



EAC

No.00_1

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VOLUNTARY DISCLOSURE REPORTING PROGRAM

EAC001.1 Purpose

This Egyptian Advisory Circular (EAC) provides information and guidance material for establishing a Voluntary Disclosure Reporting Program (VDRP). Any certificate holder certified under the Egyptian Civil Aviation Regulations (ECARs) may implement this program in accordance with Partnership 2000 guidance (Egypt Information Bulletin EIB-1/2000). The procedures and practices outlined herein may be used when freely disclosing obvious violations of the ECARs to the Egyptian Civil Aviation Supervisory Authority (ECAA). These procedures and practices can be applied to all aspects of civil aviation including maintenance departments, flight operations departments, repair stations, training schools, or training programs.

All certificate holders are required to develop Internal Evaluation Programs (IEP), reference EAC 00-2, that continually monitor company policies and procedures to ensure that the highest level of safety and compliance are maintained. To further encourage the development and implementation of internal evaluation programs, the ECAA has established the voluntary disclosure-reporting program. All certificate holders that have established an internal evaluation program are afforded the benefits applicable under this EAC. The ECAA will not recognize voluntary disclosure procedures at any certificate holder that has not implemented an IEP.

EAC001.3 Related regulations

ECAR Parts 101, 121, 137, 141, 142, 145, and 147.

EAC001.5 Background

Civil penalties under the ECAA's enforcement program have always been considered a means to promote compliance with the ECARs and not an end in themselves. Even though deterrence is achieved by the appropriate use of civil penalties, public interest and safety are also served by positive incentives that promote and achieve compliance.

The ECAA believes that providing incentives to any certificate holder that identifies and corrects their own instances of noncompliance and invests additional resources in efforts to preclude their recurrence enhances aviation safety.

It will be the ECAA's policy to forgo civil penalty actions when a certificate holder detects and immediately discloses violations to the ECAA while taking prompt corrective action to ensure that identical or similar violations do not recur. This policy is designed to encourage compliance with the ECARs, foster safe operating practices, and promote the development of effective internal evaluation programs.

EAC001.7 Key terms

The following key terms and phrases are defined to ensure a standard interpretation and understanding of the Voluntary Disclosure Policy.

- (a) **Evidence:** Evidence, as it related to this EAC is written documentation or reports that support a certificate holder's analysis of the disclosed violation and the elements of the proposed comprehensive fix. Evidence is generally derived from the following:
 - (1) Review of documents or manuals;
 - (2) Examination of equipment;
 - (3) Activities observed; and
 - (4) Interview data.
- (b) **Comprehensive fix:** An action plan, proposed by the certificate holder and accepted by the ECAA, to preclude recurrence of the same violation. A schedule of dates and events encompassed by the comprehensive fix must be established and documented.
- (c) **Satisfactory fix:** A comprehensive fix that has been satisfactorily implemented and completed.

EAC001.9 Voluntary disclosure policy

The ECAA supports the open sharing of violation information and believes that a cooperative spirit will enhance and promote aviation safety.

In lieu of civil penalty action for violations that are voluntarily disclosed to the ECAA, certificate holders will receive a Letter of Correction. Once a Letter of Correction is

issued, the case will be considered closed unless the certificate holder does not satisfactorily complete the approved comprehensive fix.

In evaluating whether a disclosure is applicable under this policy, the ECAA will ensure that the following conditions are met:

- (a) The certificate holder discloses its noncompliance to the ECAA immediately after detection and before the Authority learns of it by other means;
- (b) The actions leading to the disclosure were inadvertent;
- (c) The disclosure does not indicate a lack, or reasonable question, of the certificate holder's qualifications;
- (d) Immediate action, satisfactory to the ECAA, was initiated upon discovery to terminate the activity that led to the violation; and
- (e) The certificate holder has developed a comprehensive fix and implementation schedule satisfactory to the ECAA. The comprehensive fix must include a follow-up self-audit to ensure that the action taken corrects the noncompliance.

Note: Self-audits are in addition to any audits conducted by the ECAA.

Ordinarily, the ECAA will not forgo legal enforcement action if the certificate holder informs the ECAA of a violation during, or in anticipation of, an ECAA investigation/inspection or in association with an accident or incident.

EAC001.11 ECAA notification

The Voluntary Disclosure policy applies only when notification is made to the ECAA upon discovery of the violation and before the ECAA learns of it by other means. This initial notification must be made in-person or by telephone and accomplished within 24 hours of discovery.

Notification by the certificate holder: When notifying the ECAA, initial contact must be made with, or directed to, the Head of Flight Safety Standards Sector and include the following information:

- (a) A brief description of the violation, including the duration of time it remained undetected;
- (b) How and when it was discovered;
- (c) Verification that noncompliance ceased upon discovery; and
- (d) Verification that a detailed written report will be provided to the ECAA.

Note: The certificate holder shall send written verification of the above information to the Head of Flight Safety Standards Sector within 7 calendar days following initial notification.

EAC001.13 Certificate holder's report

A detailed report should be provided to the ECAA within 30 calendar days following the certificate holder's initial notification to the Head of Flight Safety Standards. The report must include the following information:

- (a) A list of the specific ECAA regulations involved;
- (b) A description of the violation, including the duration of time it remained undetected, as well as, how and when it was detected;
- (c) A description of the immediate action implemented to terminate the non-compliance, including when it was taken, and who initiated the action;
- (d) An explanation that demonstrates the violation was inadvertent;
- (e) A detailed description of the proposed comprehensive fix outlining the planned corrective steps, responsible parties for implementation, and a time frame for completion; and
- (f) Identification of the company official responsible for monitoring the implementation and completion of the comprehensive fix.

EAC001.15 Review by the ECAA

The ECAA and the certificate holder should work together to ensure that the comprehensive fix is acceptable.

If the Head of Flight Safety Standards Sector determines that the proposed fix is acceptable, a letter of correction will be issued to the certificate holder. This letter will include the date that the comprehensive fix is scheduled for completion.

Following issuance of the Letter of Correction, the case will be closed, but remain subject to reopening in the event that the certificate holder fails to comply with any element of the comprehensive fix.

EAC001.17 Comprehensive fix implementation

During the implementation period, the ECAA and the certificate holder should continue working together. The ECAA may advise and assist the certificate holder in correcting any identified systemic problems. Changes may be made to the corrective action(s) when the certificate holder identifies a need and the ECAA concurs with the change.

Note: The certificate holder must document any changes to the original comprehensive fix and forward this information to the ECAA.

The ECAA will monitor implementation of the corrective steps. Throughout the implementation period, the ECAA assesses the corrective efforts and management's cooperation with these efforts. If it is determined that the steps taken are not those documented in the comprehensive fix, the letter of correction may be rescinded, the investigation reopened, and appropriate legal enforcement action may be initiated.

Following completion of the corrective action(s), the certificate holder conducts a self-audit to ensure the deficiency that led to the violation has been resolved. Results of this audit will be forwarded to the ECAA, within 7 calendar days following completion of the comprehensive fix, so that they can make a final assessment. If all elements of the comprehensive fix have been adequately accomplished, the Head of Flight Safety Standards Sector will consider the fix satisfactory.

EAC001.19 Dispute resolution

When disputes occur regarding the acceptance or modification of a proposed comprehensive fix, the Head of Flight Safety Standards Sector or the certificate holder's senior management may request that the Executive Chairman of the ECAA resolve the issue. This procedure will provide for an independent assessment of the areas in disagreement.

EAC001.21 Separate actions against pilots, engineers or other employees

The voluntary disclosure policy applies to individual pilots, engineers or other employees of the certificate holder when:

- (a) They are acting on behalf of the certificate holder and inadvertently violate the ECAR's and;
- (b) They immediately report the violation to their manager; and
- (c) The certificate holder immediately notifies the ECAA.

When all the above conditions are met, the ECAA will forgo punitive actions against the individuals involved. If these conditions are not met, the ECAA will review the facts associated with the case and determine appropriate action.

Note: The voluntary disclosure policy does not apply to matters concerning qualifications to hold a pilot, engineer or other license issued by the ECAA.

EAC001.23 Repeated violations

The procedures outlined in this EAC may apply to the disclosure of a repeated violation even though a comprehensive fix was satisfactorily completed. The determination of whether a repeated violation is covered under this policy will be made by the ECAA following an investigation of the associated facts and circumstances.

EAC001.25 Conclusion

The voluntary disclosure-reporting program, when used in conjunction with an internal evaluation program, will help to ensure that actual and potential violations are promptly identified, corrected, and reported to the ECAA.

APPENDIX**REPORT FORMAT**

The following format shall be used when preparing the mandatory detailed written report that will be submitted to the ECAA. The certificate holder must include **all** the elements specified in this report format.

EAC00.1aa.27 General

- (a) Date.
- (b) Certificate type or equivalent.
- (c) Certificate number or equivalent.
- (d) Company name.
- (e) Company address.
- (e) Company official filing report:
 - (1) Name.
 - (2) Position.
 - (3) Telephone number.

EAC00.1aa.29 Description of violation

- (a) Applicable ECAR.
- (b) Date non-compliance was discovered.
- (c) Location of discovery.
- (d) Company official who discovered the violation:
 - (1) Name.
 - (2) Position.
 - (3) Telephone number.
- (e) Date and time of initial notification to the ECAA.
- (f) Name of ECAA official notified.
- (g) Company official making notification:
 - (1) Name.
 - (2) Position.
 - (3) Telephone number.

Duration of time the violation remained undetected:

 - (A) Hours.
 - (B) Cycles.
 - (C) Days.

EAC00.1aa.31 Summary

The summary should be a brief statement describing the nature of the violation. Additionally, it should identify the specific aircraft, engines, appliances, facilities, cargo, and/or individuals associated with the non-compliance.

EAC00.1aa.33 Immediate action

- (a) When the immediate action was taken to cease non-compliance.
- (b) A description of the immediate action.
- (c) Company official responsible for immediate action:
 - (1) Name.
 - (2) Position.
 - (3) Telephone number.

EAC00.1aa.35 Analysis

- (a) A summary describing the scope of the violation and an explanation of its detection. This summary should also describe the conclusions reached regarding possible systemic deficiencies, i.e., who, what, when, why, and how the noncompliance occurred.
- (b) An explanation substantiating that the violation was inadvertent and the steps initiated to determine the extent of the violation.
- (c) An attachment with all the supporting documentation associated with the violation.

EAC00.1aa.37 Comprehensive fix proposal

A comprehensive fix includes the proposed long-term corrective actions that will be implemented by the certificate holder to preclude recurrence of the violation. Each corrective step should identify the individual or department responsible for implementation and completion.

NOTE: The certificate holder must include the date that it expects to complete all corrective actions.

Questions or issues that a comprehensive fix proposal should address are:

- (a) Did the violation involve equipment, facilities, or individuals beyond those addressed in the initial notification?
- (b) Are procedural or organizational changes necessary?
- (c) How will the certificate holder determine that procedural or organizational changes are effective?
- (d) What procedures will be developed to ensure that the affected area is periodically reviewed so that concerns can be identified before a violation occurs?
 - (1) Who will be responsible for performing these reviews?
 - (2) Who will receive the review results?
 - (3) How will the reviews be documented?

EAC00.1aa.39 Company official responsible for monitoring implementation of the comprehensive fix

- (a) Name.
- (b) Position.
- (c) Telephone number.
- (d) Signature.

EAC00.1aa.41 ECAA acceptance (to be completed by the ECAA)

- (a) Name.
- (b) Position.
- (c) Date.
- (d) Office.
- (e) Signature.