



# CIVIL AVIATION AUTHORITY OF SRI LANKA

## Enforcement Policy

The Enforcement Policy is adopted in satisfying one of the many requirements associated with the establishment of a State Safety Programme which the Civil Aviation Authority of Sri Lanka is required to set up in pursuance of Section 116 of the Civil Aviation Act No. 14 of 2010.

### 1 Purpose

- 1.1 The enforcement policy of Civil Aviation Authority of Sri Lanka (CAASL) is aimed at promoting compliance with aviation safety regulations and requirements through enforcement functions in an equitable manner.
- 1.2 The implementation of safety management systems (SMS) requires the CAASL to have an equitable and discretionary enforcement approach in order to support the SSP-SMS framework.
- 1.3 In order to develop enforcement policies and procedures that allow service providers or operators 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. Intentional contraventions of the Civil Aviation Act and Regulations, Rules, Implementing Standards and Directives made thereunder will be investigated and may be subject to conventional enforcement action where appropriate. There should be clear provisions in the enforcement framework for due consideration and segregation between premeditated violations from unintentional errors or deviations.
- 1.4 The enforcement policy statement and associated enforcement procedures apply to service providers operating in accordance with ICAO Annex 1 — Personnel Licensing; Annex 6 — Operation of Aircraft, Part I — International Commercial Air Transport — Aeroplanes, and Part III — International Operations — Helicopters; Annex 8— Airworthiness of Aircraft; Annex 11 — Air Traffic Services; and Annex 14 — Aerodromes, Volume I — Aerodrome Design and Operations and Annex-18-Safe Transport of Dangerous Goods by Air .

### 2 Policy

- 2.1 Each Service provider or an Operator will establish, maintain and adhere to an SMS that is commensurate with the size, nature and complexity of the operations authorized to be conducted under the approval/ certificate issued to him.
- 2.2 To maintain this enforcement policy that supports the implementation of SMS, CAASL inspectors will maintain an open communication channel with service providers.
- 2.3 No information derived from safety data collection and processing systems established under a SMS relating to reports classified as confidential, voluntary or equivalent category, shall be used as the basis for enforcement action, unless in the case of premeditated violations.

- 2.4 When a service provider operating under an SMS unintentionally contravenes Civil Aviation Act and Regulations, Rules, Implementing Standards and Directives, specific review procedures will be used. These procedures will allow the CAASL inspector responsible for the oversight of the service provider the opportunity to engage in dialogue with the SMS approved organization.
- 2.5 The objective of this dialogue is to agree on proposed corrective measures and an action plan that adequately addresses the deficiencies that led to the contravention and to afford the service provider a reasonable time to implement them. This approach aims to nurture and sustain effective safety reporting, whereby employees of the Service Provider or Operator, as the case may be, can report safety deficiencies and hazards without fear of punitive action. A service provider or operator can therefore, without apportioning blame, and without fear of enforcement action, analyze the event and the organizational or individual factors that may have led to it, in order to incorporate remedial measures that will best help prevent recurrence.
- 2.6 CAASL, through the inspector responsible for the oversight of the service provider or operator, will evaluate the corrective measures proposed by the service provider, and/or the systems currently in place to address the event underlying the contravention. If the corrective measures (including any appropriate internal disciplinary actions) proposed are considered satisfactory and likely to prevent recurrence and foster future compliance, the review of the violation should then be concluded with no further punitive enforcement action by the CAASL.
- 2.7 In cases where either the corrective measures or the systems in place are considered inappropriate, CAASL will continue to interact with the service provider to find a satisfactory resolution that would prevent enforcement action. However, in cases where the service provider refuses to address the event and provide effective corrective measures, CAASL will consider taking enforcement action or other administrative action deemed appropriate.
- 2.8 Breaches of aviation regulations may occur for many different reasons, from a genuine misunderstanding of the regulations, to disregard for aviation safety. CAASL has a range of enforcement procedures in order to effectively address safety obligations under the Civil Aviation Act in light of different circumstances. These procedures may result in a variety of actions such as:
  - i. Counselling;
  - ii. Remedial training; or
  - iii. Variation, suspension and cancellation of authorizations.
- 2.9 Enforcement decisions must not be influenced by:
  - i. personal conflict;
  - ii. personal gain
  - iii. considerations such as gender, race, religion, political views or affiliation; or
  - iv. personal, political or financial power of those involved.

### 3 PROPORTIONALITY OF RESPONSES

Enforcement decisions must be proportional to the identified breaches and the safety risks they underlie, based on three principles:

- a. CAASL will take action against those who consistently and deliberately operate outside Civil Aviation legal framework; and
- b. CAASL will seek to educate and promote training or supervision of those who show commitment to resolving safety deficiencies.
- c. CAASL will give due and equitable consideration to distinguish between premeditated violations from unintentional errors or deviations.

### 4 NATURAL JUSTICE AND ACCOUNTABILITY

Enforcement decisions must:

- a. be fair and follow due process;
- b. be transparent to those involved;
- c. take into account the circumstances of the case and the attitude/ actions of the service provider, operator or individual when considering action;
- d. be consistent actions/ decisions for like/ similar circumstances; and
- e. be subject to appropriate internal and external review.

### 5 EXCEPTIONS

- 5.1 This policy is not applicable if there is evidence of a deliberate effort to conceal non-compliance.
- 5.2 This policy is not applicable if the service provider or an operator fails to maintain an acceptable SMS or its agreed safety performance.
- 5.3 This policy is not applicable if the service provider or an operator is deemed by the CAASL as a recurrent violator.

In the above circumstances, the CAASL may deal with such noncompliance or violations according to established enforcement procedures as deemed appropriate.

#### Civil Aviation Authority of Sri Lanka



H.M.C.Nimalsiri,  
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(This policy was approved by the Civil Aviation Authority on 09<sup>th</sup> April 2013 and hence forms part of the Staff Rules and Administrative Procedures)