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A. The letter of investigation generally is sent by certified mail with return receipt requested, so as to establish a record of notice to the party under investigation. If personally delivered, document the delivery in the file.

B. Distribution of the letter of investigation:

- 1) The original letter of investigation is directed to the alleged violator.
- 2) Send a copy to supporting legal office.

## **18.5 NOTIFICATION OF TERMINATION OF INVESTIGATION**

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If at the conclusion of the investigation there is insufficient evidence to pursue the matter, the inspector may write the alleged violator a letter advising that the evidence is insufficient to support the violation and that the matter is not being pursued. In cases in which there is a reasonable question whether evidence supports a violation, the inspector should consult with the appropriate legal office prior to advising the alleged violator. See Sample Letter of Notification, Appendix 14-F.

*End of Chapter*





## Chapter 19

### Items of Proof

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The chapter provides guidance regarding the obtaining and safekeeping of items of proof for the Enforcement Investigative Report.

#### 19.1 POLICY

---

A. The object of the investigation is to obtain evidence to establish whether a violation occurred. Evidence includes all the means by which any alleged fact tends to be established or disproved. It is the means by which we prove or establish the facts set forth in CAAV legal notices. If there is doubt as to the relevance of a particular piece of evidence, it should be secured and preserved from the outset.

B. Evidence may be obtained from any place or source where it is legally available.

- An investigation at the scene of a violation often will assist the inspector in the collection and analysis of evidence.
- There is no substitute for the inspector's personal observations, which should be placed in writing as soon as possible.
- The inspector must not only accurately obtain the facts and circumstances, but must prepare a report which clearly conveys such facts and circumstances.

#### 19.2 EIR ITEMS OF PROOF

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A. The facts bearing on the investigation should be organized and presented in a chronological and logical manner. The items of proof should be organized so that they are introduced in chronologically in support of the facts.

B. In support of this requirement, the numbering of the IOPs will change as the investigation proceeds. It is also possible that, during any legal proceedings, the Government attorneys may choose to reorder the IOPs. It is very important that this capability exists throughout the process.

C. The IOPs will be separated from the beginning of the investigation by number tabs. Each IOP will have a removable post-it or other stick-on method of numbering.

#### 19.3 TYPES OF EVIDENCE

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A. The types of evidence used to document the investigative report include witness statements, photographs, charts, maps, and diagrams;

B. The object of the investigation is to obtain evidence to establish whether a violation occurred. Evidence includes all the means by which any alleged fact tends to be established or disproved. It is the means by which we prove or establish the facts set forth in CAAV legal notices. If there is doubt as to the relevance of a particular piece of evidence, it should be secured and preserved from the outset.

C. Evidence may be obtained from any place or source where it is legally available. An investigation at the scene of a violation often will assist the inspector in the collection and analysis of evidence.

D. There is no substitute for the inspector's personal observations, which should be placed in writing as soon as possible. The inspector must not only accurately obtain the facts and circumstances, but must prepare a report which clearly conveys such facts and circumstances.

E. The types of evidence used to document the investigative report include—

- witness statements
- photographs
- charts

- maps
- diagrams
- documents
- records
- physical evidence
- Interviews

### **19.3.1 HEARSAY EVIDENCE**

A. Hearsay evidence, in many circumstances, may be used to prove violations. Inspectors should not hesitate to report any information that could possibly be used as evidence.

B. Hearsay evidence can be very helpful to the investigator in that it often leads to persons who do have direct knowledge of the incident, or knowledge of important documents.

C. Furthermore, it may be helpful to the attorney in cross-examination of a hostile witness or the person involved. For these reasons, the inspector should report all evidence that could be pertinent to the case.

## **19.4 INTERVIEW WITNESSES**

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A. Generally, all knowledgeable witnesses of an alleged violation should be interviewed and the information reported.

B. Where there is more than one person who witnessed an incident, the number of those witnesses to be interviewed will depend largely upon the nature of the case, the proof required, and, to some extent, witness availability.

C. Duplicative or repetitive testimony is desirable because it gives weight to the evidence and insures the availability of witness testimony in the event that one or more key witnesses later are unavailable.

D. Selection of the particular witnesses should be based on the likelihood of their knowledge about the incident and their competence to relate the information sought. Some common sources for the identities of possible witnesses are—:

- Passenger manifests.
- Air traffic controllers.
- Records and personnel of organizations, such as air carriers, air taxis, etc.
- Airport personnel.
- Local restaurants or bars that may have served the person.
- Pilots and mechanics who may have pertinent information.
- Persons who work or reside in the area of the incident.
- Health personnel who may have examined the person involved.
- State and local police.

### **19.4.1 INTERVIEWING**

A. Every effort should be made to interview witnesses face to face or by telephone. The technique used will vary depending on circumstances, but the following general guidelines may be of assistance—

- 1) Plan the interview to assure that the interviewer is thoroughly prepared and that the best environment in which to hold the interview is selected.
- 2) Put the person interviewed at ease.
- 3) Maintain control of the interview.
- 4) Assure from the outset that the witness understands that any information furnished may be used as evidence in

subsequent enforcement proceedings.

- ◆ No promises of confidentiality can be given without prior consultation with legal counsel.
  - ◆ However, if a witness requests immunity in exchange for information regarding safety, the inspector shall immediately proceed with the interview.
- 5) Do not discuss with witnesses any possible enforcement action or sanctions, or grants of immunity. Do not divulge sources of information, except where necessary.
  - 6) Request a signed statement.
  - 7) Plan questions which will accomplish the objective.
    - ◆ The broad or general question often is effective to open up areas of discussion.
    - ◆ Specific searching questions are good for getting specific information, clarification, and conclusions.
  - 8) Be attentive and listen.
  - 9) Take notes if practical to do so. This will vary with circumstances, but if notes are not taken at the interview, make notes immediately after the interview and document the time and date when the interview took place.
  - 10) Summarize the interview with the witness to verify the interviewer's understanding and recollection of all pertinent points. Give the witness an opportunity to make any additional comments.
  - 11) Prepare a separate report of the interview, including the inspector's own observations and evaluations to be included in the inspector's enforcement package.
  - 12) When an essential witness refuses to cooperate, the CAAV's authority under the law may be used.

#### **19.4.2 INTERVIEWING COMPANY MANAGEMENT**

A. In many cases the most important witness to be interviewed is the person making the allegation. Frequently in investigations, the source of an allegation against a company is an employee or agent of that company.

B. The investigation should be planned and conducted to assure that these allegations are verified from other sources if possible before company officials are consulted.

- For example, if a certificate holder's mechanic reports a violation, every effort should be made to verify the allegation through interview of the reporting mechanic and other mechanics, personal observations, and inspection of company records before contacting company management to discuss the concern.

C. When interviewing company officials, great care must be exercised to provide reasonable protection to the source.

#### **19.4.3 TAKING A STATEMENT**

A. Where possible, a written statement should be obtained from each witness. The written statement should contain a precise and complete account of those facts pertinent to the violation. It should include—

- 1) What the person said, did, or perceived by his or her senses; and
- 2) The how, when, what, why, and where of that perception.

B. The statement should start with witness' complete name, address, telephone number, occupation, and aeronautical experience. Any opinions should be shown as such.

C. A written and signed statement is especially important under the following circumstances—

- When the information is complex, involves data, or is controversial.
- When the witnessed incident involves injury or death or a significant aviation incident, such as an aircraft accident or hijacking.

D. The best statement is one prepared by the witness.

- 1) When necessary, however, the inspector may assist the witness in drafting and framing a statement.

2) In doing so, the inspector should take care not to dictate the statement and should make an effort to assure that the statement is complete, concise, and to the point.

E. If the person interviewed refuses to give a signed statement, the inspector should prepare a statement based on information furnished by the witness.

- The witness should then be asked if he agrees to the substance. If he does agree, but continues to refuse to sign, the inspector should make a notation to that effect and date and sign it along with any witnesses.

## **19.5 INTERVIEWING THE ALLEGED VIOLATOR**

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A. Normally, the alleged violator will be interviewed, even though he or she may have furnished written information. If the interview is not possible or necessary, indicate the reasons why it was not accomplished.

B. The alleged violators are interviewed primarily in order to give such persons an opportunity to tell their side of the story, and to help to establish all pertinent facts and circumstances.

C. The time for interviewing the alleged violator can be a critical decision. At times it is best to accumulate solid evidence with which to interview the alleged violator. At other times, an early interview will develop investigative leads. Good judgment dictates when the interview should be conducted.

D. If the alleged violator or other witnesses are located in another area, it may be necessary to obtain assistance for the interviews.

### **19.5.1 INSPECTOR WITNESS**

If the inspector witnesses a violation, the inspector should prepare and sign a statement covering all of the pertinent facts of which the inspector has personal knowledge.

## **19.6 COLLECTING EVIDENCE**

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### **19.6.1 PHYSICAL EVIDENCE**

A. Physical evidence consists of objects or items, such as a cracked propeller, defective spar, or worn engine parts or cables, pertinent to the violation.

B. Care must be taken so that the handling of physical evidence does not result in damage, loss, or alteration. The inspector must be prepared to testify to this fact.

C. A chain of custody should be established. The purpose is to show who has had custody of it and that the evidence has not been changed or altered.

D. The best procedure is to lock up the evidence in a safe place until time of hearing.

E. If this is not possible, the inspector should know and record the name(s) of any person who has possession of the piece of evidence. In any event, the report should specify the location of physical evidence. (Use CAAV Form, as appropriate.)

### **19.6.2 PHOTOGRAPHS**

A. A digital camera or a camera loaded with fast, color film often is an inspector's best friend. When photographs are obtained, have the names and addresses of the photographers and the date and time the pictures were taken written on the back of the prints.

B. Further, record the technical data of the film, shutter speeds, lens opening. List the custodian of the prints and information on the custody of the negative.

C. When photographs are used in lieu of physical evidence, pertinent information as to the location and security of the physical evidence should be documented.

### **19.6.3 CHARTS**

- A. Charts, maps, diagrams, and photographs should be obtained, as appropriate, to show physical features, such as airports, terrain, congestion, flight paths, obstructions, aircraft parts, etc. They may be useful when interviewing witnesses.
- B. They should be clearly labeled showing the source of the document, including the person who made any notations on the document (such as a depiction of a flight path on a chart).
- C. Copies of charts or an actual chart should be included in the report and the chart should be current as of the date of the violation.
- D. If a copy of the chart is used, the front page with the effective date of that chart should also be included. The inspector should make notes of the intended purpose of such exhibits for use when assembling the report.

## 19.7 OBTAINING DOCUMENTS & RECORDS

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- A. Documents and records consist of National Weather Service reports, load manifests, manual pages, communication logs, aircraft logs, etc.
  - This type of evidence may be essential to prove the case or may provide backup or background information.
- B. Too often a witness statement is obtained without supporting documentary evidence. Thereafter, the witness may forget, flee, lie, or die, and a case may fail for lack of evidence. Do not overlook the importance of this type of evidence.
- C. Documentary evidence perhaps is the most common type of evidence used by the inspector. Its value frequently is overlooked not only as evidence but also as an investigative tool to use for cross-reference, verification of oral statements, and interviews.

### 19.7.1 PROMPT ACTION TO ACQUIRE RECORDS

- A. The investigating inspector should take prompt action to review and obtain necessary records. Too often, vital records are lost, destroyed, or modified when prompt action is not taken.

If there is doubt about the relevance of particular records, they should be secured and preserved from the outset.
- B. If it is apparent that the documents or records will not be provided voluntarily, the inspector should consult with legal counsel to arrange for legal subpoena.
- C. For non-CAAV persons or organizations, request only one copy of each document. The investigating CAAV office is responsible for reproducing additional copies needed.
- D. Documentary evidence should be specifically identified, accounted for, and protected from loss, damage, or alteration.

### 19.7.2 RETENTION OF RECORDS

- A. Where necessary, appropriate arrangements should be made for retention of records. Promptly notify the organization or person holding the records that specified records are to be held for inspection.
- B. If the records may not be retained as requested, make immediate arrangements, in coordination with legal counsel, for their preservation. Notice may be written or oral.

### 19.7.3 ORIGIN OF RECORD

- A. The inspector should always indicate when, where, and from whom the document was obtained, and who from the CAAV obtained it. This may be done with a stamp on the reverse side.
- B. When documents such as company manuals, CAAV-approved airplane flight manuals, or manufacturer's service bulletins contain information necessary to a case, pertinent portions should be reproduced and made a part of the report.
- C. When copies of documents are made, care should be taken to insure that all copies are legible and are accurate.

- 1) Use a date stamp to document that you have reviewed each page of a copy of a document and compared it with the original.
- 2) The stamp should be placed on copies of documents in a manner that does not obscure any of the information contained in the document; place it on the reverse side.
- 3) Wherever possible, documents or copies thereof should be preserved in their original state.
- 4) Wherever possible, avoid making marks on the face of documents.

◆ If marks or explanations are necessary for explanation or clarification, where possible, make them in an overlay, or include another copy of the document with marks on the copy.

D. Care should be exercised to assure that the documentary evidence obtained was current and applicable at the time of the incident in question. On the other hand, revisions to a manual, subsequent to an incident, may be important to some cases.

## **19.8 AIR TRAFFIC SERVICE RECORDS**

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A. Air Traffic Service facilities are responsible for prompt notification to the CAAV of any incident or complaint involving a civil or public aircraft which may involve a violation of Regulations. Personal contact or telephone, during regular working hours normally will communicate such notification.

B. The purpose for this initial contact is to convey to the CAAV office the essential facts as they are known at the time, and from which a decision may be made as to the need for further investigation. If the CAAV office decides that further investigation is or most probably will be warranted, the CAAV office representative should, in all cases, request that the Air Traffic Service facility retain the originals of all records related to the incident or complaint.

C. Thereafter, within 5 working days, the CAAV office should advise the facility that it is either proceeding with the investigation, or the matter does not warrant further investigation and the hold on records and statements is released. If a decision is made to proceed, the CAAV office should ask the Air Traffic Service facility to forward an Incident Report, with Air Traffic Service records and other data, as evidence, in accordance with the following procedures:

### **19.8.1 AIR TRAFFIC CONTROL TAPES**

A. The inspector should identify the pertinent portion of all tapes that are relevant to the incident under investigation.

B. The inspector should, with respect to each such tape, request the facility to—

- 1) Make a cassette recording of that portion of the tape, and
- 2) Cut and preserve that portion of the original tape.

C. When a violation report is prepared, the cassette recording should be included as an exhibit. The facility should not be required to make a transcription of the pertinent portion of the tape until a transcript is needed by legal counsel for use in processing an enforcement action.

### **19.8.2 AUTOMATED RADAR TERMINAL SYSTEM (ARTS) DATA RECORDING AND ANALYSIS**

The ARTS equipment has the capability to provide an altitude, speed, and heading readout. The use of the ARTS Data Reduction and Analysis (DR&A) information can provide valuable data for enforcement purposes.

- 1) This information may be used to corroborate other available evidence or to resolve conflicting evidence present in a given case.
- 2) When the inspector determines, pursuant to the above policy, that ARTS data is needed, the CAAV Director-General should request the required DR&A from the manager of the appropriate Air Traffic facility.
- 3) Before a request is made, the facts, time, place, date of occurrence, and a valid need for this information should be provided by the requesting CAAV.

### **19.8.3 OTHER AIR TRAFFIC SERVICE RECORDS**

A. Records, such as flight plans and flight progress strips that the inspector determines to be pertinent to the investigation, should be requested from the appropriate facility.

B. When obtaining these records from an Air Traffic facility, the inspector should also request written statements from facility personnel who have direct knowledge pertaining to the incident.

## **19.9 OTHER RECORDS**

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### **19.9.1 WEATHER SERVICE RECORDS**

The inspector should carefully analyze the case to determine the extent weather is involved and obtain certified copies of sufficient data from the Weather Service Office involved to permit an intelligent weather analysis appropriate to the case. Legal counsel may request authenticated copies of the records for use in the legal proceeding.

### **19.9.2 COMPANY RECORDS**

Requests or subpoenas for records of organizations, such as an air carrier, air taxi, manufacturer, or airport operator, should be made to the official custodian or a company officer.

### **19.9.3 AIRCRAFT FLIGHT RECORDER TAPES**

A. Under the law the CAAV is authorized to obtain and use flight recorder data in any investigation conducted by the CAAV since it involves a record required by the VAR requirements to be maintained.

B. The regulation further authorizes the use of flight recorder data in CAAV enforcement actions since the regulations that require flight recorders in aircraft do not specifically limit or prohibit such use. If the decision is made to use the flight recorder material in enforcement proceedings, a certified readout of the tape will be required.

C. Requests for readout should be made as follows—

1) Obtain a release for the tape from the owner or that owner's designated representative.

2) Obtain the calibration tape.

3) Pack the flight recorder and calibration tapes so as to prevent damage, and ship to the office officially designated by the CAAV.

4) Send a letter of transmittal with the following information to the same address—

◆ Owner's full name and address.

◆ Make and model of aircraft involved.

◆ Aircraft registration number.

◆ Place and date of occurrence.

◆ A brief description of the occurrence or incident and the reasons for the readout request.

◆ The name of the CAAV person or office to which the tape should be returned.

5) Ship the package by certified mail, return receipt requested.

D. During the readout, have a CAAV representative present. The representative will observe the readout and be able to testify as to its authenticity.

## **19.10 OTHER GOVERNMENT RECORDS**

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A. If a National or local law enforcement agency has investigated the incident, it may have valuable information.

● Such records often include the names of witnesses who should be interviewed by the investigating inspector.

B. If there is any type of court proceeding, the certified copy of the court order should be obtained along with any



other record of court proceedings as necessary.

C. When violation of a foreign law or regulation is being reported, a copy of such law or regulation, in effect at the time of the violation, should be included in the investigative report.

### **19.11 MEDICAL RECORDS**

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A. Medical records by a physician or hospital regarding treatment or tests of a person involved usually are privileged and generally cannot be obtained without the consent of the individual. If consent is not given, a subpoena may be obtained.

B. Where required, every effort should be made to obtain from the person involved a written consent in order to obtain such records.

C. The person involved should be presented with an official CAAV Form indicating "authorization for the Release of Medical Information to the CAAV," for this purpose.

*End of Chapter*

## Chapter 20

### Enforcement Investigation Report (EIR)

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This chapter provides guidance for the CAAV specifying the methodology by which the CAAV inspectors will complete an Enforcement Investigation Report.

#### 20.1 POLICY

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A. An Enforcement Investigation Report will be completed for those investigations in which a Letter of Investigation is issued to an individual or organization.

Inspectors will complete the EIRs using CAAV Form 17 that is provided in the "Inspectors Toolkit" in the "Forms/R&E Forms" folders.

B. Each EIR will be completed as outlined in this Chapter.

#### 20.2 EIR REPORTING AND FILING

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- 1) After the issuance of an LOI, the inspector will download a blank CAAV 17 form and began completion of the EIR.
- 2) That report will be saved in the "Shared" directory in the "General Event Files/Enforcement Investigation" folders.
- 3) The title of the file will include the date, investigation number, and individual or organization separated by a single space (e.g. 04-07-01 EI1005 Trinity Airlines).
- 4) It is very important that the assigned inspector continue completion of the EIR as the facts of the investigation are determined, rather than wait for a special time to complete it.
- 5) As the items of proof are logged into EIR, they will be given a temporary number that will be affixed by post-it and filed in the specific investigation file.
- 6) THIS FILE IS NOT TO BE KEPT AT AN INSPECTOR'S DESK OVERNIGHT!
- 7) Inspectors should consider printing an interim copy of the EIR as each revision is made.
- 8) When the EIR is complete, the inspector will print and sign three final copies with a draft copy of the Notice of Proposed Sanction.
- 9) An Action report of this completion will be completed and printed.
- 10) If this report "resolves" any "open" safety concern, the appropriate notations will be made in the database for that concern.
- 11) If the investigation determines that non-conformance with a regulatory requirement could not be proven, the individual or organization that was sent the original LOI will be notified by letter of this determination.

#### 20.3 DISPOSITION OF FINAL COPIES

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- 1) One "final" copy will be retained in the filing drawer for General Events – Enforcement Investigation.
- 2) The second "final" copy will be available pending a request from the Director-General or the Ministry.
- 3) The third "final" copy will be retained in the same location pending whether the individual or organization appeals the sanction.
- 4) If there is an appeal, that copy will be forwarded with the appeal to the Attorney-General's Litigation Unit.
- 5) If the sanction is accepted, the second and third copies will be destroyed without forwarding.

## 20.4 REPORT HEADER

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The report header will include the Enforcement Investigation (control number) in the blank space provided at the right side of the header.

### 20.4.1 COMPLETION GUIDANCE

	<b>ENFORCEMENT INVESTIGATION REPORT</b>	Enter file number assigned by the CAAV Director-General's Secretary
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### 20.4.2 COMPLETED EXAMPLE

	<b>ENFORCEMENT INVESTIGATION REPORT</b>	<b>E063414</b>
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## 20.5 SECTION A: SUMMARY OF BACKGROUND INFORMATION

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### 20.5.1 COMPLETION GUIDANCE

<b>Individual or Operator Investigated</b>	
<b>INDIVIDUAL OR OPERATOR UNDER INVESTIGATION:</b>	Enter the full legal name of the operator or individual that was the subject of this particular investigation file.
<b>CERTIFICATE#:</b>	Enter the number of the primary certificate in use by the operator or individual during the alleged non-conformance with the regulations.
<b>CERTIFICATE TYPE:</b>	Enter the type of the primary certificate in use by the operator or individual during the alleged non-conformance.
<b>ADDRESS OF THIS INDIVIDUAL OR OPERATOR:</b>	Enter the full mailing address of the operator or individual according to the CAAV database. (All other addresses will be entered in Section G of this file.
<b>CONTACT NAME:</b>	Enter the name of the primary person the operator or individual (if other than self) would like to be contacted regarding any aspect of this investigation. Any other contact name provided by the operator or individual will be entered in Section G.
<b>CONTACT TELEPHONE#:</b>	Enter the primary telephone number for these contacts. All other telephone numbers provided will be entered in Section G.

### 20.5.2 COMPLETED EXAMPLE

<b>Individual or Operator Investigated</b>
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<b>INDIVIDUAL OR OPERATOR UNDER INVESTIGATION:</b>	<b>Trinity Holdings</b>
<b>CERTIFICATE#:</b>	<b>CGAA-240</b>
<b>CERTIFICATE TYPE:</b>	<b>Air Operator Certificate</b>
<b>ADDRESS OF THIS INDIVIDUAL OR OPERATOR:</b>	<b>PO Box AP777 Hanoi, Vietnam</b>
<b>CONTACT NAME:</b>	<b>Augusto Pinto</b>
<b>CONTACT TELEPHONE#:</b>	<b>03-359-1451</b>

## 20.6 SECTION A: OUTLINE OF NON-CONFORMANCE

### 20.6.1 COMPLETION GUIDANCE

<b>Non-Conformance Occurrence</b>	
<b>DATE(S) OF POSSIBLE NON-CONFORMANCE:</b>	Enter the date (or beginning and ending dates) that the alleged non-conformance took place.
<b>TIME:</b>	Enter the date of the first occurrence of alleged non-conformance.
<b>LOCATION:</b>	Enter the location where the alleged non-conformance occurred for the first time (or where the CAAV first became aware of it).
<b>NON-CONFORMANCE WITH REGULATIONS#:</b>	Enter the specific Regulation title and number and subsection and/or Part reference (for example: VAR 73(1)(a) and/or Part 12.345(a)(2)(ii)). If both the Regulation and Part apply to a specific non-conformance, use a comma to separate the two concurrent references. If more than one regulation/Part is cited, separate these references by a semi-colon.
<b>RELATED INVESTIGATION FILE(S)#:</b>	Enter the numbers of all investigation files that relate to this file.

### 20.6.2 COMPLETED EXAMPLE

<b>Non-Conformance Occurrence</b>	
<b>DATE(S) OF POSSIBLE NON-CONFORMANCE:</b>	<b>7 April through 11, 2006</b>
<b>TIME:</b>	<b>1700 EST</b>
<b>LOCATION:</b>	<b>Hanoi, Vietnam</b>
<b>NON-CONFORMANCE WITH REGULATIONS#:</b>	<b>VAR 2006 #73, Part 12.325 VAR 2001 #36, Part 5.365</b>
<b>RELATED INVESTIGATION FILE(S)#:</b>	<b>E063415, E063416, E063417, 0E063418</b>

**20.6.3 COMPLETION GUIDANCE**

<b>CAAV Involvement and Resolution Recommendation</b>	
<b>DATE CAAV AWARE:</b>	Enter the date that the CAAV first received this information. Enter how this information came to the CAAV in Section E – Extent of Investigation.
<b>INVESTIGATION INITIATED:</b>	Enter the date that the first actions were taken to begin an investigation of this alleged non-conformance.
<b>LETTER OF INVESTIGATION ISSUED:</b>	Enter the date that the LOI was mailed from the CAAV office.
<b>FINAL REPORT AND RECOMMENDATION COMPLETED:</b>	Enter the date that this file was completed. This should be one of the last entries.
<b>TYPE OF RESOLUTION ACTION RECOMMENDED:</b>	Enter the method of resolution recommended by the investigating inspector.
<b>SANCTION RECOMMENDED:</b>	If applicable, enter the level of sanction recommended.
<b>INVESTIGATING INSPECTOR:</b>	Enter the name of the investigating inspector.
<b>SIGNATURE OF INVESTIGATING INSPECTOR:</b>	This should be the last entry of the completed file.

**20.6.4 COMPLETED EXAMPLE**

<b>CAAV Involvement and Resolution Recommendation</b>	
<b>DATE CAAV AWARE:</b>	<b>11 April 2006</b>
<b>INVESTIGATION INITIATED:</b>	<b>11 April 2006</b>
<b>LETTER OF INVESTIGATION ISSUED:</b>	<b>25 April 2006</b>
<b>FINAL REPORT AND RECOMMENDATION COMPLETED:</b>	<b>25 June 2006</b>
<b>TYPE OF RESOLUTION ACTION RECOMMENDED:</b>	<b>Civil Penalty</b>
<b>SANCTION RECOMMENDED:</b>	<b>15.000 Dollars</b>
<b>INVESTIGATING INSPECTOR:</b>	<b>Charles Fedderwitz</b>
<b>SIGNATURE OF INVESTIGATING INSPECTOR:</b>	<b>Charlie Fedderwitz</b>

## 20.7 SECTION A: AIRCRAFT INFORMATION

### 20.7.1 COMPLETION GUIDANCE

Aircraft, Engine, Propeller, Component or Appliance Involved	
<b>MAKE:</b>	Enter the manufacturer's Name. If not applicable, enter "NA."
<b>MODEL:</b>	Enter the manufacturer's model number. If not applicable, enter "NA."
<b>IDENTIFICATION#:</b>	Enter the manufacturer's serial number. If not applicable, enter "NA."
<b>OWNER:</b>	Enter the full name of the current owner. If not applicable, enter "NA."
<b>ADDRESS:</b>	Enter the full mailing address of the current owner. If not applicable, enter "NA."

### 20.7.2 COMPLETED EXAMPLE

Aircraft, Engine, Propeller, Component or Appliance Involved	
<b>MAKE:</b>	<b>Boeing</b>
<b>MODEL:</b>	<b>727-200</b>
<b>IDENTIFICATION#:</b>	<b>VN-EAL</b>
<b>OWNER:</b>	<b>Barclays Holdings, Limited</b>
<b>ADDRESS:</b>	<b>PO Box AP777 Hanoi, Vietnam</b>

## 20.8 SECTION B: SUMMARY DESCRIPTION OF NON-CONFORMANCE

### 20.8.1 COMPLETION GUIDANCE

Section#	Summary Description
Enter the applicable Regulation and/or Part section and subsection	Enter a summary description of the non-conformance. This is best done by a restatement of the Regulation or Part and inserting the name of the individual or operator. Include the date(s) and location.

**20.8.2 COMPLETED EXAMPLE**

Section#	Summary Description
VAR #73, Part 12.345(a)	Trinity maintenance managers, Jack Singh, John Sent, and Robert Johnson materially participated in the testing of components which was not accomplished to the manufacturers specifications

**20.9 SECTION C: LISTING OF ATTACHED ITEMS OF PROOF**

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**20.9.1 COMPLETION GUIDANCE**

IOP #	Items of Proof
Enter the IOPs in the chronological order that they are introduced in Section D	Enter the type and date of the evidence (letter, interview, record, etc).

**20.9.2 COMPLETED EXAMPLE**

	Items of Proof
	Fax from Jack Singh to Customer Service at Boeing (dated 10-11-2000)
	Boeing Aircraft response (dated 10-13-2000) to Vietnam Air Fax
	Statement of Mr. Jack Singh (dated 04-03-2001)

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## 20.10 SECTION D: LISTING OF THE FACTS

### 20.10.1 COMPLETION GUIDANCE

Fact#	Date/ Time	Action, Event or Reference	IOP#
Enter a chronological number for each specific fact.	Enter the date and (if known) the time of this specific fact.	<p>The inspector should apply the following guidance rigidly in order to have valid facts:</p> <ol style="list-style-type: none"> <li>1. It is important that you begin entering the facts in this format as soon as you identify them.</li> <li>2. Enter a specific fact on one table line, and then enter the next fact in the next table line.</li> <li>3. One event or item of proof could contain multiple facts, all of which must be entered separately.</li> <li>4. Usually facts are one-sentence entries. A good rule of thumb is to view each sentence as a fact.</li> <li>5. Avoid an assertion (a statement which appears to be a fact, but which is not confirmed by an IOP (If you have a "fact" not supported by an item of proof, it is probably an assertion.</li> <li>6. It is permissible to place a fact in italics when a key point is being made.</li> <li>7. Syllogism statements are permissible when using regulations. It is permissible to use a direct quote of a regulation as a fact.</li> </ol>	Enter the assigned number of the item of proof applicable to this fact. It is also good practice to enter more specific information (such as "first paragraph, second sentence.")

### 20.10.2 COMPLETED EXAMPLE

Fa ct#	Date/ Time	Action, Event or Reference	IOP#
1	October 10, 2005	<b>Jack Singh (Acting Director) sent a fax to Boeing Aircraft questioning the interchangeability between Part 65-52811-66 and 65-52811-179.</b>	1
2	October 13, 2005	<b>Boeing Aircraft replied that these parts have not been determined to be interchangeable.</b>	2
3	April 3, 2006	<b>Mr. Jack Singh provided a statement in which he states that he circulated the Boeing response to Tech Services and Stores Director. He further stated that an Interdepartmental memo was circulated which advised that Part -179 should be taken out of the Stores inventory.</b>	3
4		<b>This statement was not corroborated by other written evidence or the statements of other personnel.</b>	3
5	December 16, 2005	<b>An airworthiness inspector from the Vietnam CAAV, Mr. Charles Fedderwitz determined that the parts stock room was staffed by unqualified receiving inspector, serviceable and unserviceable parts which should have been separated were intermixed, and parts were laying around that were not tagged to show their serviceability. The inspector advised Mr. Singh of these findings.</b>	4

6	January 16, 2006	Inspector Fedderwitz participated in a meeting with the Trinity Chief Operating Officer, Captain Robert Blake, and advised him of his findings during an overall inspection in December, including the findings regarding the stock room.	5
7	February 19, 2006	The Department of Civil Aviation sent a letter to the Trinity Chief Operating Officer, Captain Robert Blake, emphasizing the apparent inaction and need for priority action to correct the inadequacies of the parts stock room. This letter drew attention to the <u>potential for a wrong part to be installed</u> on an aircraft.	6
8	June 12, 2006	<i>The original findings and recommendations of this letter had not been acted upon by Trinity management at the writing of this report on June 12, 2006.</i>	
9	April 7, 2006	The flight crew of VN-EAL received two serious warnings ("nose gear unsafe" light and ground proximity aural warning "pull-up"). Flight crew completed a go-around and after trouble-shooting landed safely.	7
10	April 7, 2006	A test flight was conducted which determined the "landing gear defect intermittent.	8
11	April 7, 2006	Acting Director of Maintenance, Mr. Jack Singh went on the test flight.	8

## 20.11 SECTION E: NARRATIVE AND ANALYSIS

### 20.11.1 COMPLETION GUIDANCE

<b>Extent of Investigation</b>
Describe the events that caused the investigation to begin and all of the investigative actions taken.

### 20.11.2 COMPLETED EXAMPLE

<b>Extent of Investigation</b>
The CAAV was advised by the South Africa CAA on 11 April 2006 that a Trinity aircraft had been dispatched to Johannesburg, South Africa with a questionable deferment of a mechanical irregularity. The CAAV began an investigation. This investigation included a review of all Trinity log page records and deferred defects for the times specified, review of the parts records, interviews with the mechanics who conducted the parts replacement and testing, interviews with Trinity maintenance management and a review of Trinity internal investigation and recommended actions.

## 20.12 SECTION E: FINDINGS

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### 20.12.1 COMPLETION GUIDANCE

<b>Findings</b>
Summarize the findings that you believe are pertinent.

### 20.12.2 COMPLETED EXAMPLE

<b>Findings</b>
<b>The investigation found that the wrong part was installed on the aircraft, proper checks were not conducted, and when the part was determined to be the wrong part, the aircraft was returned to service with the wrong part still installed. The proper part was not installed until after the South Africa CAA and Vietnam CAAV initiated investigations regarding this matter.</b>

## 20.13 SECTION E: CONCLUSIONS

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### 20.13.1 COMPLETION GUIDANCE

<b>Conclusion</b>
Outline the conclusions that you have made based on your investigation.

### 20.13.2 COMPLETION EXAMPLE

<b>Conclusion</b>
<b>Trinity Airlines operated an aircraft that did not meet the safety standards for dispatch. The facts of this investigation point to very poor maintenance and operational practices. The evidence shows that the culpability and causes for this safety of flight event involved individual actions by maintenance personnel, both line and supervisory. This report details the involvement of Trinity as represented by its management. The maintenance personnel will be detailed in separate reports by individual.</b>

## 20.14 SECTION E: CONTRIBUTING FACTORS

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### 20.14.1 COMPLETION GUIDANCE

<b>Contributing Factors</b>
Separately address any factors that you believe may have contributed to this non-conformance.

**20.14.2 COMPLETED EXAMPLE**

<b>Contributing Factors</b>
<p>Previous safety oversight by the UK-CAA failed to identify significant deficiencies in Trinity Airlines' maintenance practices regarding deferred defects, correction of mechanical irregularities, parts, parts replacement, testing for integrity.</p> <p>This benign oversight allowed the Trinity maintenance management personnel to decide what was operationally correct, allowing them take such actions as to extend deferred defects by "concessions," and to develop their own ad-hoc deferred defect dispatch procedures rather than complying with approved MEL dispatch procedures.</p> <p>The process of recording, deferring, tracking, and correcting of maintenance irregularities was essentially "hidden" from most of the parties with a need to know through the use of a separate form available only to maintenance management. Pilots did not know the status of corrections or the validity of the dispatch procedures recommended.</p>

<p>Trinity management personnel failed to act upon safety concerns presented by the CAAV in a timely fashion. These include (1) Trinity Airlines' failure to use of the logbook as the only method for recording, deferring and correcting mechanical irregularities, (2) failure to resolve the concerns regarding parts receiving, retention and replacement, (3) implement maintenance and quality control procedures identified as deficient.</p>
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**20.15 SECTION E: MITIGATING CIRCUMSTANCES**

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**20.15.1 COMPLETION GUIDANCE**

<b>Mitigating Circumstances</b>
<p>Separately address any mitigating circumstances that you may have considered in arriving at the following recommendations.</p> <p>There are "good" mitigating circumstances that would warrant consideration of an administrative or lesser sanction (e.g. self disclosure, immediate correction of causal factors, etc).</p> <p>There are "bad" mitigating circumstances that would warrant a more regimented or severe approach, e.g. fraudulent information, failure to comply with a Prevent Flight Order, etc.)</p>

**20.15.2 COMPLETED EXAMPLE**

**Mitigating Circumstances**

1. Trinity Airlines management conducted their own internal review of this particular situation. Unfortunately, they absolved themselves of any culpability, thus negating the validity of the report.
2. The disciplinary actions (reprimands, suspension) Trinity management took against some of the parties to this non-conformance was notable.
3. Trinity Airlines management did act in a belated way to correct the safety concerns identified by the CAAV. Those actions are currently underway and would, if completed, clear most of the contributing factors.

**20.16 SECTION E: RECOMMENDATIONS FOR RESOLUTION**

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**20.16.1 COMPLETION GUIDANCE**

**Recommendations for Resolution**

State your proposed resolution to this enforcement file and the basis for that recommendation.

**20.16.2 COMPLETED EXAMPLE**

**Recommendations for Resolution**

In view of the fact that the airline is now correcting the concern, recommend that a separate inspection of the records be conducted to verify the completion.  
The airline should receive a punitive find because their personnel knowingly exercised policies that are contrary to those published by the company and acceptable to the CAAV.

**20.17 SECTION F: OTHER INFORMATION**

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**20.17.1 COMPLETION GUIDANCE**

**Other Information Pertinent to this Investigation**

1. Enter any other addresses of the operator or individual that was the subject of this investigation file.
2. Enter any other telephone numbers provided for contacts.

**20.17.2 COMPLETED EXAMPLE**

**Other Information Pertinent to this Investigation**

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## Chapter 21

### Warning Letters

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This chapter provides guidance specifying the methodology by which the CAAV will issue and file warning letters.

#### 21.1 POLICY

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A. The CAAV may issue a Warning Letter to any person determined not to have conformed to a Aviation Regulations, but there is no evidence that this person has a history of non-conformance with the regulations.

B. Before issuing such a letter, the inspector should have determined through a complete investigation of the facts that there was no previous instance of non-conformance.

The issuance of a Warning Letter terminates any possibility of additional enforcement or certificate action on this particular instance of non-conformance.

#### 21.2 WARNING LETTER PROCESSING

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Following an investigation where it is determined that a violation of the regulations occurred, but the person involved does not have a history of non-conformance with the regulations

**APPLICABLE Action NUMBER**

- 1009E Warning Letter

- 1) Sections A, B and C of the Enforcement Investigation Report will be completed.
- 2) EIR, Section A “CAAV Involvement and Resolution Recommendation” will be annotated to show the resolution action as “Warning Letter.” (See example)

<b>CAAV Involvement and Resolution Recommendation</b>	
<b>TYPE OF RESOLUTION ACTION RECOMMENDED:</b>	<b>Warning Letter</b>

- 3) Adapt the Warning Letter to outline facts of the violation.
- 4) Print out and coordinate the Warning Letter for signature.
- 5) Close-out the related SCR and advise the CAAV Manager of the resolution.
- 6) Forward a signed copy of the Warning Letter to the individual.
- 7) Print out the SCR and attach an office copy of the Warning Letter.
- 8) File these hard-copy documents in chronological order under INVESTIGATIONS/WARNING LETTERS.

*End of Chapter*

## Chapter 22

### Letters of Correction

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This chapter provides interim guidance specifying the methodology by which the CAAV may administratively resolve non-conformance with regulatory requirements by the holder of an organizational certificate (e.g. AOC, AMO or ATO) issued by CAAV.

#### 22.1 POLICY

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A. The Letter of Correction may be used as the resolution of an EIR when—

- 1) The non-conformance was disclosed to the CAAV by the certificate holder or
- 2) When there is no evidence that the certificate holder management was aware of the non-conformance, and
- 3) Where reasonable steps have been taken to avoid future non-conformance of this type.

B. The issuance of this letter does not preclude parallel enforcement or certificate action by the CAAV against the certificate holder’s personnel depending on mitigating circumstances that caused the non-conformance to exist.

The issuance of a Letter of Correction terminates any possibility of additional enforcement or certificate action on this particular instance of non-conformance.

#### 22.2 CONTENTS OF A LETTER OF CORRECTION

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A letter of correction will be written in three parts:

- 1) It will describe the non-compliance with the regulations in detail.
- 2) It will list the mitigating circumstances and subsequent corrective actions taken by the operator.
- 3) It will caution the operator to avoid future re-occurrences of this non-conformance

#### 22.3 PROCESSING A LETTER OF CORRECTION

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Following an investigation where it is determined that a violation of the regulations occurred, but the organization involved does not have a history of non-conformance with the regulations

APPLICABLE Action NUMBER  
● 1009F Letter of Correction

- 1) Sections A, B and C of the Enforcement Investigation Report will be completed.
- 2) EIR, Section A “CAAV Involvement and Resolution Recommendation” will be annotated to show the resolution action as “Letter of Correction.” (See example)

CAAV Involvement and Resolution Recommendation	
TYPE OF RESOLUTION ACTION RECOMMENDED:	Letter of Correction

- 3) Adapt the Letter of Correction to outline facts of the violation.
- 4) Print out and coordinate the Letter of Correction for signature.
- 5) Close-out the related SCR(s) and advise the CAAV Director-General of the resolution.
- 6) Forward a signed copy of the Letter of Correction to the organization.
- 7) Print out the SCR and attach an office copy of the Letter of Correction.
- 8) File these hard-copy documents in chronological order under INVESTIGATIONS/LETTERS OF CORRECTION.

*End of Chapter*



## **Chapter 23**

### **Revocation – Monetary Penalty**

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This chapter is reserved to provides guidance specifying the methodology by which the CAAV may take punitive action for critical non-conformance with regulatory requirements by the holder of an license or certificate issued by CAAV.

Monetary Penalty: This action is provided for in Decree 162/2018/ND-CP dated 30/11/2018 of the Government on handling an administrative violation.

Revocation: is a process whereby a certificate is completely invalidated in case of serious validation provision as mentions in Chapter 2

*End of Chapter*

