



EAC

No. 00-24

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Aviation Enforcement

1. Purpose:

The Advisory Circular (AC) provides guidance to individuals, organizations, other entities as well as CAA inspectors about:

- a) The CAA's enforcement policy and procedures.
- b) A description of the roles and responsibilities of CAA Inspectors.
- c) A description of the enforcement tools available.
- d) A description of the aids to enforcement.
- e) Guidelines and procedures for:
 - Appropriate use of enforcement tools.
 - Reporting enforcement.
 - Recording enforcement.
 - Collecting and handling evidence.
 - Investigations by inspectors
 - Deterrent actions.

- It also mentions the many factors that must be considered in choosing an appropriate course of action to ensure compliance and provide deterrence to breaches of regulatory requirements or procedures.

- It aims to promote aviation safety through compliance with aviation regulations in Egypt.

-The key focus of the CAA enforcement will be to address safety by consistent and appropriate enforcement action.

2. Background:

Being a contracting State to Convention on International Civil Aviation and a member of the International Civil Aviation Organization (ICAO), Egypt has an obligation to oversee the safe and efficient operation of aviation activity for which Egypt is responsible.

Further, as a signatory to the ICAO Convention on International Civil Aviation, Egypt has agreed to the application of Article 12 of the Convention, "Rules of the air", which states in part:

Each contracting state undertakes to adopt measures to insure that every aircraft flying over or maneuvering within its territory and that every aircraft carrying its nationality mark, wherever such aircraft may be, shall comply with the rules and regulations relating to the flight and maneuver of aircraft there in force.... Each contracting State undertakes to insure the prosecution of all persons violating the regulations applicable.

Enforcement and sanctioning powers, provided by the legal framework on the CAA, are delegated to the CAA's inspectors who have the responsibility and authority to conduct investigations, depending on the nature and extent of such provisions in the legislations.

As a result of international obligation and domestic legislation, enforcement is not an option, it is both a legal and social obligation. Vigorous enforcement action will be taken with respect to all deliberate breaches of the published aviation safety standards or requirements.

3. Applicability:

This advisory circular is applicable to:

All service providers and personnel operating in the Civil aviation field.

4. Related Regulations and Publications

(a) The following regulations are directly applicable to the guidance contained in this advisory circulars:

- ECAR, Part 13
- Civil Aviation Law No.28 / 1981, as amended, ch 13 & ch 15
- " Ordinary rules ", made by the Minister under the Law.

- (b) For further information on this topic, all service providers and personnel operating in aviation field are invited to consult the following publications:
- International Civil Aviation org ICAO Chicago Convention Doc 7300.
 - ICAO Annex 6 (Operations of Aircraft).
 - ICAO Doc 8335 (Manual Of Procedures For Operations Inspections,Certification & Continues Surveillance).

5. Definitions :

The following definitions are used in this advisory circular:

Administrative Action : Deterrent / corrective (including punitive) action, taken by or on behalf of the President Of the CAA, Including oral counseling suspension or cancellation of document of entitlement / authorization and imposition of a financial penalty.

Actionable Offence : An offence that is considered very serious which carries with it the possibility of Imposition of a penalty ,suspension,cancellation etc ...

Authority: Egyptian Civil Aviation Authority (ECAA).

Adequate Deterrent. Reasonable action taken by ECAA to discourage the alleged violator and others similarly situated from committing the same or very similar conduct for the foreseeable future

Constructive Attitude. The alleged violator acts in a positive manner toward regulatory requirements, cooperates with CAA investigative inspectors to achieve compliance, and willingly takes actions necessary to come into and maintain compliance.

CAA Document: Any approval , license , permit , accreditation , certificate or other document issued by the ECAA under the ECAR's.

Compliance: compliance with something, for example a law ,treaty, or agreement means doing what you are required or expected to do .

Competent Person: A dealing or duly authorized person under the Rules and Regulations to discharge various / specified functions. Who is duly trained / qualified and sufficiently experienced and is a fit person. Conversely an Incompetent Person is one who Lacks knowledge ,ability or fitness necessary for effective action and unable to meet specified requirements.

Deterrent Action : Administrative & punitive measure or action taken in relation to a violation to ensure future compliance and to prevent further violations.

Enforcement Action: The steps including deterrent action that is to be taken from the moment a possible violation of the Rules and Regulations has been detected until the case is concluded.

Hearing: A Judicial investigation or trial before a court.

Investigation: The follow up to the initial violation process to obtain conclusive evidence as to whether or not a violation has occurred so that the appropriate administrative or punitive action can be taken.

Inadvertent: An act that is the result of both inattention and lack of purposeful choice. A violation is inadvertent when it does not result from an alleged violator's conscious decision to take, or not take any action that could have prevented the apparent violation.

Initial Violation Process: The immediate actions taken on observing or being apprised of a violation.

Lack of Qualification: A certificate holder lacks the skills and competency, or care, judgment, and responsibility necessary to hold that certificate. Where a certificate holder

commits a violation indicating a lack of qualifications to hold the certificate, the CAA takes legal action to revoke the violator's certificate.

Likelihood:The probability (frequent, occasional, or remote) of the worst type of injury or damage realistically (and potentially) occurring, considering the actual facts specific to each case.

Legal Action: Enforcement action other than administrative action or informal action.

Material Fact, Representation, or Information:The fact, representation, or information is likely to affect a reasonable consumer's decision to rely on the representation or information.

Negligence:Conduct falling below the required standard of attention , vigilance and care for the protection of person or property of others.

Offence :Any violation / contravention of provision of ECARs that may be proceeded against by administrative or judicial action including summary conviction procedure.

Offence – Creating Provisions :Provisions of ECARs that mandate a certain form of conduct or prohibit certain conduct and which , if contravened , can result in administrative or judicial action.

On-the-Spot: Corrective action for a low risk violation is completed on-the-spot when a violation(s) is identified by the CAA and communicated to an individual or company

Operations Inspector:Any CAA official delegated with appropriate authority under ECARs for performing duty or assignments as specified .

Operator:as defined in ECARs.

Penalty: Financial penalty or any other penalty imposed under the Rules for any offence / violation.

Reasonable Ground To Believe:The knowledge of facts that would lead to a reasonable person of ordinary intelligence and prudence to believe.

Recklessness:Conduct that shows deliberate disregard if , or indifference to the consequences of one's actions under circumstances involving risk of harm to life or property.

Record. Any writing, drawing, map, recording, tape, film, photograph, or other documentary material by which information is preserved or conveyed in any format including, but not limited to, paper, microfilm, identification plates, stamped marks, bar codes, or electronic format attached to or inscribed on any product, part, appliance, or material.

Regulations:The Policies , Air Navigation Order , Air safety Circulars, Airworthiness Notices , Aeronautical Information Publication , Manuals and other directions / permission / approval / authority / issued by or on behalf of the President of CAA.

Remedial Training:RT is a form of CAA administrative corrective action that uses education as a tool to allow airmen who have committed an inadvertent violation to increase their knowledge and skills in areas related to the violation.

Safety Risk: The level (high, moderate, or low) of potential injury or property damage from a hazard created by an act, considering the hazard severity and the likelihood that the potential severity will be realized.

Severity: The worst type of injury or damage (catastrophic, critical, marginal, or negligible) that could realistically (and potentially) occur from a generic violation of the type involved in the subject violation. A generic violation refers to the basic act or failure to act, absent any specific facts or circumstances.

Violation: Contravention of or failure to comply with any provision of the Rules / Regulations or a direction given under these Rules / Regulations.

6. ECAA Enforcement Program/Policy & Philosophy

Four major elements aimed at promoting aviation safety through compliance with the air regulations. These four elements include : Prevention , Detection , Investigation , and Deterrent Action.

-Prevention:Preventive action is intended to reduce violations and promote voluntary compliance. It is achieved through education, licensing and certification, publicity, consultation with industry, routine inspections and field operations, which provide a visible regulatory presence.

- Detection:The detection of a possible violation of the air regulations may result from activities such as routine inspections, field operations conducted by civil aviation inspectors, or from police reports, Air Traffic Services infraction reports, aircraft accident investigations and public complaints

-Investigation:Civil Aviation inspectors have enforcement responsibilities, this is carried within their directorates or in co ordination with other directorates in the CAA .
.An enforcement investigation is a systematic search for and documentation of facts relevant to an occurrence or alleged violation.

-Deterrent Action:The most important decision in the enforcement process is determining the penalty to be imposed when the evidence indicates an individual is in violation of an air regulation.

7. Enforcement Policy

General

The accomplishment of mission of the Civil Aviation Authority requires that all members of the aviation community have the highest possible awareness of the civil aviation legislation and respect for the system by which it is administered.

The ultimate goal of our enforcement policy is to prevent the occurrence of offences, a goal that is primarily achieved through education and counseling designed to encourage voluntary compliance.

Preventative action is always to be preferred if it will achieve compliance. However, when that is not possible, compliance must be obtained by firm enforcement action.

While ever ECAA employee is responsible for preventing violations through educational and other conciliatory means, each has a responsibility, shared by all ECAA employees, to report violations.

The conduct of investigations and the processing of cases to their conclusion and resolution are the responsibilities of the ECAA administrators.

Where methods for achieving voluntary compliance fail, alleged breaches must be addressed consistently, fairly, and in a manner that reasonably serves the purposes of deterring future offences.

Toward those ends, the following policy shall be followed:

- a) All reports of alleged offences shall be promptly and thoroughly investigated.
- b) All stages of enforcement investigations and subsequent actions shall be completed in a timely manner.
- c) Employees responsible for investigation or enforcement shall, in their relations with other members of the aviation community, strive to be fair, objective and courteous and shall carry out their responsibilities in a professional manner without favoritism or officiousness.

- d) Enforcement investigative reports shall contain complete accounts of known circumstances surrounding the alleged offences, including all known mitigating or aggravating factors.
- e) Enforcement actions, both administrative and legal, are to be applied as even handedly as possible and shall be consistent with the ECAA enforcement policy.
- f) The ECAA enforcement program is to be administered firmly, fairly and consistently. No suspected breach should go unaddressed. Nor, however, should enforcement action be taken for the sake of punishment alone. Where an offence is inadvertent or a first offence by a relatively inexperienced individual and no serious compromise of safety is involved, a warning letter is usually appropriate. For serious, intentional or repetitive violations the penalties would be much stronger.

The CAA promotes and apply a policy of fairness and firmness by :

- a) Encouraging open communication between alleged offenders and enforcement inspectors, especially in cases where there are will be possible mitigating circumstances;
- b) Providing oral counseling for minor violations or deviation from the requirements where there is no threat to aviation safety;
- c) Informing offenders of their right to have penalties reviewed ; and
- d) Ensuring that repeat offenders and those who willfully disregard aviation safety are dealt with firmly and CAA track records are appropriately updated facilitating creation of an overall impression of the operator.

The CAA's philosophical approach to enforcement. That approach is, in essence:

- A person who reports making an honest mistake generally should not be prosecuted or fined, nor should they have their license, certificate or authority suspended or cancelled for reasons of punishment.
- There should be a measured response to less serious contraventions of the safety rules and procedures which should involve counseling, training or the (infringement notices) rather than either criminal prosecution or the suspension or cancellation of licenses, certificates or authorities or imposition of any monetary penalties.
- People who consciously choose to operate outside the rules or procedures and thereby put the lives of members of the public including the fare-paying.

SMS Enforcement Philosophy and policy:

Enforcement policy is the culmination of a comprehensive review by the ECAA of its capacity and regulations for evaluating safety activities by service providers.

In additions to traditional enforcement, the implementation of safety management system (SMS) requires that the ECAA develop a flexible enforcement approach to this evolving safety framework while at the same time carrying out enforcement functions in an equitable, practical and consistent manner.

- a) The first general principle is to develop enforcement procedures that allow service providers to deal with, and resolve, certain events involving safety deviations internally, within the context of the service provider's SMS, and to the satisfaction of the authority.
- b) The second general principle is that no information derived from safety data collection and processing systems established under SMS shall be used as the basis for enforcement action .

Service providers will establish, maintain and adhere to an SMS that is commensurate will the size, nature and complexity of the operations authorized to be conducted under its operations certificate and to the hazards and safety risks related to these operations.

In order to use the SMS enforcement policy, the SMS program must be in effect ant functioning to the satisfaction of the ECAA.

The CAA, through the inspector responsible for the oversight of the service provider, will evaluate the corrective measures proposed by the service provider, and/or the system currently in place to address the event unferlying the contravention. If the corrective measures proposed are considered appropriate and likely to prevent recurrence

and foster future compliance, the review of the violation will then be concluded with no enforcement action. In cases where either the corrective measures or the systems in place are considered inappropriate, the CAA will continue to interact with the service provider to fine a satisfactory resolution that would prevent enforcement action.

This policy is not applicable;

- a) If there is evidence of a deliberate effort to conceal non-compliance; or
- b) If the service provider fails to provide confidence in its means of hazard identification and safety risk management; or
- c) If the service provider is a recurrent violator. A recurrent violator is a violator who, in the past year has had the same or closely related violations.

Prohibition against use of data for enforcement purposes for operators implementing Flight Operational / maintenance Quality Assurance Program:

This applies to any operator of an aircraft who operates such aircraft under an approved Flight Operational / maintenance Quality Assurance program.

Flight Operational / maintenance Quality Assurance program means ECAA ECAA-approved program for the routine collection and analysis of digital flight data gathered during aircraft operations, including data currently collected pursuant to existing regulatory provisions, when such data is included in an approved Flight Operational / maintenance Quality Assurance program.

(Flight Operational / maintenance Quality Assurance data means any digital flight data that has been collected from an individual aircraft pursuant to ECAA-approved Flight Operational / maintenance Quality Assurance program, regardless of the electronic format of that data.

By regulation, the operator must submit, maintain, and adhere to a Flight Operational / maintenance Quality Assurance Implementation and Operation Plan that is approved by ECAA and which contains the following elements:

- (1) A description of the operator's plan for collecting and analyzing flight recorded data from line operations on a routine basis, including identification of the data to be collected;
- (2) Procedures for taking corrective action that analysis of the data indicates is necessary in the interest of safety;
- (3) Procedures for providing the ECAA with aggregate Flight Operational / maintenance Quality Assurance data;

Enforcement. Except for criminal or deliberate acts, the ECAA will not use an operator's Flight Operational / maintenance Quality Assurance data or aggregate Flight Operational / maintenance Quality Assurance data in an enforcement action against that operator or its employees when such Flight Operational / maintenance Quality Assurance data or aggregate Flight Operational / maintenance Quality Assurance data is obtained from a Flight Operational / maintenance Quality Assurance program that is approved by ECAA.

8. Responsibilities

- **Inspector Authority**

Law 28 Article 154

“Judicial Seizure Capacity : Employees of Civil Aviation Authority assigned under a decree by Minister of Justice in agreement with the competent Minister shall be deemed judicial arrest’s officers regarding the contraventions in violation of the provisions of this law or the decrees implementing thereof.”

- **ECAA Inspectors :**

Without limiting the sorts of tasks which inspectors may be asked to perform in relation to variation, suspension or cancellation action, it is the responsibility of inspectors (usually ECAA inspectors in the field) to :

- (a) Gather or receive the information and evidence, which supports a recommendation for an action

- (b) As necessary, seek advice and input from the ir functional positions in relation to the conduct of the operator/person in question
- (c) Complete an on-compliance report and forward it to the appropriate Director recommending a proposed course of action
- (d) Draft the relevant notice to the operator/person affected by the decision
- (e) Prepare for and attend any show cause conference taken up by the operator or person affected by the decision
- (f) As necessary, assist their functional positions by providing information and advice.
- (g) Serve or arrange for the service of the relevant notice to the person affected.
- (h) Take any follow-up action that may be necessary.
- (i) Update the ECAA Enforcement Tracking Data Base in regard to the case concerned.

- **ECAA Central Administrations**

All the Directors within these administrators are responsible to:

- (a) Ensure that their directorate is organised, staffed and equipped to perform the assigned functions and duties as required .
- (b) Amend the administrative procedures of the inspectors in order to ensure their smooth and efficient functioning.
- (c) Programme the safety oversight activities as per the guidelines laid in ECAA PPM's.
- (d) Supervise the safety oversight activities of the Inspectors.
- (e) Liaise with the operators to ensure smooth and efficient execution of the safety oversight functions which includes inspections.
- (f) Ensure that the safety oversight activities conform to rules regulations and procedures laid down by the ECAA.
- (g) Submit periodic and other analytic reports to the President of ECAA of the results of the inspections.
- (h) Ensure that the Inspectors maintain the currency of their licences and carry out refresher training regularly.
- (i) Ensure that Inspectors hold credentials, necessary authorizations and provided with PPM's , checklists and all the tools and amenities needed.
- (j) Liaise with the other Directorates of the ECAA and provide them with specialised advice on all operational matters.
- (k) Advise the President of ECAA on all matters relevant to air safety and help in investigation of accidents / incidents involving aircraft.
- (l) Keep the president of the ECAA informed of all important activities of their Directorate.
- (m) Ensure that the objectives of the Inspections are met and that the system of inspection is optimised and institutionalised. Updating of the system to meet the changing situations is an imperative that must be pursued.
- (n) Update ECAA records about the concerned operator compliance of applicable requirements
- (o) The Central Administrators have the responsibility to:
 - i. Review all reports of violations in their respective departments and make recommendations to the ECAA Vice President for the actions to be taken.
 - ii. Immediately report any Category 3 violations to the ECAA Vice President.
 - iii. Ensure the follow up action is completed in a satisfactory and timely manner that brings about a resolution of all safety concerns.
 - iv. Provide a monthly report to the ECAA vice President of all findings during the previous month, all open enforcement reports and the dates for all open action items.

- **Head of ECAA :**

- (a) The ECAA President is responsible for all Administrative actions, including suspensions of Certificates, License, fines and other non-criminal penalties for violations of Egyptian Civil Aviation Law, Egyptian Civil Aviation Regulations, and Aviation Ministerial Orders. The ECAA is also responsible for notifying and assisting the Minister of Civil Aviation for any criminal contraventions of Law 28 Articles: 170, 171, 172, 173, 174, 175 and 176.
- (b) The ECAA President reviews the penalty recommendations from the Head of the Central Administrations and assigns specific enforcement penalty levels or actions.
- (c) The ECAA President reports to the Minister of Civil Aviation immediately on any criminal or level 3 findings and actions taken.

(d) The ECAA President will review the Enforcement Tracking System report on a monthly basis to ensure the timeliness and continued effectiveness of the enforcement program.

(e)

9. Inspection

- Inspection – General

Inspection which is a key part of State's Safety Oversight function, involves the examination of ECAA observation of operator's actual performance, aviation documents, aircraft, cargo, premises, aeronautical products such as appliances, parts and components and facilities relating to aeronautics.

The purpose of inspection is to determine whether compliance with regulations and standards is being maintained, in relation to the approved provisions in the Operator's Manual. It is a part of the daily routine of Egyptian aviation inspectors and includes activities such as:

- (a) Civil Aviation Inspectors conducting company inspections, audits and flight tests;
- (b) Civil Aviation Inspectors (General Aviation) conducting examinations and flight tests of pilot licence applicants and instructors and performing inspections and audits of flying schools and clubs;
- (c) Airworthiness Inspectors conducting audits and inspecting aircraft;
- (d) All inspectors using the air transportation system; and
- (e) Airport management personnel supervising air side activity.

- Inspection Authority

An inspection may be conducted by inspectors pursuant to the authority allowed by Law 28 Article 6, Article 37 & ECARs and defined by the Delegation of Authority issued by the CAA. Depending upon their particular duties, inspectors may be delegated all or some of the following powers of the CAA to inspect.

- Inspection Power

Inspection powers are derived from Law 28 Article 6 & ECARs.

Examples of other delegated authorities from the ECAR's which assist inspection are:

- Seizure of Evidence

Law 28 Article 154 of the ECARs gives inspectors the power to seize any thing found in any place entered for the purposes of inspection if they believe on reasonable grounds the thing seized will afford evidence with respect to a contravention. Any thing seized must have been found by the inspector without resorting to a search or must have been provided voluntarily by a representative of the premises or aircraft being inspected. Items seized are usually those items which would be the subject of a normal inspection.

- Obstruction

Any person wilfully obstructing or impeding an inspector during an inspection contravenes Law 28 Article 6, Art 37, Art & ECARs. This is viewed as a serious offence and one that will be pursued vigorously.

- Safety Power

Every inspector is exercising the following safety powers when encountering a situation where there is an imminent concern for aviation safety:

a. Detention of Aircraft

The authority for detention is found in **Law 28 Art 6,155** & ECARs. According to ECAA policy inspectors may detain any aircraft which they believe on reasonable grounds is unsafe or is likely to be operated in an unsafe manner, and take reasonable steps to ensure its continued detention. Once the grounds for detention (e.g. unsafe condition) have been removed, the aircraft must be released.

b. Suspend ECAA Document on the Grounds of an Immediate Threat to Safety

Inspectors may suspend an **ECAA** Aviation Document on the grounds that an immediate threat to aviation safety exists or is likely to occur as a result of an act or thing having been, being or proposed to be done under the authority of the document. The authority for this type of suspension is found in Law 28 Article 155&ECARs. When a document is suspended, details of the suspension should be forwarded to the appropriate functional authority for inclusion in the document holder's file and for consideration by the functional authority when contemplating **re-instatement of the document**.

- Inspection Procedure

When conducting routine inspections for the purpose of determining compliance, inspectors shall observe the following procedures:

- 1) Inspectors shall not enter aircraft or premises which are locked or where the owner/operator or appointed representative is not present;
- 2) An inspection should be conducted at a time that minimizes the inconvenience to flight crew, owner/operator and the travelling public;
- 3) The inspector shall use a credentials card for personal identification. They should also wear the airport access permit, if wearing such is required as per the approved Airport Security Programme;
- 4) The flight crew and owner/operator of an aircraft should be informed that an inspection is being conducted. Notifying the Pilot-in-Command or Station Manager is considered sufficient for this purpose. This can be done either by phone or by having met them in the aircraft;
- 5) A document produced for the purpose of inspection should be kept no longer than is necessary to determine its validity;
- 6) Where the validity of a document cannot be determined readily, a photocopy, photograph, accurate record or facsimile of the entries or endorsement on both sides of the document should be made before returning the document;
- 7) Inspectors may seize relevant and appropriate evidence with respect to a contravention discovered during the course of a routine inspection.
- 8) If an unsafe situation is discovered, the Pilot-in-Command or aircraft representative shall be informed and the inspector shall decide whether or not immediate detention of the aircraft is required. See Section 1.6 below;
- 9) In the event of any ~~obstruction to an inspection~~, the inspector should politely inform the individual of the purpose of the inspection, the authority granted for performing the inspection, and that the individual is obstructing the conduct of this inspection. If this does not gain cooperation, state that obstruction is an offence, and that a charge could be laid under the ECARs for obstructing an inspection. Should the individual continue to obstruct the inspection, the inspection should be abandoned and legal assistance sought for the laying of charges under **Law 28, Art 6 & ECARs**;
- 10) Where an inspector believes on reasonable and probable grounds that entry, search and seizure will be required to obtain evidence, the matter must be referred to the president of the ECAA for acquisition of a Search Warrant and for conduct of an investigation. Under such circumstances, the inspector ceases the act of inspection and commences the act of investigation ; and
- 11) Inspections should be completely documented with notes recorded.

10. Surveillance Operations

- Surveillance — General

The most effective method of performing State's Safety Oversight functions and enhancing safety within the aviation community is to provide a regulatory presence wherever possible, aiming at promoting voluntary compliance with the Aviation Law

and the ECARs. These aims can best be achieved by Civil Aviation personnel participating in structured surveillance activities. Surveillance may be either routine or special-purpose. The purpose of surveillance is to provide a regulatory presence to promote voluntary compliance and reveal contraventions of aviation regulations. The probability of being detected is one of the most powerful compliance motivators. When a comprehensive and effective surveillance program is in place, a higher degree of compliance and flight safety can be expected.

- **Field Operations**
-
- **Routine Surveillance**

Routine surveillance, which includes surveys, audits, base inspections, AOC renewal inspections, and ramp checks, is conducted during the normal course of the Civil Aviation Inspectors' duties of monitoring day to day aviation activity. When contraventions of regulations are detected, inspectors are responsible for completing a detection notice for submission to the appropriate [cite position]. These forms, collated and analyzed at the [cite position], may reveal problems, trends or threats to aviation safety. Accordingly, this information can often provide the impetus for planned surveillance.

- **Special purpose Surveillance**

Overt or covert surveillance is directed at specific areas, events and activities by Civil Aviation inspectors in support of Regional surveillance operations. Most surveillance done by inspectors is of an overt nature; that is, undisguised and designed to deter regulatory infractions and encourage compliance through a visible presence in CAA inspector uniforms as much as it is designed to detect violations. There are, however, instances when covert surveillance may be appropriate or necessary to gather evidence, to detect intentional wrong doings of operators..

- **Planned Surveillance**

Planned surveillance is directed at specific areas, events and activities by Civil Aviation Inspectors in support of a surveillance plan.

- **Plan Responsibility**

ACA, CAANSS, FOCA, LICA/ Directors, Safety & Regulation Dep, are responsible for the development and administration of the safety oversight surveillance plan in their area of responsibilities.

- **Implementation**

The implementation of a safety oversight surveillance plan is concerned with satisfying the CAA objectives of regulatory presence, investigation, detection of contraventions, compliance promotion and education.

- **Presence**

Surveillance should be carried out whenever and wherever aviation activity is most likely, including weekends and evenings. It should to the extent possible cover across-section of all modes of operations taking place in the respective field.

- (a) It should be ensured that each surveillance team is composed of inspectors whose specialty is pertinent to the type of surveillance activity.
- (b) It should be ensured that each surveillance team is qualified, duly authorized, appropriately attired (preferably in inspector uniforms) and is properly briefed for the operation.

- **Monitoring of Special Aviation Events**

Egyptian Civil Aviation attendance at special aviation events is intended primarily to establish a regulatory presence and, as such, deter any contraventions from taking place. An obvious Egyptian Civil Aviation presence during airshows, organized fly-ins, parachute- drops and event so familiar nature under scores a definite interest in promoting safety in general aviation.

- **Surveillance Procedure**

Extensive written notes should be kept of all observations. Inspectors should make use of the ECAA Inspector PPM or similar document provided by the ECAA for this purpose. Where appropriate, photographs should also be taken. Inspectors should be prepared to use authority of the ECARs in detaining aircraft proceeding in a condition unsafe for flight.

Watch for any regulatory contraventions and where possible prevent a contravention by dealing with the cause beforehand. Usually a friendly approach emphasizing the safety element can bring about compliance with the regulations.

- **Reporting**

At the conclusion of the surveillance activity, a detailed report is normally made to the department heads and ECAA Administrators. If contraventions of the regulations have been observed, the report shall be forwarded to the President Of ECAA and must include any evidence of contraventions that has been gathered as well as an account of all actions taken

11. Enforcement Procedures (Detection / Other tools) .

- **Introduction**

Detection is the discovery of a possible contravention of aviation-related rules and regulations. It may result from activities such as inspections and surveillance programs, and public complaints.

A Civil Aviation Inspector must take action on observing a contravention or when apprised of one relating to his/her area of speciality, without waiting for further instructions from the superiors, subject to the delegation of authority.

It is also necessary that every Civil Aviation Inspector shall keep the appropriate division/section of the ECAA informed if there is any information that the applicable requirements have not been adhered to or to be contravened.

At the very least, an inspector should carry out the initial violation process and forward it without delay to his directorate along with all evidence gathered in support of the allegation of a violation.

The purpose of identifying the initial violation process is to gather information in a systematic and thorough manner when it is suspected that a provision of the Rules and Regulations has been violated by an act or omission that warrants further investigation.

All Inspectors are responsible for gathering pertinent information when they detect a violation of the Rules and Regulations and for recording that information in the appropriate Checklist / report .

The initial violation process should simply answer the questions as WHO, WHERE, WHEN, WHAT, WHY & HOW etc., and, depending on the circumstances, may be expanded as follows:

- (a) Fill out the appropriate checklist/report;
- (b) Record all possible contraventions ;
- (c) Record date, time and location of the contravention;
- (d) Record the identification of the aircraft and the names, addresses and telephone numbers of all persons involved;
- (e) Preserve perishable evidence and documents such as log books, load control sheets, damaged aircraft parts, engineering records, invoices, etc. Obtain weather reports, etc. if it is suspected they may not be available at a later time. Give the ATS section a written note requesting that information in the form of flight plans or ATS tapes be secured for later acquisition.
- (f) Take photographs of all objects that cannot be secured or moved;

- (g) Take notes on the events immediately preceding and following the contravention;
- (h) Record the names, addresses and telephone numbers of all witnesses that were present or that may have information and note the information each could provide whether there is duplication or not. (The reason for this is twofold: to preserve evidence so that it cannot be changed later and to enable witnesses to refresh their memory at a later date);
- (i) Approach any person who is suspected of committing a contravention and seek his account of the occurrence;
- (j) Upon detection of a violation and the completion of the Initial Violation Process, an Inspector should handle the investigation process within his directorate and shall continue to coordinate their work as necessary until conclusion of the case.

Note: It is important to keep an accurate set of notes detailing in chronological order all actions with appropriate location, dates and times.

Though this checklist/report forms the basis for an ONCR but it does not have to be sent to the Operator/person. This report is for record of ECAA's in-house filing system.

- Operator's Non-Conformance Report -ONCR

Upon observation by the dealing Inspector of the Authority of any unsafe act or a violation to Law & ECARs, Safety Circulars, Bulletins, notices and or any written instructions, Operator's Non-Conformance Report shall be raised with a cut-off date for report ONCR providing the details of contravention violation and with an opportunity to the person/Operator to explain as to why and how a violation occurred. This also provides an opportunity to person / operator of making any representation on the subject in person, if so desired.

ONCR is the first correspondence raised for any violation/non-conformance to ECARs, Circulars and/or instruction / direction issued to any Operator or persons who has been granted any certificate, license or authorization from ECAA.

ONCR is raised by ECAA inspectors. The aircraft operations being very sensitive in nature requires immediate corrective action to ensure safety of flight operations both by the operators / person and by the concerned Inspectors.

The procedure for handling of the ONCR is as follows:

- a) Sender's and Addressee's Name/Appointment with complete address has to be laced on top of the report.
- b) ONCR number in accordance with record-reference along with the date of observation shall also be recorded.
- c) Description with necessary details :

Para A

- i) This shall indicate the activity/inspection with date e.g. Flight and Duty Time/ Trip Record inspection of ----- Operator/Airlines/Handler was carried out on ----- date, month, year.
- ii) This shall include the violation or the Non-Conformance with reference to the Rules, Laws and/or any other regulatory document e.g Limits on Flight duty period were exceeded for the following flight crew in the month of ---which is a violation to Rule ----- and para ---- of Law ----- . It also provides an opportunity to person I operator of making any representation on the subject in person if so desired.

Para B

It states the cut-off date for report of corrective action/explanation on the violation or non-conformance. The time required shall vary for types of non-conformances/violations. Moreover, it should also cater for time spent in routine delivery and receipt, which should be performable by hand.

This Report has to be signed by the inspector with name and designation.

The reply of the addressee shall be assessed with reference to the non-conformance / violation. ONCR shall be closed if the reply/corrective action is found satisfactory and does not call for any further action. If the ONCR is not replied within the given

time or the reply/corrective action is assessed to be unsatisfactory, a Show Cause Notice shall be processed.

- **Oral Counselling**

Oral counselling may generally be used when dealing with individual person. It provides the authorisation holder with immediate counselling on the necessity for compliance. It is an option for Inspectors when the contravention is minor and inadvertent or is a safety-related violation where there is no direct flight safety hazard and the imposition of a sanction is not considered appropriate.

Under the directions of FOCA & ACA, the Inspectors should assess all aspects of the contravention and the attitude of the authorization holder to determine whether oral counseling will secure future **compliance**. counseling may be most appropriate in cases of ignorance or misinterpretation of the law, provided aviation safety was not jeopardized, i.e. a minor contravention having little or no impact on safety or where there was no indication of a willful act. Oral counseling is not an option when the alleged offender disputes the allegation.

- **Show Cause Notice (SCN)**

Definition: SCN is defined as a written notice to the holder of a Civil Aviation authorization e.g., license, certificate or the like:

- a) That by the Rules and/or Regulations is required to set out the reasons why CAA is considering to take a penal decision under the Rules or Regulations; and
- b) That is required to state a period during which the holder may show cause why CAA should not take such decision.

Grounds for Show Cause Notice:

Show Cause Notice shall be raised if the Operator and/or Person(s) either do not respond to ONCR within given time or the response is considered as inappropriate or un-satisfactory. This notice shall have to be served in person or shall be sent at the last address given by the Operator/person. The SCN must allow the holder a reasonable time to show cause why the action should not be taken against him under the ECARs.

Issue of Show Cause Notice: CAA is required to issue a show cause notice on violation(s) of the Rules and Regulations before:

- a) Suspension or Cancellation of Operator's Licence i.e. RPT, Charter, Aerial Work, etc. .
- b) Suspension or Cancellation of AOC .
- c) Variation, Suspension or Cancellation of Personnel Licenses, Certificates, approvals and authorizations .
- d) Suspension or Cancellation of approval of aircraft Constructor, Supplier, Stockist or Distributor of aircraft components, maintenance organization and maintenance release .
- e) Imposition of financial penalty for any offence under the Rules / Regulations .

Such notice shall include a full statement of the facts or circumstances that constitute the grounds for such action and violation of Rules / Regulations in any particular case and shall also mention the maximum penalty to be imposed along with opportunity of personal hearing to the offender .

- **Decision-making Considerations:**

A Show Cause Notice may be issued when there is a reason to believe that a person has committed an offence under the Rules and Regulations. It will normally be an inspector who will recommend through FOCA or ACA that a matter be considered for the issue of Show Cause Notice. The matter may or may not require a further investigation. While it is the CAA who will make the final decision on issuing the notice, there are certain general considerations that must be borne in mind when making a recommendation:

Appropriate situations for the issue of Show Cause Notices are:

- (a) Where the breach causes a serious risk to safety;
- (b) When the offence has not been committed through simple misunderstanding of the Rules / Regulations that could be addressed by Informal Enforcement Action;
- (c) Where the offence has not been committed due to lack of skill or error that could be addressed by Informal Enforcement Action;
- (d) Where the offence is a serious one against the Rules/ Regulations;
- (e) Where the penalty would be an adequate future deterrent, according to the nature of the offence.

- **Penalty Order**When to be Issued:

Penalty Order, as an enforcement tool, is used to impose financial I other penalties and can be issued in relation to all offences under the Rules and Regulations. It is a adequate and quicker alternative action, but still requires the satisfactory level of evidentiary proof (sample Penalty Order Appendix 1). The sample Penalty Order should be followed by each OPI with necessary modifications on case to case basis.

Level of Penalty:

The level of financial / other penalties depends upon the gravity of the offence. The penalties are appended in part II of this manual.

Authority for administrative sanctions :

Rule empowers ECAA for imposition of financial snactions as an alternative measure, if the Rules are violated or contravened warranting suspension of an approval, licence or certificate under Rule.

12. Analysis Of Legislative Provisions & Investigation .

- Introduction

We provide here a procedure for analyzing offence creating legislative provisions to obtain a precise interpretation and to determine the facts and evidence required for their enforcement. The decision to continue or terminate a case is often based on the results of the analysis of legislation. Investigators will complete an analysis of each provision that has been contravened for each case where a comprehensive investigation is conducted.

Types of Legislative Provisions:

Legislative provisions may be enabling, administrative, informative and offence creating. Only the latter can be the subject of enforcement actions.

(a) Enabling provisions are those which confer power on persons to make some other type of standard or policy. Some enabling provisions in the Aviation law are those which give powers to make regulations, orders and publications. For example: Law 28 Art 1 Paragraph 42

(b) Administrative provisions confer a power or impose a duty on the ECAA; for example, to issue licenses. They may provide criteria used in discharging these powers or duties. Although these provisions are public notice of what the ECAA can do, their purpose is to provide a statutory basis for administrative procedures or actions. For example: ECAR 65

(c) Informative provisions are intended to guide the aviation community and assist individuals in complying with aeronautics legislation. For example:

EAC 121-4 (CERTIFICATION OF AIR CARRIERS)

(e) Offence creating provisions can be one of two types, first, those which mandate a certain form of conduct and, second, those which prohibit certain conduct. Non-compliance with these provisions is a violation that can result in judicial or

administrative enforcement action. For example: Law 28 ch 13.ch 15,ECAR 39&ECAR 13.

The legislative provisions of interest in this circular are the “offence creating provisions” and are often referred to as safety regulations. They are easy to recognize as they contain words such as, “No person shall”, “an operator shall”, “the pilot-in-command shall”.

- **Points have to be considered during the analysis process :**

FIRST : Determining Regulation Believed Violated.

- (a) To be certain the correct regulation is cited and to assist in writing a concise and accurate summary of facts, you ,as investigating inspector must know how to read and analyze those regulations properly.
- (b) The first step in analyzing what regulations may have been violated is to determine which sections and which parts of ECARs apply.
- (c) Inspectors must carefully analyze sections and subsections of ECARs to determine their enforceability. About half of all ECARs is not enforceable because they either confer authority or responsibility or are definitive or explanatory in nature. To be enforceable the rule must contain mandatory or prohibitory language. (When used alone “may” is permissive and is used to state authority or permission.)
 - (1) The words “shall” and “must” appear in mandatory language.
 - (2) “No person may” and “a person may not” are examples of prohibitory language.
 - (3) There are six general types of regulations. Prohibitive and mandatory, as mentioned above, are easily discernible. However, the others require a little more in depth analysis.

Look out for the following types and their associated phrases.

- (a) Regulations may contain conditionally prohibitive language, such as “no person may except ” or “no person may unless.”
- (b) Regulations may contain conditionally mandatory phraseology, such as “each person shall except” or “however.”
- (c) Regulations that confer authority or responsibility, such as “the aircraft owner is responsible,” cannot be violated
- (d) Regulations that define or explain, such as “this part prescribes” or “each of the follow requires,” appear to be compulsory but are not mandatory or prohibitive.
- (e) Inspectors must be able to take a regulation apart and analyze it in relation to the alleged violation to determine for certain that it has been violated.

The inspector needs to answer some important questions before citing a particular section or subsection.

- To whom does the regulation apply?
- What does it say in its entirety? (In other words, inspectors must not read sentences or phrases out of context.)
- Where must it be complied with?
- When must it be accomplished?
- How does it apply in this occurrence?
- Are there any special conditions?
- Are there exceptions or exclusions?
- Does this regulation clearly apply?
- Are there any other regulations needed for support?

SECOND : Elements Of Regulations Which Must Be Proven .

- (a) All regulations have specific elements or component words that convey important information. These elements must be proven in order to show noncompliance.
- (b) Inspectors must identify the elements and answer the what, where, when, why, how, and who questions before saying with certainty that there is a violation.
- Person—Who was pilot-in-command or the person responsible?
 - Operate what, where, when, and how did the person operate?
 - Aircraft—What make, model, and N-number was the aircraft?
 - Careless or reckless manner—which was it? What was it?
How was it careless or reckless?
 - Endanger—What was the endangerment? How did it endanger?
Why is it considered endangerment? Who was endangered?
Was it actual, potential, or inherent?
 - Life or property—Whose and What?
 - Another—Who besides the pilot?

Finally ,we have to remember that :

- (a) The Analysis gives the inspector the chance to express personal feelings, beliefs, opinions, and conjecture, based on the inspector's technical knowledge, skills, and expertise.
- (b) It also provides the inspector with the opportunity to evaluate and analyze the facts, as presented in the Items of Proof and factual narrative, and straighten some things out regarding their worth, relevancy, reliability, and importance the following items be addressed in the Analysis :
- (1) How safety was or was not affected.
 - (2) The violator's attitude.
 - (3) The violator's enforcement history.
 - (5) Economic and livelihood considerations for the violator.
 - (6) Reliability of the evidence.
 - (7) Mitigating or aggravating factors.
 - (8) Inspector's opinions, feelings, and conjectures, labeled as such.
 - (9) A conclusion that justifies the recommended action and sanction.

13. Investigations**- Introduction**

An investigation is a systematic search for and documentation of the facts relevant to an event from enforcement process since which a decision to take appropriate action can be made. It is the most significant phase of the subsequent action that may affect both individual rights and public safety will depend on its thoroughness and adequacy. In order for investigators to conduct thorough investigations from the initial complaint through to the case report, it is imperative that they have a thorough understanding of their delegation of authority and a sound knowledge of their inspection and investigative powers. Inspectors must also know what constitutes relevant evidence if ECAA is to bring an action against an alleged offender because the only means available to prove that the violation has taken place is through obtained evidence.

- Priorities for Investigation

Priority shall be given to violations received from any Government request. For all other violations the ECAA Central Administrations shall assign an investigation priority level based on safety impact.

- Cockpit Voice Recorder (CVR) / Flight Data Recorder (FDR)

CVR/FDR recordings shall not be used by Egyptian Civil Aviation Authority in any enforcement matters. Their use is limited to aircraft accident investigations to assist in determining the cause of accidents and incidents. Should courts of law subpoena CVR/FDR tapes, counsel for the ECAA in liaison with Justice Department will handle the matter.

- **No Investigation Conducted (NIC)**

Sometimes, it is evident from the original complaint or the Initial Violation Process that the case does not warrant a comprehensive investigation because of: lack of evidence, statutory limitation; low safety item; insufficient resources; etc. Nevertheless, the relevant information should be recorded for the type of action taken.

14. Investigation Reports

- **Introduction**

An investigation report is an abridged relation of the facts of a case drawn up by the investigated inspectoes for use by the ECAA Central Administrators. It is inserted as the first section of a case file. The investigation report provides a method of systematically compiling and summarizing all information pertinent to the case so that the ECAA Central Administrators can quickly become as familiar and conversant with the case as possible without the need to review in detail the complete contents of the file. After reading the case report, the ECAA Central Administrators should have a sufficient understanding of the case to be able to determine with confidence the appropriateness of the action recommended by the investigator. The investigation report also serves as a checklist for the investigator to ensure that all necessary investigative steps have been completed and nothing further remains to be done. It should be as accurate and comprehensive as possible.

- **Content and Preparation of Investigation Reports**

The cover sheet of the investigation report should contain :

The identity of the alleged offender by name and licence number, if appropriate, as well as the alleged contraventions and the name of the investigator.

This should be followed by a case synopsis, which could be described as a thumbnail sketch of the case, providing the ECAA Central Administrators with a quick overview of the situation.

Next is a sheet fully identifying the alleged offender by name, address and date of birth, and setting out licensing details and details of the aircraft involved.

An analysis of legislation follows breaking down the alleged contraventions into their elements, listing the facts to be established and identifying the evidence to be used to prove those facts.

A list of evidence which may be entered as exhibits if the case were to progress to the ECAA should be followed by the exhibits, e.g. copies of statements, diagrams, photographs and Certificates. The exhibits should be flagged with a letter to ensure quick and easy location. Originals of the items can be placed in the case report.

If applicable, the alleged offender's enforcement history is indicated next. The package is rounded off with the inspector's recommendation in which any mitigating or aggravating circumstances may be outlined based .

15. Administrative Action

- **Introduction**

Administrative action comprises all deterrent measures, other than judicial action, taken by the ECAA pursuant to the provisions of the Aviation Law and ECARs. Administrative action in the form of a suspension or oral counselling can be used not only for designated provisions offences but also for summary conviction and hybrid offences. Almost all deterrent actions taken by ECAA are administrative actions. They are usually resolved quickly yet give the offender access to a review and the full process of natural justice.

- **Administrative Action Options**

There are two categories of administrative actions which may be taken when a contravention has occurred. Determination of the appropriate action depends

upon policy considerations, the detection source and the circumstances of each contravention.

(a) Preventive Action

Oral counselling . If a comprehensive investigation is concluded with an oral counselling, that fact is recorded and the file is closed as an NFA.

(b) Administrative Sanctions

(1) Administrative Monetary Penalties

Administrative monetary penalties may be assessed where there has been a contravention of a designated provision..

(2) Suspension of ECAA Documents

A punitive suspension may be taken in respect of any contravention of the provisions of the Aviation Law or the ECAR's.

- **Procedures for Administrative Monetary Penalties**

When the president of ECAA receives an investigation report from the investigating inspector, he may assess an administrative monetary penalty as a sanction, whether or not a monetary penalty is recommended in that report.

- Procedures apply in all cases where an administrative monetary penalty is assessed.
 - 1) The President Of ECAA shall determine and recommend the amount of the penalty that is appropriate, considering the Table Of Sanctions . He may also recommend appropriate number to be assigned.
 - 2) The President Of ECAA shall complete the Notice of Monetary Penalty. The Notice shall contain a clear description of the offence, and sufficient details of the contravention so the alleged offender can identify the incident or incidents constituting the contravention.
 - 3) With the Notice, The President Of ECAA shall enclose an information sheet describing the informal meeting procedure and offering the alleged offender an opportunity to discuss the sanction.
 - 4) The President Of ECAA shall serve the Notice on the alleged offender personally or by registered mail. The date appearing on the Notice shall be the date on which the Notice is to be served or sent.
 - 5) The monetary penalty may be paid by one of the methods acceptable to ECAA and may be sent by mail or brought personally to the President Of ECAA or appointed delegate. An official receipt will be issued.
 - 6) Should the monetary penalty not be paid by the due date (a minimum of 30 days not counting the day the Notice is served), the allged offender shall be contacted and reminded .

- **Suspension Procedure**

The suspension of ECAA document for contravention of a provision of the Aviation Act or ECAR's is the most severe administrative sanction the CAA can impose. Suspension action is taken where a monetary penalty would be an inadequate deterrent or continued use of the document would create a hazard to aviation safety and judicial action is either not available or inappropriate.

Where ECAA document has been suspended, the person to whom it was issued shall return it to the ECAA and shall not exercise the privileges attached to that document until it is restored by the ECAA. Suspensions for contravention are punitive in nature and are in effect for a specified time period.

Note: Suspensions on other grounds may be corrective in nature and may be accompanied by conditions for restoration.

- Suspension process.

- 1) The President Of ECAA shall determine and recommend the appropriate duration of suspension by considering the Table of Sanctions and the recommendation of the investigator.
- 2) The President Of ECAA shall complete the Notice of Suspension. The Notice shall contain a clear description of the offence, and sufficient details of the contravention so the alleged offender can identify the incident or incidents constituting the contravention.
- 3) With the Notice, The President Of ECAA shall enclose an information sheet describing the informal meeting procedure and offering the alleged offender an opportunity to discuss the sanction.
- 4) The President Of ECAA shall serve the Notice on the alleged offender personally or send it by registered mail. The date appearing on the Notice shall be the date on which the Notice is to be served or sent.
- 5) Where the alleged offender requests a review by the ECAA and applies for a stay of suspension pending its decision, the President Of ECAA shall not oppose the application unless it appears that a threat to aviation safety would result. In such a case, the President Of ECAA or his designate shall present the ECAA's position to the ECAA.
- 6) Where the alleged offender does not ask for a review by the ECAA within thirty days and then fails to deliver the suspended document, after giving due consideration for delay in the mail, charges shall be laid against the alleged offender. Prior to laying charges, the document holder should be contacted to confirm the situatio

- **Cancellation**

Cancellation of a document of entitlement because of incompetence, lapse in qualifications of the document holder or lack of medical fitness is within the purview of licensing and certification authorities. Authority to cancel a document for enforcement reasons has been rested with CAA and it has not been delegated to any of the CAA staff .

- **Informal Meeting**

The informal meeting offers the alleged offender who has received a Notice of Monetary Penalty or a Notice of Suspension, the opportunity to discuss the sanction. Keeping in mind that the objective of the sanction is to obtain future compliance and provide deterrence to others, the CAA may modify or amend the original decision. This may be done when new evidence of a statutory defence or mitigating factors come to light, or when the CAA obtains the assurance, during the discussion, that the alleged offender will comply in the future.

CAA may conduct informal meetings with alleged offenders in person, or other electronic medium, or through written submissions. During an informal meeting, CAA may enter into penalty negotiations with a view to reaching a settlement in the case, thereby closing the file. Any discussions during the informal meeting are predicated on the fact that the alleged offender or the alleged offender's representative will not question the finding of the investigation

The alleged offender normally has thirty days from the date the Notice is served or sent to accept the offer and meet with the CAA.

- **Penalty Negotiation Considerations**

The following factors shall be considered in deciding whether to enter into penalty negotiations or not:

- 1) evidence of mitigating factors not previously identified during the investigation;
- 2) the alleged offender's enforcement record;
- 3) the seriousness of the offence;
- 4) the attitude of the offender toward future compliance;
- 5) whether deterrence can still be achieved through a negotiated settlement;
- 6) the financial burden on the alleged offender of costs associated with Legal proceedings; and
- 7) whether negotiations with a particular alleged offender would bring the enforcement program into disrepute.

16. Table Of Sanctions

- **General**

The Table of Sanctions which follows in Appendix 1 shall be used as a guideline by a Civil Aviation Official when recommending a sanction and by the ECAA when imposing a sanction. Nevertheless, each case must be judged on its own merits and every sanction shall be justified. This step is crucial in the event the decision is reviewed by the Government. To that effect, the tables should be adhered to as closely as possible to ensure uniformity in the levying of sanctions and any deviation from the recommended sanction, given the circumstances of the case, must be justified based on the following factors:

- (1) The sanction may be moderated in light of mitigating circumstances, (events which were inadvertently caused by misunderstanding, misconception or an honest mistake).
- (2) The highest category of document related to the contravention would be the document suspended as a sanction for the contravention.
- (3) A second offence is considered to take place when the record of a previous similar but not necessarily identical offence is still on the offender's file. (i.e within a reasonable period, to be defined by the authority.)
- (4) Sanctions for all subsequent contraventions should be raised from previous sanctions.

- **Factors Affecting the Choice of Sanction**

(1) The facts surrounding the commission of the offence

- a. what was the role of the offender;
- b. was there any pressure or undue influence exerted by an employer or an employee; and
- c. were there mitigating circumstances not amounting to a defence?

2) The gravity of the offence

- a. was a threat to safety posed;
- b. was there any actual harm done;
- c. did the violation result in an incident or accident;
- d. was there careless or reckless conduct; and
- e. what is the maximum punishment available?

3) The premeditation or deliberateness of the offence and attitude of the offender

- a. while "the mental element" is not relevant to guilt in strict liability offences it may be indicative of the offender's attitude;
- b. was recklessness involved or plain negligence;
 - c. what is the offender's attitude toward safety; and
 - d. what is the offender's attitude toward future compliance?

4) Personal characteristics to be considered - what is the offender's:

- a. age;
- b. experience level, knowledge and skill in Aviation;
- c. training record;
- d. employment - is a licence required to hold employment;
- f. financial position in regard to the ability to pay a fine or penalty?

5) The record of the offender

- a. are there any prior sanctions on record;
- b. is this an isolated act or is this person a repeat offender;
- c. are there any related or similar offences on record; and
- d. is there any question of competence or qualification involved?

6) Punishment

- a. what is the range of sanctions available?

7) Deterrence and public safety

- a. would the recommended sanction contribute to public safety; and b. will the sanction act as deterrent to others?

8) Rehabilitation

- a. will the sanction promote future compliance on the part of the offender?

- **Important Notes**

- 1) *The following table does not include all violations and findings that can be reported by ECAA inspectors.*
- 2) *The penalties states in this table is used as a guide and does not limit the authority of ECAA to take different enforcement action(s) if required according to the case.*
- 3) *The financial penalty orders to be reviewed and initial signed by the ECAA legal consultant on a case by case basis.*
- 4) *There are some violations/findings may be included in part I (Organizational Sanctions) & part II (Personnel Sanctions) of table of sanctions, which indicate that a multi sanctions may be issued for one violation.*
- 5) *All financial penalties are in Egyptian Pounds*

Appendix 1. Table of Sanctions**Part I: Civil Penalties for AOC, AMO, Training, PMA,organization Holders**

Ref	Offence	1st. Offence	2nd. Offence	3rd Offence
121.81, 142.29, 145.43, 147.5,....	Failure to permit ECAA to inspect	30,000	40,000	50,000
Law 28 art. 15, art.94, ECAR 121.547	Unlawful personnel admission to cockpit	10,000	15,000	20,000
121.71, 121.93, 121.149	Failure to maintain current manual	1,000	3,000	5,000
121.135, 121.137, 121.375	Failure to provide adequate instructions and procedures in manual	1,000	3,000	5,000
121.133 (a), 121.135(c,d), 121.145 (e),	Failure to distribute manual to appropriate personnel	1,000	3,000	5,000
121.303,121.304, 121.309, 121.310, 121.605	Release of aircraft without required equipment	10,000	15,000	20,000
39.3, 121.367	Failure to comply with Airworthiness Directive	30,000	40,000	50,000
121.367, 121.374	Exceed inspection or overhaul time limitation	10,000	15,000	20,000
121.555, 121.309, 121.567, 121.589, 121.615, 121.617, 121.628, 121.629,	Operation contrary to ops specs technical non compliance	1,000	3,000	5,000
121.555, 121.309, 121.567, 121.589, 121.615, 121.617, 121.628, 121.629,	Operation contrary to ops specs – likely potential or actual adverse effect on safe operation	30,000	40,000	50,000
121.361, 121.367, 121.369	Failure to provide or maintain a maintenance and inspection organization	30,000	40,000	50,000
121.380, 121 Subpart N	Failure to have training program	30,000	40,000	50,000
121.380, 121 Subpart N	Failure to maintain training program	10,000	15,000	20,000
121.380, 121 Subpart N	Failure to train personnel adequately	10,000	15,000	20,000
121.375, 121.597, 121.709,....	Maintenance or Aircraft Paperwork Incomplete or unsigned release	10,000	15,000	20,000

Ref	Offence	1st. Offence	2nd . Offence	3rd. Offence
121.376, 121.707,	Failure to revise a/c data after repair/modification	10,000	15,000	20,000
121.703, 121.702, 39 Subpart B	Failure to make accurate mechanical interruption summary or Reliability report	10,000	15,000	20,000
121.707	Failure to make available report of major alteration or repair	10,000	15,000	20,000
121.701, 121.709, 121.375, 121.563,	Failure to make required entry in aircraft log	1,000	3,000	5,000
121.683	Failure to make available pilot record	1,000	3,000	5,000
121.693	Failure to make available load manifest	1,000	3,000	5,000
121 Subpart U	Dispatch and Flight Release Rules - Any violation of subpart U of ECAR Part 121	10,000	15,000	20,000
121.157, 121.303, 121.304, 121.	Non-conformity to Type Certificate or operation without required equipment that may have, or has, adverse effect on safe operation	30,000	40,000	50,000
121.571	Failure to brief passengers	10,000	15,000	20,000
121.311	Failure to ensure seat and belt for each passenger	30,000	40,000	50,000
121.318, 121.319	Operation w/o operable public address system	30,000	40,000	50,000
121.589,	Failure to store baggage properly	1,000	3,000	5,000
121.383	Use of crewmember with expired medical certificate	1,000	3,000	5,000
121.581	Failure to make flight deck seat available to authorized enroute inspector	10,000	15,000	20,000
121.383	Use of unqualified crewmember	30,000	40,000	50,000
121.465, 121.471,	Flight and Duty Time violation	10,000	15,000	20,000
Law 28 art. 62, ECAR 43.15, 65.21, 61.59, 121 Subpart V	Deliberate violation Intentionally false or fraudulent entry, reproduction, or alteration in record, report or load sheet	30,000	40,000	50,000
121.367, 145.31	Improperly Returning Aircraft to service	30,000	40,000	50,000
91.19, 121.15, 137.23	Illegal carriage of controlled substance with knowledge of carrier, that is, knowledge of, or involvement in, conduct by top management personnel	30,000	40,000	50,000
121.463, 145.13	Use of unqualified personnel other than flight deck crewmember	10,000	15,000	20,000
121.317	Smoking onboard the A/C (crewmember)	1,000	3,000	5,000
121.457	Crew drink alcohol misuse on board A/C	30,000	40,000	50,000

Ref	Offence	1st. Offence	2nd . Offence	3rd Offence
145.11	Failure to provide required facilities for proper servicing, maintenance, repair, or inspection	10,000	15,000	20,000
145.13	Failure to provide qualified personnel who can perform, supervise, and inspect work for which the station is rated	30,000	40,000	50,000
145.15	Failure to maintain record of Certifying staff or authorization board	10,000	15000	20,000
145.21	Failure to maintain maintenance records	30,000	40,000	50,000
145.23	Failure to ensure that correct calibration of all inspection and test equipment is accomplished at prescribed intervals	10,000	15,000	20,000
145.19, 145.21	Failure to adequately describe work performed	10,000	15,000	20,000
145.19, 43.11	Failure of qualified technician or certifying staff to make log entry, record, or report	1,000	3,000	5,000
145.19, 43.11	Failure to sign or complete maintenance release	1,000	3,000	5,000
43.9	Inspection of work performed, or approval for return to service, by other than a qualified inspector	30,000	40,000	50,000
145.31	Failure to have an adequate inspection system that produces satisfactory quality control	30,000	40,000	50,000
145.11, 145.17, 145.23	Maintaining or altering an article for which it is rated, without using required technical data, equipment or facilities	30,000	40,000	50,000
145.3	Maintaining or altering an airframe, powerplant, propeller, instrument, radio, or accessory for which the repair station is not rated	30,000	40,000	50,000
145.11	Failure to satisfy housing and facility requirement	10,000	15,000	20,000
<u>147.19</u>	<u>Conduct a training course with unapproved curriculum.</u>	<u>3000</u>	<u>4000</u>	<u>5000</u>
<u>147.23</u>	<u>Conduct a training course with unapproved instructor.</u>	<u>3000</u>	<u>4000</u>	<u>5000</u>
<u>147.19</u>	<u>Conduct a training course without informing ECAA by T.O.</u>	<u>3000</u>	<u>4000</u>	<u>5000</u>
<u>147.21</u>	<u>Conduct a training course in unapproved classroom.</u>	<u>3000</u>	<u>4000</u>	<u>5000</u>
<u>147.21</u>	<u>Conduct a training course with number of trainees exceeds the approved number.</u>	<u>3000</u>	<u>4000</u>	<u>5000</u>
<u>147.7</u>	<u>Training organizations for aircraft maintenance/engineers/technicians/mechanics have not performed their functions according to the procedure manuals.</u>	<u>3000</u>	<u>4000</u>	<u>5000</u>

Ref	Offence	1st. Offence	2st. Offence	3st. Offence
<u>65.42</u>	<u>Aircraft Maintenance personal has not performed his duties in accordance with the prescribed procedures and privileges.</u>	<u>Suspension of license from 1 Week to 4 Weeks.</u>	<u>Suspension of license from 1 Month to 3 Months.</u>	<u>Suspension of license from 3 Months to Revoke.</u>
21.223	Improper removal, changing, or placing of identification information on a product	30,000	40,000	50,000
<u>91.703, 91.706, 91 Appendix G & 129.6</u>	<u>Operation in RVSM airspace without a valid approval</u>	<u>10,000</u>	<u>15,000</u>	<u>20,000</u>

Civil Penalties for ANSP organization Certificate Holders

Ref	Violation	1 st Civil Penalty	2 nd Civil Penalty	3 rd Civil Penalty	Certificate Action
<u>171.17, 172.23, 173.23, 174.17, 303.93, 311.15</u>	<u>ANSP failure to remedy non-compliance with ECARs requirements within the determined timeframe</u>				<u>Up to 30 day Suspension</u>
<u>171.17, 172.23, 173.23, 174.17, 303.93, 311.15</u>	<u>Preventing ECAA Inspector from carrying out a safety inspection when his report recommends such action</u>				<u>Up to 30 day Suspension</u>
<u>171.17, 172.23, 173.23, 174.17, 303.93, 311.15</u>	<u>ANSP Failure to provide the facility in the required standard level</u>				<u>Up to 30 day Suspension</u>
<u>171.17, 172.23, 173.23, 174.17, 303.93, 311.15</u>	<u>Occurrence of accident due to the faulty procedures and/or the malfunction or failure of one of the communication; Navigations and surveillance equipment or system;</u>				<u>Up to 30 day Suspension</u>
<u>171.17, 172.23, 173.23, 174.17, 303.93, 311.15</u>	<u>ANSP failure to perform the corrective action plan in the exact period of time if so stated.</u>				<u>Up to 30 day Suspension</u>
<u>171.17, 172.23, 173.23, 174.17,</u>	<u>ANSP still not be able to overcome non-compliant areas</u>				<u>Revocation</u>

<u>303.93,</u> <u>311.15</u>					
<u>171.17,</u> <u>172.23,</u> <u>173.23,</u> <u>174.17,</u> <u>303.93,</u> <u>311.15</u>	<u>ANSP stops providing the service concerned without a convincing argument.</u>				<u>Revocation</u>
<u>170.23</u>	<u>Occurrence of accident due to the faulty procedures and/or malfunction or failure flight inspection system</u>				<u>Up to 30 day Suspension</u>
<u>170.23</u>	<u>Flight Inspection Service Provider failure to perform the corrective action plan in the exact period of time if so stated.</u>				<u>Up to 30 day Suspension</u>
<u>170.23</u>	<u>Flight Inspection Service Provider still not be able to remedy non-compliant areas</u>				<u>Revocation</u>
<u>170.23</u>	<u>Flight Inspection Service Provider stops providing the service concerned without a convincing argument.</u>				<u>Revocation</u>
<u>170.61</u>	<u>Flight Inspection Service Provider Failure to provide qualified personnel who can perform, supervise, and inspect work for which the flight inspection system is certified</u>				<u>Up to 30 day Suspension</u>

Part II: Civil Penalties for Individual/PERSONNEL OF AIR CARRIERS, COMMERCIAL OPERATORS, Arial work operators-, AMO , ANSP... etc

Ref	Violation	1 st . Civil Penalty	2 nd . Civil Penalty	3 rd Civil Penalty	Certificate Action
43.5, 43.9	Performing maintenance without certificate, rating, or authorization	6,000	8,000	10,000	
43.9, 145.13	Performing maintenance that exceeds limitations	1,000	2,000	3,000	Up to 30-day Suspension
43.17	Evidence for Failure to perform maintenance properly	3,000	4,000	5,000	30- to 90-day Suspension
43. 19, 145.13 121.371	Failure to make required inspection	3,000	4,000	5,000	30- to 60-day Suspension
43.17, 19	Making improper inspection	3,000	4,000	5,000	30- to 90-day Suspension
43.7, 21, 145.19	Evidence for Improper release of aircraft to service	3,000	4,000	5,000	30- to 90-day Suspension

145.19, 121.304	Releasing aircraft for service without required equipment	3,000	4,000	5,000	30- to 60-day Suspension
121.701, 43.11, 145.21	Failure to make entry in aircraft log	1,000	2,000	3,000	Up to 15- day Suspension
	Failure to make entry in worksheet	1,000	2,000	3,000	Up to 15-day Suspension
	Failure to make entry in other maintenance record	1,000	2,000	3,000	Up to 15-day Suspension
	Failure to sign-off work or inspection performed	1,000	2,000	3,000	Up to 15-day Suspension
	Failure to complete and sign maintenance release	1,000	2,000	3,000	Up to 15-day Suspension
Law 28 art. 62, ECAR 43.15, 65.21, 61.59, 121 Subpart V	Intentionally false or fraudulent entry, reproduction, or alteration of a record or load sheet	6,000	8,000	10,000	Revocation
121 Subpart T, Subpart U	Flight operations failure to conduct a proper preflight	3,000	4,000	5,000	15- to 60-day Suspension
	Failure to adhere to proper taxiing requirements	3,000	4,000	5,000	30- to 120-day Suspension
121 Subpart T, Subpart U	Failure to adhere to proper takeoff requirements	3,000	4,000	5,000	60- to 120-day Suspension
	Deviating from clearance or instruction	3,000	4,000	5,000	30- to 90-day Suspension
121.611	Operating VFR in clouds	6,000	8,000	10,000	90-day Suspension to Revocation
121.605, 91.7	Operating unairworthy aircraft	3,000	4,000	5,000	30- to 120-day Suspension
121.543, 91.105	Unauthorized departure from flight deck	3,000	4,000	5,000	15- to 30-day Suspension
91.133,	Operating within restricted or prohibited area	3,000	4,000	5,000	30- to 90-day Suspension
91.137, 139, 141, 143, 144,	Operating contrary to a NOTAM	3,000	4,000	5,000	30- to 90-day Suspension
91 Subpart C, 121 Subpart K	Operating without required equipment	3,000	4,000	5,000	60- to 120-day Suspension
91.151, 167, 121.633	Fuel mismanagement or exhaustion	3,000	4,000	5,000	30- to 150-day Suspension
121.545	Unauthorized manipulation of controls	3,000	4,000	5,000	30- to 90-day Suspension
	Approach below weather minimums	3,000	4,000	5,000	60- to 120-day Suspension
	Failure to adhere to proper landing requirements	3,000	4,000	5,000	30- to 180-day Suspension
Law 28 art.	Intentionally false or				Revocation

62, ECAR 43.15, 65.21, 61.59, 121 Subpart V	fraudulent entry, reproduction, or alteration on an application or a certificate or rating				of certificates
61.15, 65.12, 91.19, 121.15, 137.23	Carriage of illegal drugs (controlled substances) on aircraft				Revocation
65.25/91.23 121.461	Refusal to submit to Alcohol , drugs or Psychoactive Substances, tests				(a) grounds for: (1) Suspension or revocation of an application for a certificate or rating issued under this Part for a period of 6 months after the date of that act if the commission of an act was for the first time; or (2) Suspension or revocation of an application for any certificate or rating issued under this Part for a period of 1 year after the date of that act if the commission of an act was for the second time; or (3) Revocation of any certificate or rating issued under this Part after the date of that act if the commission of an act was for the third time
65.12/91.21 121.460	Offenses involving Alcohol , drugs or Psychoactive Substances				(a) grounds for: (1) Suspension or revocation of an application for a certificate or rating issued under this Part for a period of 6 months after the date of that act if the commission of an act was for the first time; or (2) Suspension or revocation of an application for any certificate or rating issued under this Part for a period of 1 year after the date of that act if the commission of an act was for the second time; or (3) revocation of any certificate or rating issued under this Part after the date of that act if the commission of an act was for the third time
	Violation of sterile cockpit rule	3,000	4,000	5,000	30- to 90-day Suspension
121.547	Unauthorized admission to flight deck	3,000	4,000	5,000	30- to 90-day Suspension
121.587	Failure to close and lock flight deck door	3,000	4,000	5,000	30-day Suspension
121.71(b), 121.369, 121.471, 145.55,	Flight and Duty Time violation by individual	3,000	4,000	5,000	15- to 90-day Suspension
121.383	Operating when a valid	3,000	4,000	5,000	30- to 90-day Suspension

	medical certificate had not been issued or is expired				
	Failure to have current airman or medical certificate in possession	1,000	2,000	3,000	
145.13, 43.9, 121.437, 121.543	Lack of type rating	6,000	8,000	10,000	180-day Suspension to Revocation
121 Subpart N, 145.13, 145.53	Lack of initial or recurrent training, Missed proficiency check/line check or Lack of experience	3,000	4,000	5,000	30- to 90-day Suspension
121.383	Operation with known disqualifying disability or Operating without valid medical certificate when not medically qualified or application for medical certificate deferred				Revocation
Law 28 art. 62, ECAR 61.59, 121 Subpart V	Intentionally false or fraudulent entry/reproduction or alteration on pilot log book				Revocation
<u>172.23</u>	<u>Operation without valid medical certificate</u>				<u>Up to 30 day License Suspension</u>
<u>172.23</u>	<u>ATC officer occupies position's ratings is not convenient with his/here</u>				<u>Up to 30 day license Suspension</u>

Appendix 2 : Forms**Form 12000-93 (Sample)****Operator Non Conformance Report (ONCR)**

Flight Operations Central Administration

Tele :

Fax :

Email :

ONCR NO.:

Observation dated:

Description

A. Flight and Duty Time/Trip Record inspection of _____ was carried out on _____ Following observation with reference to ECARs, and / or relevant laws were made:-

Duty time of (insert name) and (insert name) who were flight crew members of flight no. _____ was _____ hrs which in excess of _____ mins. From the authorized duty time limit:

- This is in violation of Rule (s) _____ of ECAR
- This is in violation of Article _____ of law no. 28
- _____

B. Corrective action / report to be submitted to ECAA on or before (insert date)

-----Signature of

FOCA Administrator

Name:

Date

For official use only

- 1) Corrective action received _____ dated: _____
- 2) Corrective action found Satisfactory / Unsatisfactory* / Not received**
- 3) Followed up and closed out by _____ dated: _____

* A reminder is to be send to the operator

** In case no response is received within 7 days (from the date for corrective action), a show cause notice is to be issued

Form 12000-93 (Sample)

Operator Non Conformance Report (ONCR)

Airworthiness Central Administration

Tele :

Fax :

Email :

ONCR NO.:

Observation dated:

Description

A. Inspection of was carried out on , following observations with reference to ECARs and/or the relevant laws were made:-

In accordance to the -----, the -----was found expired/lapsed

- This is in violation of Rule (s) _____ of ECAR
- This is in violation of Article _____ of law no. 28
-

B. Corrective action / report to be submitted to ECAA on or before (insert date)

-----Signature of

ACA Administrator

Name:

Date

For official use only

- 1) Corrective action received _____ dated:
- 2) Corrective action found Satisfactory / Unsatisfactory* / Not received**
- 3) Followed up and closed out by _____ dated:

* A reminder is to be send to the operator

** In case no response is received within 7 days (from the date for corrective action), a show cause notice is to be issued

Show Cause Notice (SCN)Egyptian Civil Aviation Authority
Personnel Licensing Central Administration

Ref. No.:

Date

-
- 1) Whereas you Mr. _____, holder of an AOC no. _____ permitted the pilots of _____ namely _____, holding foreign license of _____ to operate your commercial flights without having their foreign license rendered valid from ECAA.
 - 2) And whereas, due to your above acts and omissions, the provisions of Rule _____ of the Law and ECARs titled "Certification of foreign pilots", have been violated and have provided sufficient grounds to the satisfaction of the ECAA for action in terms of ECARs.
 - 3) Now therefore, you Mr. _____ are hereby called upon to show cause as to why action should not be initiated under Law 28 and ECARs for imposition of appropriate financial penalty or Rule _____ / Rule _____ of ECARs, for Suspension / Cancellation of your AOC/Approval/Certificate
 - 4) Your written reply must reach the undersigned within (insert no.) days of the receipt of this notice, failing which ex-parte decision will be taken against you. Further, you may also state in reply whether you desire to be heard in person or not. Otherwise, it will be presumed that you have nothing to offer to your defense and do not wish to be heard in person.
-

-----Signature of

ECAA President

Name: _____

Date _____

Copy to:-

Form 12000-97 (Sample)

Penalty Order / Letter

Egyptian Civil Aviation Authority
Personnel Licensing Central Administration

Ref. No.:

Date

Imposition of a financial penalty of (LE)

- 1) Whereas you Mr. _____, holder of an AOC no. _____ submitted deficiency for MEL Cat "C" snag in respect to A/C type _____ Reg. no.----- on (insert date) _____, while it discovered on (insert date) _____, and the required maintenance of the A/C was neither accomplished within the authorized interval period nor waiver from ECAA was obtained before operating the A/C with expired MEL. The A/C was kept operating in international flights from (insert date) _____ to (insert date) _____, and you failed to explain the reason for such gross violation within (insert no. of days) in response to ONCR No.----- dated-----
- 2) And whereas, you were subsequently issued a Show Cause Notice under Rule----- of ECARs. Ref. No. dated _____, your reply thereto vide letter no. ----- Dated ----- has not been found Satisfactory, and violations stood established. Moreover, you were also provided an opportunity of personnel hearing on (insert date) _____ during which the violations committed by you could be justified, rather the same are admitted.
- 3) And whereas, the ECAA, after due consideration of all aspects of the case, your reply to the Show Cause Notice and your submission during the personnel hearing, **has taken a lenient view and imposed a financial penalty of (LE) under the provision of ----- of the Law , instead of suspension of AOC of-----**
- 4) Now, therefore, the financial penalty of a sum of (LE) shall be paid by -----to ECAA within 15 days of the receipt of this order. In case of failing in that, Suspension of AOC of ----- may be follow

-----Signature of
ECAA President

Name:

Date

Copy to:-

Appendix 3 Detailed guidance for pilot licence holder, pilot schools, ATC T.O.,**Designated Medical Examiner , Designated Pilot Examiner****Civil Penalties Applicable to Pilot licence holder Failure to performe his/her duites in accordance with the prescribed procedures and privileges of his/ her licence**

Ref	Offence	1st. Offence	2st. Offence	3st. Offence	Licence / certificate action
	(1) Preflight				
	(a) Failure to use, or improper use of, checklist				30- to 60-day Suspension
	(b) Failure to check aircraft log, flight manifest, weather, etc.				30-to 90-day Suspension
	(c) Failure to make required inspection				30- to 60-day Suspension
	(d) Failure to inspect, or improper inspection of, aircraft				15- to 30-day Suspension
	(e) Failure to ensure seat and belt available for each passenger				30- to 60-day Suspension
	(2) Taxiing				
	(a) Failure to adhere to clearance to instruction				30- to 60-day Suspension
	(b) Collision				30- to 180- day Suspension
	(c) Jet blast				30- to 120- day Suspension
	(d) Taxiing with standing passenger				30- to 60-day Suspension
	(e) Taxiing off runway, taxiway or ramp				30- to 90-day Suspension
	(3) Takeoff				
	(a) Contrary to, or without, clearance				60- to 120- day Suspension
	(b) Below weather minimums				60- to 120- day Suspension
	(c) In excess of maximum gross weight				60- to 120- day Suspension
	(4) Enroute				
	(a) Deviating from clearance or instruction				30- to 90-day Suspension
	(b) Operating VFR in clouds				90-day Suspension to Revocation
	(c) Operating unairworthy aircraft				30- to 180- day suspension
	(d) Unauthorized departure from flight deck				15- to 30-day Suspension
	(e) Operating within restricted or prohibited area (including a TFR) or Class A				30- to 90-day Suspension

	airspace				
	(f) Operating contrary to a NOTAM				30- to 90-day suspension
	(g) Operating without required equipment				15- to 120- day Suspension
	(h) Fuel mismanagement or exhaustion				30- to 150- day Suspension
	(i) Unauthorized manipulation of controls				30- to 90-day Suspension
	(5) Approach to landing				
	(a) Deviating from clearance or instruction				30- to 90-day Suspension
	(b) Approach below weather minimums				60- to 120- day Suspension
	(c) Exceeding speed limit in Class D airspace				30- to 60-day Suspension
	(6) Landing				
	(a) At or approaching wrong airport				90- to 180- day Suspension
	(b) Deviating from instrument approach procedure				30- to 90-day Suspension
	(c) Overweight aircraft				30- to 90-day Suspension
	(d) Hard				15- to 60-day Suspension
	(e) Short or long				30- to 180- day Suspension
	(f) Wheels-up				15- to 90-day Suspension
	(g) Failure to comply with preferential runway system				15-day Suspension
	(h) Deviating from clearance or instruction				30- to 90-day Suspension
Civil Penalties Applicable to Part 141 Pilot Schools					
<u>ECAR Part 141</u>	(1) Knowingly permitting school aircraft to be used for unlawful carriage of controlled substances				Revocation
<u>ECAR Part 141</u>	(2) Refusal to permit inspection of facilities, equipment, personnel, records, or certificate				Indefinite Suspension until Compliance to Revocation
<u>ECAR Part 141</u>	(3) False advertising				Suspension until Compliance
<u>ECAR Part 141</u>	(4) Failure to carry checklist or operator's handbook				Suspension until Compliance
<u>ECAR Part 141</u>	(5) Improper crediting to, or graduation of, student				Suspension until Compliance
<u>ECAR Part 141</u>	(a) Inadvertent				Suspension until Compliance
<u>ECAR</u>	(b) Intentional				Revocation

<u>Part 141</u>					
<u>ECAR Part 141</u>	(6) Refusal to permit ECAA test, check, or examination of student				Indefinite Suspension until Compliance to Revocation
<u>ECAR Part 141</u>	(7) Unqualified or unauthorized instruction				Suspension until Compliance
<u>ECAR Part 141</u>	(8) Failure to establish or maintain training record				Suspension until Compliance
Civil Penalties Applicable to Student Operations					
<u>ECAR Part 141</u>	(1) Carrying passenger				Revocation
<u>ECAR Part 141</u>	(2) Solo flight without required endorsement				45- to 90-day Suspension
<u>ECAR Part 141</u>	(3) Operation on international flight				60- to 90-day Suspension
<u>ECAR Part 141</u>	(4) Use of aircraft in business				30- to 120- day Suspension
<u>ECAR Part 141</u>	5) Operation for compensation or hire				Revocation
Civil Penalties Applicable to Flight Instructors					
<u>ECAR Part 141</u>	(1) False endorsement of any student pilot record				Revocation
<u>ECAR Part 141</u>	(2) Exceeding flight time limitation				30- to 90-day Suspension
<u>ECAR Part 141</u>	(3) Instruction in aircraft for which he/she is not rated				60- to 180- day Suspension
Civil Penalties Applicable to Other Flight Violations					
<u>ECAR Part 141</u>	(1) Certification and qualification				
<u>ECAR Part 141</u>	(a) Operation when a valid pilot certificate had not been issued	3000	<u>4000</u>	<u>5000</u>	
<u>ECAR Part 141</u>	(b) Operation while pilot certificate is suspended				Revocation
<u>ECAR Part 141</u>	(c) Operation without pilot or medical certificate in personal possession (certificates valid)	3000	<u>4000</u>	<u>5000</u>	
<u>ECAR Part 141</u>	(d) Operation without a current medical certificate when				30-180 day suspension

141	medically qualified				
<u>ECAR Part 141</u>	(e) Operation without a valid medical certificate when not medically qualified or when application for medical certificate deferred				Revocation
<u>ECAR Part 141</u>	(f) Operation with known medical deficiency				90-day Suspension to Revocation
<u>ECAR Part 141</u>	(g) Operation for compensation or hire when a valid commercial pilot certificate had not been issued				90-day Suspension to Revocation
<u>ECAR Part 141</u>	(h) Operation without type or class rating				60- to 120- day Suspension
<u>ECAR Part 141</u>	(2) Operation when a valid airworthiness certificate had not been issued				30- to 90-day Suspension
<u>ECAR Part 141</u>	(3) Failure to close flight plan or file arrival notice				10- to 15-day Suspension
<u>ECAR Part 141</u>	(4) Failure to obtain pre-flight information				30- to 90-day Suspension
<u>ECAR Part 141</u>	(5) Deviation from ATC instruction or clearance				30- to 90-day Suspension
<u>ECAR Part 141</u>	(6) Taxiing, takeoff, or landing without a clearance, where ATC tower is in operation				30- to 90-day Suspension
<u>ECAR Part 141</u>	(7) Failure to maintain radio communications in Class D airspace				30- to 60-day Suspension
<u>ECAR Part 141</u>	(8) Failure to comply with airport traffic pattern				30- to 60-day Suspension
<u>ECAR Part 141</u>	(9) Operation in Class B airspace without or contrary to a clearance				30- to 60-day Suspension
<u>ECAR Part 141</u>	(10) Operation in Class C airspace without maintaining contact with ATC				30- to 60-day Suspension
<u>ECAR Part 141</u>	(11) Operation contrary to a NOTAM				30- to 90-day suspension
<u>ECAR Part 141</u>	(12) Failure to maintain altitude				30- to 60-day Suspension
<u>ECAR Part 141</u>	(13) Exceeding speed limitation				30- to 60-day Suspension
<u>ECAR</u>	(15) Failure to comply with				30- to 180- day

Part 141	Airworthiness Directive				Suspension
ECAR Part 141	(16) Operation without required instrument and/or equipment				30- to 90-day Suspension
ECAR Part 141	(17) Failure to comply with operating limitation				30- to 90-day Suspension
ECAR Part 141	(18) Unauthorized operation within Class A airspace				30- to 90-day Suspension
ECAR Part 141	(19) Failure to adhere to right of way rule				15- to 90-day Suspension
ECAR Part 141	(20) Failure to comply with VFR cruising altitude				30- to 90-day Suspension
ECAR Part 141	(21) Failure to maintain required minimum altitude over structure, person, or vehicle –congested area				60- to 180- day Suspension
ECAR Part 141	(22) Failure to maintain required minimum altitudes over structure, person, or vehicle – sparsely populated area				30- to 120- day Suspension
ECAR Part 141	(23) Failure to maintain radio watch while under IFR				30- to 60-day Suspension
ECAR Part 141	(24) Failure to report compulsory reporting point under IFR				30- to 60-day Suspension
ECAR Part 141	(25) Failure to display position light				30- to 60-day Suspension
ECAR Part 141	(26) Failure to maintain proper altimeter setting				30- to 60-day Suspension
ECAR Part 141	(27) Operating within restricted or prohibited area (including a TFR) or Class A airspace				30- to 90-day Suspension
ECAR Part 141	(28) Unauthorized dropping of object from aircraft				30- to 60-day Suspension
ECAR Part 141	(29) Unauthorized towing				30- to 60-day Suspension
ECAR Part 141	(30) Acrobatic flight on airway, over congested area, below minimum altitude, etc.				90- to 180- day Suspension
ECAR Part 141	(31) Taking off with insufficient fuel				30- to 150- day Suspension
ECAR	(32) Fuel mismanagement or				30- to 150- day

<u>Part 141</u>	exhaustion				Suspension
<u>ECAR Part 141</u>	(33) Operating so as to cause a collision hazard				60- to 180- day Suspension
Civil Penalties Applicable to Weather Operations					
<u>ECAR Part 141</u>	(1) Failure to comply with visibility minimum in controlled airspace				60- to 180- day Suspension
<u>ECAR Part 141</u>	(2) Failure to comply with visibility minimum outside controlled airspace				30- to 120- day Suspension
<u>ECAR Part 141</u>	(3) Failure to comply with distance from clouds requirement in controlled airspace				60- to 180- day Suspension
<u>ECAR Part 141</u>	(4) Failure to comply with distance from clouds requirement outside of controlled airspace				30- to 120- day Suspension
<u>ECAR Part 141</u>	(5) Operating VFR under 1,000 foot ceiling within Class D airspace				30- to 120- day Suspension
<u>ECAR Part 141</u>	(6) Failure to comply with IFR landing minimum				45- to 180- day Suspension
<u>ECAR Part 141</u>	(7) Failure to comply with instrument approach procedure				45- to 180- day Suspension
Civil Penalties Applicable to Careless or reckless operation so as to endanger (independent violation)					
<u>ECAR 91</u>	(1) Wheels up landing				15- to 30-day Suspension
<u>ECAR 91</u>	(2) Short or long landing				30- to 90-day Suspension
<u>ECAR 91</u>	(3) Landing on, or taking off from, closed runway				30- to 60-day Suspension
<u>ECAR 91</u>	(4) Landing on, or taking off from, ramp or other improper area				30- to 120- day Suspension
<u>ECAR 91</u>	(5) Taxiing collision				30- to 90-day Suspension
<u>ECAR 91</u>	(6) Leaving aircraft unattended with engine running				30- to 90-day Suspension
<u>ECAR 91</u>	(7) Taxiing aircraft off runway, taxiway, or ramp				30- to 90-day Suspension
Civil Penalties Applicable to Part 143 ATCO					
<u>ECAR Part 143</u>	(1) Refusal to permit inspection of facilities, equipment, personnel, records, or certificate				Indefinite Suspension until Compliance to Revocation
<u>ECAR Part 143</u>	(2) False advertising				Suspension until Compliance

<u>ECAR Part 143</u>	(3) Refusal to permit ECAA test, check, or examination of student				Indefinite Suspension until Compliance to Revocation
<u>ECAR Part 143</u>	(4) Unqualified or unauthorized instruction				Suspension until Compliance
<u>ECAR Part 143</u>	(5) Failure to establish or maintain training record				Suspension until Compliance
<u>ECAR 143</u>	<u>An Air traffic controller ATCO has not performed his duties in accordance with the prescribed procedures and privileges.</u>	<u>Suspension of license from 1 Week to 4 Weeks.</u>	<u>Suspension of license from 1 Month to 3 Months</u>	<u>Suspension of license from 3 Months to Revocation.</u>	
<u>ECAR 143</u>	<u>Training organizations Air traffic controller ATCO have not performed their functions according to the procedure manuals.</u>				Suspension until Compliance
Civil Penalties Applicable ATCO Instructors					
<u>ECAR Part 143</u>	(1) False endorsement of any student pilot record				Revocation
Civil Penalties Applicable to Designation Medical Examiners					
	(1) Substandard Performance“For Cause”:				
<u>ECAR 183</u>	(a) Disregard of or failure to demonstrate knowledge of ECAA rules, regulations, policies, and procedures				Revocation
<u>ECAR 183</u>	(b) Careless or incomplete reporting of the results of medical certification examinations				Revocation
<u>ECAR 183</u>	(c) Unprofessional performance of examinations.				Revocation
<u>ECAR 183</u>	(d) Failure to promptly send medical examination reports to the ECAA				Revocation
<u>ECAR 183</u>	(e) Unprofessional office maintenance and appearance				Suspension until Compliance
<u>ECAR 183</u>	(f) Movement of the location of practice and/or an addition of a practice location without prior approval in writing from the ECAA				Revocation
<u>ECAR 183</u>	(g) Failure to personally perform ECAA physical examinations				Suspension until Compliance
<u>ECAR 183</u>	(h) Performance of ECAA physical examinations at an unapproved or non-designated				Revocation

<u>ECAR 183</u>	(2) Integrity, Misconduct, or Inability to work constructively with the ECAA or the public				
<u>ECAR 183</u>	(a) Any action that comprises public trust or interferes with the AMEs ability to carry out the designation responsibilities				30- to 90-day Suspension
<u>ECAR 183</u>	(b) Arrest, indictment, or conviction for violation of a law.				Revocation
<u>ECAR 183</u>	(c) Misrepresentation of the information submitted in a medical certification examination.				Revocation
<u>ECAR 183</u>	(d) Improper Representation of the ECAA				Suspension until Compliance
<u>ECAR 183</u>	(3) The following reasons are “Not For Cause”:				
<u>ECAR 183</u>	(a) Lack of ECAA need for an AME in the requested location				Suspension until Compliance

<u>ECAR</u> <u>183</u>	(c) No longer meets minimum qualifications. This includes: (i) No examinations performed within 12 months of initial designation (ii) Performance of an insufficient number of examinations to maintain proficiency. The number of examinations considered sufficient is 10 per year; however, the ECAA may accept fewer examinations as evidence of proficiency for experienced AMEs (iii) Loss restriction or limitation of a license or equivalent to practice medicine. (iv) Failure to comply with the mandatory AME training requirements. (v) Any illness, medical condition, or other disability that may affect the physician's sound professional judgment or ability to adequately perform examinations. (vi) Death.				Revocation
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Civil Penalties Applicable to deficiencies in a designated Pilot Examiner performance of duties

<u>ECAR</u> <u>183</u>	(1)Unsatisfactory performance in any phase of designee duties or responsibilities, including the inability to accept or carry out the managing ECAA instructions				Revocation
<u>ECAR</u> <u>183</u>	(2) Any actions by the designee that may reflect poorly on the ECAA, such as misuse of the designation or failure to maintain a reputation for integrity and dependability in the industry and the community;				Revocation
<u>ECAR</u> <u>183</u>	(c) The inability of the designee to work constructively with the ECAA office personnel or the public				Revocation
<u>ECAR</u> <u>183</u>	(d) Evidence that the designee did not meet general and/or professional qualifications and requirements at the time of the original designation or at any time thereafter				Revocation
<u>ECAR</u> <u>183</u>	(e) A designee's inability to				Revocation

	demonstrate satisfactory performance during a knowledge and skill evaluation or during an initial training seminar or a recurrent training seminar; or				
<u>ECAR</u> <u>183</u>	(f) A designee's failure to maintain, or inability to demonstrate, qualifications for any certificate, rating, or examiner designation held				Revocation