

JANUARY 2015



STATE SAFETY PROGRAMME OF IRELAND



State Safety Programme Of Ireland

Overview

This document introduces the objectives of, framework for, and implementation approach to the State Safety Programme for Ireland (SSP). A State Safety Programme is a management system for the regulation and administration of safety by the State.

The implementation of the SSP in Ireland is commensurate with the size and complexity of the state's civil aviation system and it requires coordination among a small number of different authorities responsible for the aviation functions of the State, including the Department of Transport, Tourism and Sport, Irish Met Services, the Air Accident Investigation Unit of Ireland and the Irish Aviation Authority. In addition it requires co-ordination with international organisations such as ICAO, the European Commission and the European Aviation Safety Agency.

This document describes the State Safety Programme for Ireland in accordance with the four components that form the fundamentals of an SSP. It is structured in accordance with guidance contained in ICAO Doc 9859 Safety Management Manual, 3rd Edition. Each component is subdivided into elements that comprise the processes or activities undertaken by Ireland to manage safety. These eleven elements combine prescriptive and performance-based approaches and support the implementation of Safety Management Systems by service providers.

The four components and eleven elements of an SSP framework are:

- 1. State safety policy and objectives**
 - 1.1 State safety legislative framework
 - 1.2 State safety responsibilities and accountabilities
 - 1.3 Accident and incident investigation
 - 1.4 Enforcement policy
- 2. State safety risk management**
 - 2.1 Safety requirements for the service provider's SMS
 - 2.2 Agreement on the service provider's safety performance
- 3. State safety assurance**
 - 3.1 Safety oversight
 - 3.2 Safety data collection, analysis and exchange
 - 3.3 Safety-data-driven targeting of oversight of areas of greater concern or need
- 4. State safety promotion**
 - 4.1 Internal training, communication and dissemination of safety information
 - 4.2 External training, communication and dissemination of safety information.

The state safety policy statement, the state enforcement policy statement and an overview of the SSP implementation plan are attached to this state safety programme as appendices.

State Safety Programme Of Ireland

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Definitions

Accident

An occurrence associated with the operation of an aircraft which, in the case of a manned aircraft, takes place between the time any person boards the aircraft with the intention of flight until such time as all such persons have disembarked, or in the case of an unmanned aircraft, takes place between the time the aircraft is ready to move with the purpose of flight until such time as it comes to rest at the end of the flight and the primary propulsion system is shut down, in which:

- a a person is fatally or seriously injured as a result of being in the aircraft, or direct contact with any part of the aircraft, including parts which have become detached from the aircraft, or direct exposure to jet blast, except when the injuries are from natural causes, self-inflicted or inflicted by other persons, or when the injuries are to stowaways hiding outside the areas normally available to the passengers and crew; or
- b the aircraft sustains damage or structural failure which adversely affects the structural strength, performance or flight characteristics of the aircraft, and would normally require major repair or replacement of the affected component, except for engine failure or damage, when the damage is limited to a single engine, (including its cowlings or accessories), to propellers, wing tips, antennas, probes, vanes, tires, brakes, wheels, fairings, panels, landing gear doors, windcreens, the aircraft skin (such as small dents or puncture holes), or for minor damages to main rotor blades, tail rotor blades, landing gear, and those resulting from hail or bird strike (including holes in the radome); or
- c the aircraft is missing or is completely inaccessible.

Aeroplane

A power-driven heavier-than-air aircraft, deriving its lift in flight chiefly from aerodynamic reactions on surfaces which remain fixed under given conditions of flight.

Aircraft

Any machine that can derive support in the atmosphere from the reactions of the air other than the reactions of the air against the earth's surface.

Helicopter

A heavier-than-air aircraft supported in flight chiefly by the reactions of the air on one or more power-driven rotors on substantially vertical axes. Note.– the term “rotorcraft” may be used and as an alternative to “helicopter”.

Incident

An occurrence, other than an accident, associated with the operation of an aircraft which affects or could affect the safety of operation. Note.– The types of incidents which are of interest for safety-related studies include the incidents listed in Annex 13, Attachment C.

Industry Codes of Practice

Guidance material developed by an industry body, for a particular sector of the aviation industry to comply with the requirements of the International Civil Aviation Organisation's Standards and Recommended Practices, other aviation safety requirements and the best practices deemed appropriate.

Operational Personnel

Personnel involved in aviation activities who are in a position to report safety information. Such personnel include, but are not limited to: flight crews; air traffic controllers; aeronautical station operators; maintenance technicians; personnel of aircraft design and manufacturing organisations; cabin crews; flight dispatchers, apron personnel and ground handling personnel.

Safety Management System (SMS)

A systematic approach to managing safety, including the necessary organisational structures, accountabilities, policies and procedures.

Safety Performance Indicator

A data-based parameter used for monitoring and assessing safety performance.

Safety Performance Target

The planned or intended objective for safety performance indicator(s) over a given period.

Safety Performance

A State or a service provider's safety achievement as defined by its safety performance targets and safety performance indicators.

Safety Risk

The predicted probability and severity of the consequences or outcomes of a hazard.

Serious Injury

An injury which is sustained by a person in an accident and which:

- a** requires hospitalization for more than 48 hours, commencing within seven days from the date the injury was received; or
- b** results in a fracture of any bone (except simple fractures of fingers, toes or nose); or
- c** involves lacerations which cause severe haemorrhage, nerve, muscle or tendon damage; or
- d** involves injury to any internal organ; or
- e** involves second or third degree burns, or any burns affecting more than 5 per cent of the body surface; or
- f** involves verified exposure to infectious substances or injurious radiation.

State of Design

The State having jurisdiction over the organisation responsible for the type design.

State of Manufacture

The State having jurisdiction over the organisation responsible for the final assembly of the aircraft.

State of the Operator

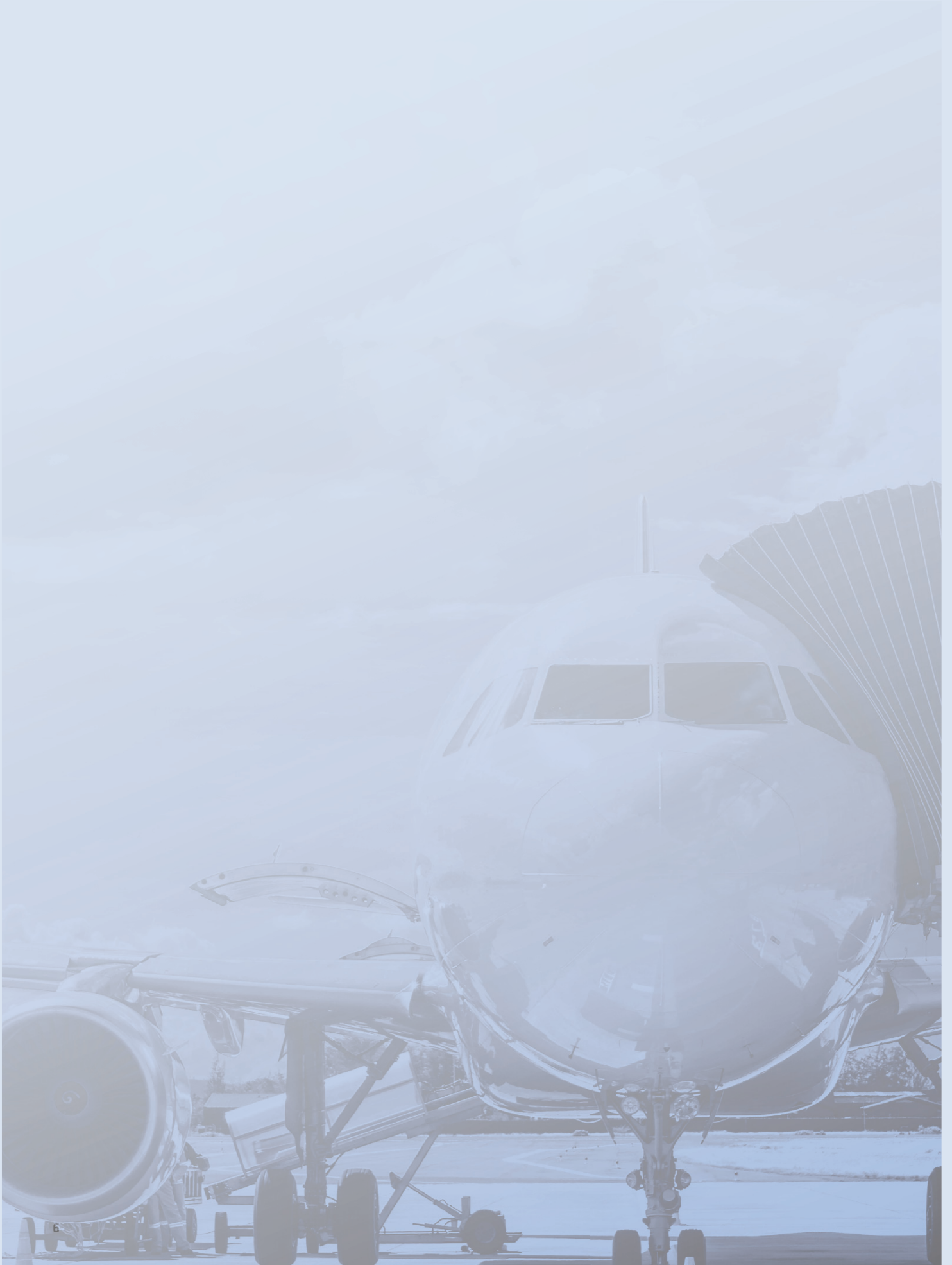
The State in which the operator's principal place of business is located or, if there is no such place of business, the operator's permanent residence.

State Safety Programme (SSP)

An integrated set of regulations and activities aimed at improving safety.

Safety

The state, in which risks associated with aviation activities, related to, or in direct support of the operation of aircraft, are reduced and controlled to an acceptable level.



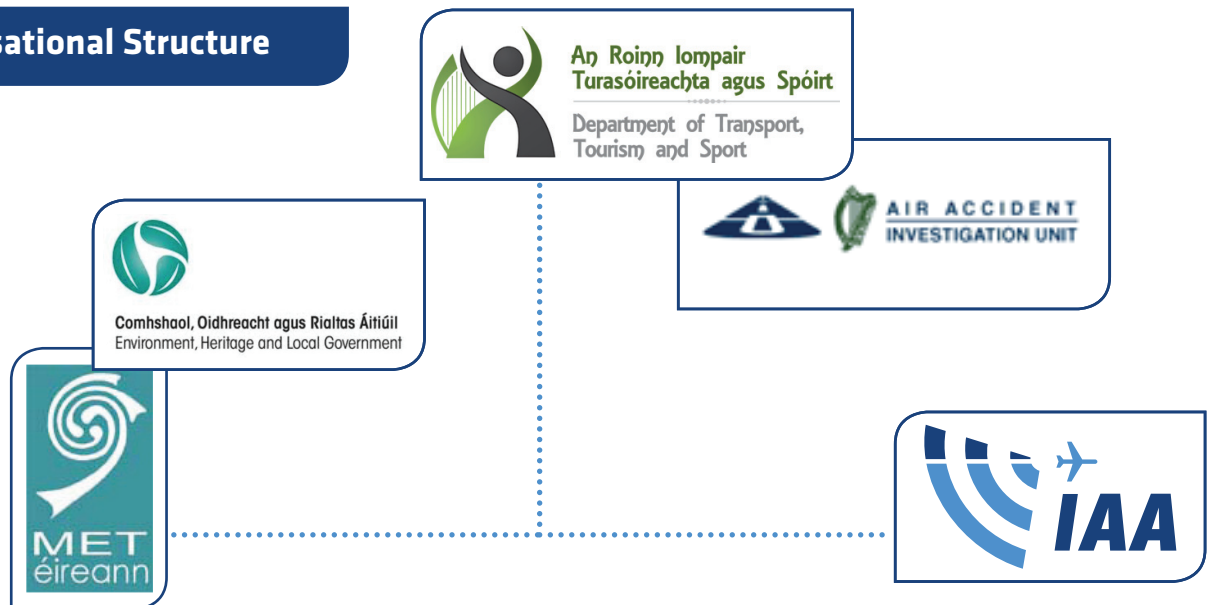
Chapter One

State Aviation Regulatory System

1.1 National Perspective

The following chart depicts the civil aviation regulatory system in Ireland.

Organisational Structure



The Department for Transport, Tourism and Sport is the formal interface with ICAO for Ireland. It is responsible for aviation policy and strategy in the state and has direct responsibility for ICAO Annexes 9, 12, and 17.

The Air Accident Investigation Unit is a subsection of the Department of Transport, Tourism and Sport, but is a functionally separate and independent organisation for the purposes of investigation of accidents and serious incidents. The AAIU is responsible for ICAO Annex 13.

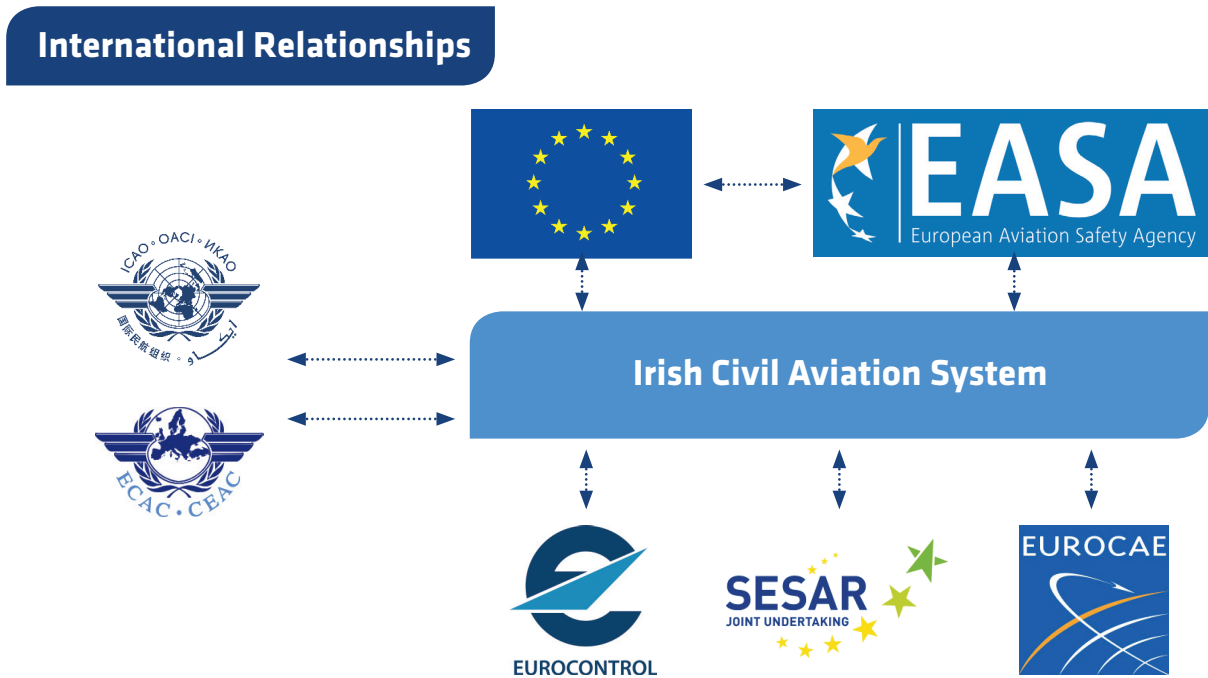
MET Éireann is a division of the Department of Environment, Heritage and Local Government and is

responsible for certain provisions of ICAO Annex 3. The Irish Aviation Authority is responsible for safety oversight of Annex 3 functions under European Union legislation.

The Irish Aviation Authority is a commercial semi-state body responsible for the management of Irish controlled airspace, the safety regulation of Irish civil aviation and the oversight of civil aviation security in Ireland. The IAA has been delegated responsibility for ICAO Annexes 1, 2, 4, 5, 6, 7, 8, 10, 11, 12 (specific oversight function only), 14, 15, 16, 18 and 19.

1.2 International Perspective

Ireland is a member of the European Union and is therefore subject to the regulations and directives of the EU. Ireland is also a member of EUROCONTROL and the European Civil Aviation Conference. The following graph illustrates the main international interfaces.



Ireland participates in multiple ways in these international organisations.

ICAO is a specialised agency of the United Nations and numbers 191 contracting states. Its governing body is the ICAO Council, with 36 seats. Ireland participates in this organisation as a member of the ABIS Group (which also includes Austria, Belgium, the Netherlands, Luxemburg, Switzerland and Portugal). On the basis of the rotation principle, every three years another ABIS state puts forward a candidate for election to the ICAO Council. The ABIS Group is also represented in the Air Navigation Commission, which is a technical advisory body.

ECAC is an independent regional organisation of ICAO. It currently has 44 member states, including Ireland. Today, ECAC is primarily a forum for debating the development of new concepts, mainly relating to security and the environment, which are adopted by the EU at a later date. It also fulfils a bridging function between EU member states and the countries of central and eastern Europe. Ireland participates in the activities of ECAC.

Eurocontrol is a service provider in the MUAC (Maastricht) that also provides a number of network management functions and sets ATM standards. Regulatory responsibilities pertaining to ATM/ANS have been included in the scope of Regulation (EC) No 216/2008 since 2009, and consequently these responsibilities are now transferred to the European Aviation Safety Agency (EASA) for EU Member States. Eurocontrol continues to provide assistance to EASA in this regard and in addition provides technical assistance to the European Commission in respect of the Single European Sky initiatives. It currently has 39 member states, including Ireland.

EASA is to an increasing extent defining and monitoring the European civil aviation regulations and standards on behalf of the EU. Irish aviation specialists have the opportunity to participate in workgroups in which the further development of regulations and standards is debated. Ireland participates at all levels in EASA, including Management Board, EASAC, EASP activities, technical advisory and implementation groups etc.

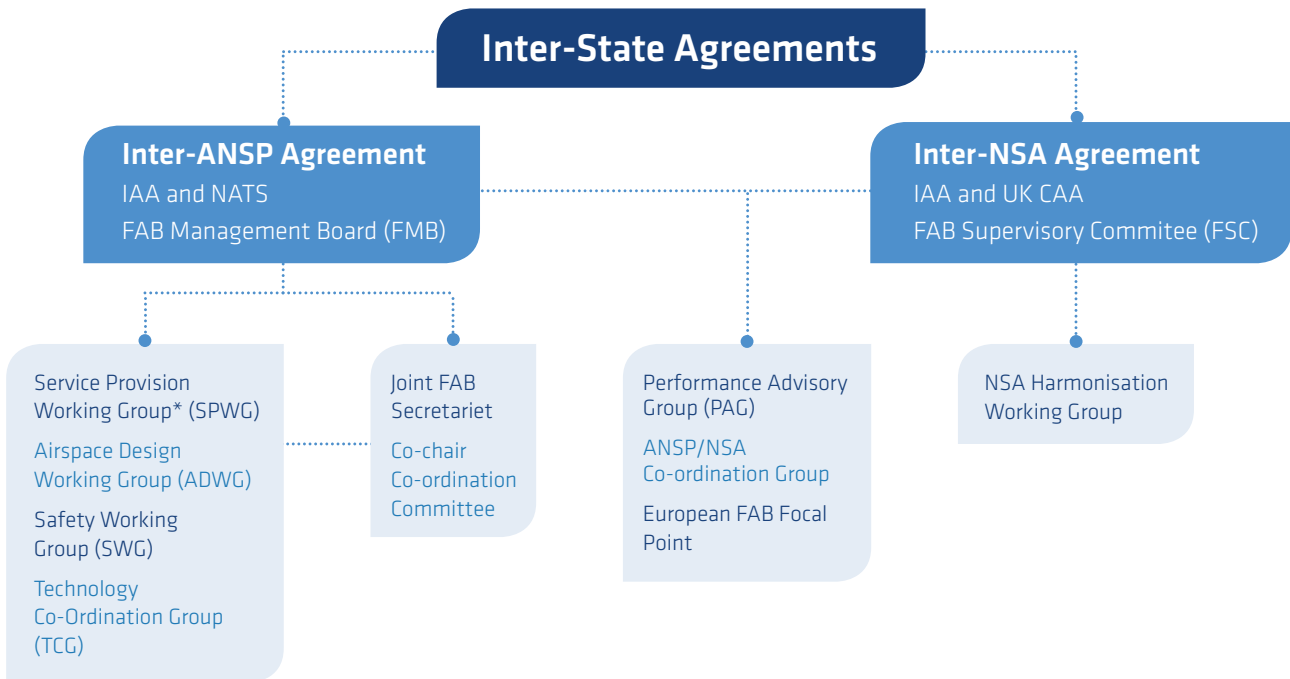
EUROCAE is a non-profit making organisation that provides aviation standardisation (Airborne and Ground Systems and Equipment) and related documents as required for use in the regulation of aviation equipment and systems. EUROCAE is an association composed of Equipment and Airframe Manufacturers, Regulators, European and International Civil Aviation Authorities, Air Navigation Service Provider (ANSP), Airlines, Airports and other users. The IAA is a member of EUROCAE.

1.3 Functional Airspace Block

The Governments of Ireland and the UK have been committed to ensuring delivery of the Single European Sky (SES) initiative and to support the Commission’s drive on Functional Airspace Block (FAB) development. Consequently, from the earliest opportunity, at the levels of Air Navigation Service Provider (ANSP), National Supervisory Authority (NSA) and State, Ireland and the UK actively pursued the development of a FAB.

The UK-Ireland FAB formally became operational on the 14th July 2008, following consultation by the Irish and UK Governments with the European Single Sky Committee in May of that year. The FAB has been operating successfully ever since and is helping to meet the objectives of the Single European Sky legislation.

The governance structure of the FAB is shown below:





Chapter Two

State Safety Policy and Objectives

2.1 State Safety Legislative Framework

2.1.1 Primary Legislation

Legal Framework

Ireland has a parliamentary democracy. National law is based on the Constitution, legislation and common law. The basic Law is 'Bunreacht na h-Eireann' the Constitution of Ireland (1937). Article 6 of the Constitution declares that all powers of government derive from the people. The Constitution defines the powers and functions of the President (head of State), both Houses of the Oireachtas (national parliament) and the Government. It also defines the structure and powers of the Courts.

No law can be passed which conflicts with the Constitution. Account has been taken of Ireland's membership of the European Union (EU) and article 29 (10) of the Constitution states that nothing in the Constitution invalidates laws necessitated by EU membership or prevents EU laws from applying in Ireland. The EU has produced a substantial body of aviation legislation. EU Regulations have direct effect in Ireland (though they may require local legislation to cover administrative issues and penalties). EU Directives must be transposed into Irish law.

Current National Aviation Law

Aviation law in Ireland is wide ranging. Reference is made here only to the main acts and instruments dealing with air safety regulation. The Air Navigation and Transport Act 1936 gave effect to the Paris, Warsaw and Rome Conventions. The Air Navigation and Transport Act 1946 enables effect to be given to the Convention on International Civil Aviation (the Chicago Convention). Section 9 of that Act empowers the Minister to make Orders to give effect to the Convention.

The Air Navigation and Transport Act 1950 Section 9 clarified the scope of the 1946 Act and confirmed that it included any Annexes or future amendments to the Annexes. Subsequent Air Navigation and Transport Acts between 1959 and 1988 gave effect, inter alia, to the Protocol to the Warsaw Convention, Guadalajara Convention, Hague Convention, Tokyo Convention and the Montreal Convention.

The Irish Aviation Authority Act 1993 provided for the establishment, funding and governance of the Irish Aviation Authority (IAA). It defined the functions of the IAA including, inter alia, to give effect to Annexes 1-2, 4-8, 10-11, 14-16 and 18 of the Chicago Convention. The act transferred to the IAA certain functions of the Minister under the Air Navigation and Transport Acts. Subsequently the IAA was assigned, by statutory instrument, Annex 19 and parts of Annex 12.

Air Accident Investigation:

Air Navigation (Notification and Investigation of Accidents, Serious Incidents and Incidents) Regulations, 2009 (S.I. No. 460/2009) establishes the independent Air Accident Investigation Unit of Ireland.

MET Services:

From 1936 until 2002, Meteorological services were a function carried out by the Department of Transport (then the Department of Industry and Commerce). When the Air Navigation and Transport Act was signed in 1950, the responsibility for Annex 3 remained with the Minister for Transport (then Industry and Commerce). In 2002, the function was transferred to the Department of the Environment, Heritage and Local Government by Meteorological Services, Radiological Protection and Nuclear Safety (Transfer of Departmental administration and Ministerial Functions) Order, 2002 (S.I. No. 303/2002). State oversight of the meteorological services for international air navigation provided by Met Eireann is conducted by the Irish Aviation Authority.

Search and Rescue:

Annex 12 (Standards and Recommended Practices Search and Rescue) (Designation of Authorities) Order, 1995 (S.I. No. 172/1995) designates the Minister (ie for Transport, Tourism and Sport) as the authority for Annex 12 except for Rescue Co-ordination Centres and Sub-Centres for which the Irish Aviation Authority is the designated authority.

The Irish Coast Guard (IRCG) and the Marine Emergency Advisory Group were established by Government Decision 21910 of 2 August 1990. They are internal functions of the Department of Transport, Tourism and Sport. The MEAG has since been renamed by Ministerial Decision as the Irish Aeronautical and Maritime Emergency Advisory Committee (IAMEAC) and had its terms of reference amended to reflect current IAMSAR Guidance on national SAR Committees. Both the IRCG and IAMEAC are internal functions of the Department of Transport, Tourism and Sport.

EU Law

The State has responsibility to give effect in Ireland to European Union (EU) legislation. The Minister for Transport, Tourism and Sport deals with aviation legislation and where appropriate assigns responsibilities to State bodies.

Regulation (EC) No. 216/2008 on common rules in the field of civil aviation and establishing the European Aviation Safety Agency applies directly in the State. The EC (European Aviation Safety Agency) Regulations 2003 to 2008 (SI 469 of 2003 and S.I. 95 of 2008) designate the Irish Aviation Authority as the competent authority in the State for the purposes of the European Aviation Safety Agency (EASA) requirements. In addition to European legislation connected with EASA, the EU has produced other aviation related legislation and the Minister of Transport, Tourism and Sport has, by Ministerial Regulations under the European Communities Acts 1972-2007, assigned responsibility to the Irish Aviation Authority for some of this legislation (e.g. Mandatory Occurrence Reporting). Responsibility for

Appropriate Authority functions relating to co-ordination and monitoring of the implementation of the National Civil Aviation Security Programme, in accordance with EU Regulation 300/2008, has been assigned to the Irish Aviation Authority under SI 226 of 2003 (amended by SI 116 of 2008 and SI 551 of 2012).

Regulation (EC) No 996/2010 on the investigation and prevention of accidents and incidents in civil aviation is directly applicable in the state.

An increasing number of Chicago Convention Annex provisions are now given effect in Ireland via European law.

2.1.2 Operating Regulations/ Requirements

Whereas the Minister for Transport, Tourism and Sport may make certain Orders to promulgate operating regulations, the primary legislation also empowers designated authorities to issue operating regulations. For example under Section 58 of the Irish Aviation Authority Act, 1993 the Irish Aviation Authority has powers to make orders to give effect to the ICAO annexes. These Operating Regulations are promulgated as Orders (eg using Statutory Instruments) or Directions (eg using Aeronautical Notices).

Operating regulations issued under EU regulations are directly applicable in the state, and operating regulations issued under EU directives must be given effect in Irish law by order of the Minister for Transport, Tourism and Sport.

2.1.3 Industry Guidance Material

The primary means of promulgating regulations and associated guidance material to industry in Ireland is electronic via the internet.

The main sources of this material are:

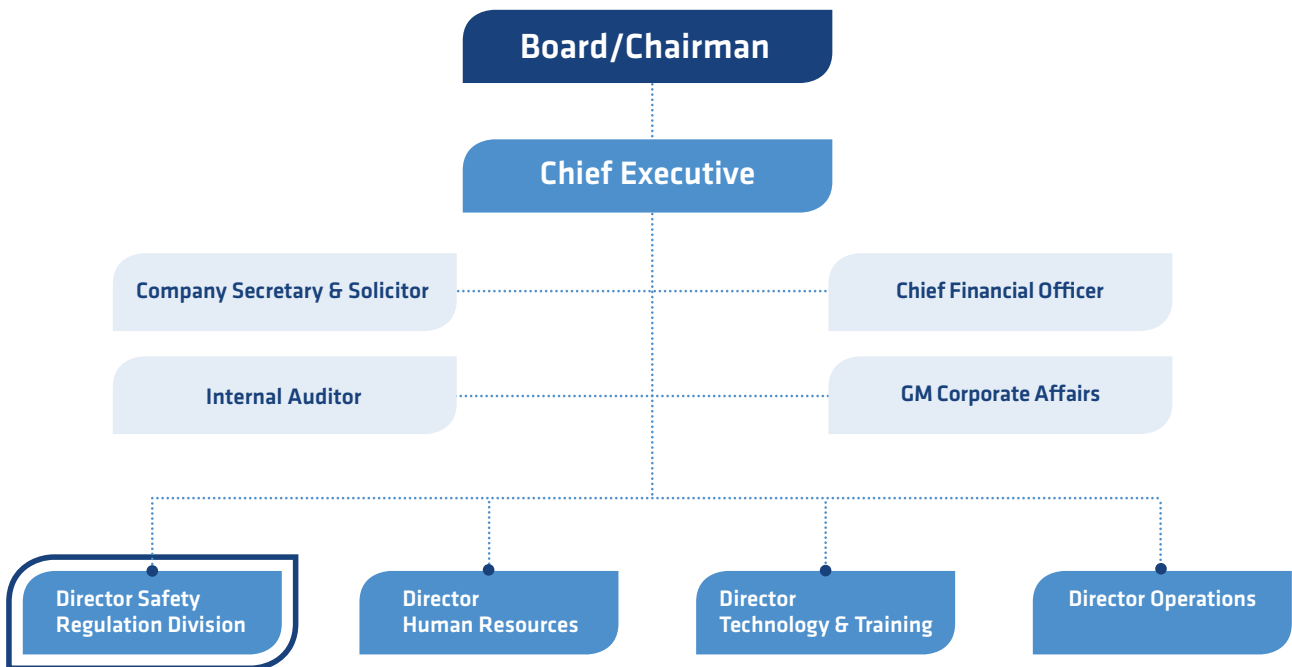
- | | |
|--|--|
| Ireland: | International: |
| www.irishstatutebook.ie | www.eur-lex.europa.eu |
| www.dttas.ie | www.easa.europa.eu |
| www.iaa.ie | www.eurocontrol.int |
| www.aaiu.ie | www.skybrary.aero |
| www.met.ie | www.icao.int |

In addition other communications means, such as seminars, workshops, presentations, or written material are used to address specific guidance relating to industry sectors/groups or regulated entities.

2.1.4 Civil Aviation Authority Framework and Accountabilities

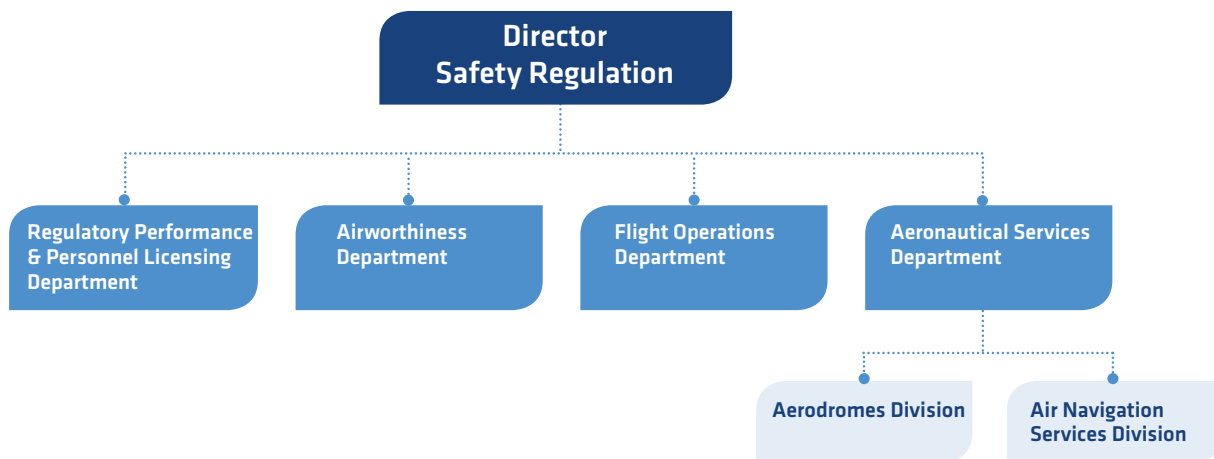
The Irish Aviation Authority is a commercial semi state body responsible for the management of Irish controlled airspace, the safety regulation of Irish civil aviation and the oversight of civil aviation security in Ireland.

The top level organisation chart for the IAA is shown below,



The safety regulation division of the Irish Aviation authority is responsible for the regulation and safety oversight of the civil aviation system.

IAA Safety Regulation Division



2.1.5 Framework/Regulations Review

The state develops, reviews, and promulgates a national safety legislative framework and specific regulations in compliance with international and EU/national standards. Changes required in legislation to ensure the effectiveness of the oversight system are determined through on-going reviews, including safety analysis.

On-going changes to ICAO standards and recommended practices and EU regulations are also reviewed and analysed for effect on the existing legislative framework, existing implementing procedures and guidance, as well as existing regulatory resources and training. The on-going status of Ireland’s compliance and differences with ICAO SARPS and related ICAO protocols is regularly updated on the ICAO Continuous Monitoring Approach Online Framework (<https://soa.icao.int/usoap/index.aspx>).

Regulations are readily available to all stakeholders through the internet.

All Irish legislation, primary and secondary, is available on the Irish Statute Book and is available free of charge via the internet on www.irishstatutebook.ie.

Legislation relating to implementation of the Chicago Convention in Ireland is available on the Department of Transport’s website (www.dttas.ie) and current legislation from the Irish Aviation Authority is available on the Irish Aviation Authority website (www.iaa.ie).

EU legislation is promulgated in the Official Journal of the European Union and is available on the EUR-LEX website <https://eur-lex.europa.eu> and specific EU legislation may also found on the EASA website www.easa.eu.int.

2.1.6 SSP Documentation and Records

All records necessary to document and support the SSP activities are maintained in accordance with the record management systems of the individual stakeholders, including the identification, legibility, storage, protection, archiving, retrieval, retention period and disposal of records.

2.2 State Safety Responsibilities and Accountabilities

2.2.1 SSP Development

The State Safety Programme is developed by the Safety Regulation Division within the IAA, and this is the SSP Placeholder Organisation (as described in ICAO Doc.9859, 3rd Edition).

The IAA ensures full co-ordination with all stakeholders in the development and maintenance of the programme. This includes the use of the formal SSP co-ordination platform as well as the use of shared procedures (eg the processing of ICAO State Letters) and, where required, the sharing of information between stakeholders in respect of proposed regulatory changes and co-ordinating a state response to such changes.

2.2.2 SSP Responsibilities and Resources

The Chief Executive of the IAA is the accountable manager and is responsible for the implementation, operation and supervision of the programme. The Chief Executive has authority on human resource issues and on major financial issues for the Safety Regulation Division and ensures all necessary resources are available.

The Director Safety Regulation Division ensures the daily operation of the programme and reports directly to the Chief Executive. The Chief Executive and Director SRD conduct regular co-ordination meetings with the Department of Transport, Tourism and Sport, and co-ordinate on an as required basis to address specific issues concerning the programme.

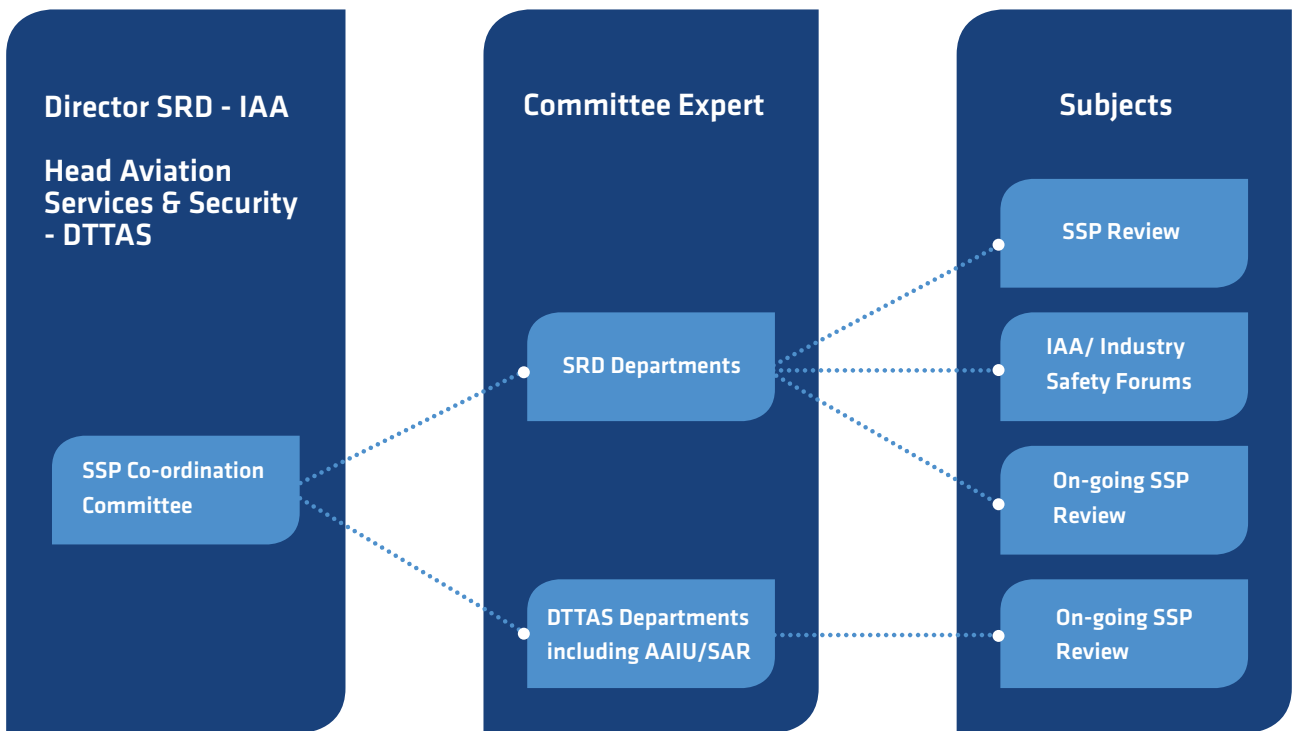
The Director SRD also has final authority over service providers' certificate management and final responsibility for the resolution of all IAA aviation safety issues.

The detailed tasks of implementing the State Safety Programme are assigned among the different management levels of the Safety Regulation Division (ref SRD Organisation chart in chapter 2.1.4) and are detailed in the overall division's policies and procedures handbooks. Detailed functions and responsibilities are fully documented in the IAA Policies and Procedures Management System.

Change control procedures ensure that these procedures and structures are maintained up to date in line with changes affecting the state safety programme.

2.2.3 National SSP Coordination Committee

The national SSP coordination committee consists of technical experts from the IAA and DTTAS, headed by Director SRD (IAA) and Head Aviation Services and Security Division (DTTAS). Terms of Reference for the conduct of the National SSP Co-ordination Committee are agreed. This committee meets on a quarterly basis where matters concerning the State Safety Programme and its implementation may be tabled for discussion. The relevant technical experts support the quarterly meeting as required based on the issues for discussion. In addition to the on-going review of the SSP, the National SSP Committee will review the State Safety Plan. Industry input on matters concerning the SSP is facilitated through the different sector specific IAA/Industry safety review forums (eg Functional Consultation Groups) as well as through normal safety oversight activities. The following chart provides an overview of the organisation of the SSP co-ordination committee and associated communication channels.



The implementation of the State Safety Programme is assigned to the different departments within the IAA Safety Regulation Division and DTTAS. Overall management of the State Safety Programme Implementation Plan is assigned to Assistant Director Regulatory Performance and Personnel Licencing in the IAA.

2.2.4 State Safety Policy

The State Safety Policy for Ireland is developed by the IAA in conjunction with the Department for Transport, Tourism and Sport. The national SSP Coordination committee is responsible for on-going monitoring of the state safety policy for Ireland to ensure that it remains relevant to the activities in the state and consistent with best international practice.

A statement of the State Safety Policy is included in Appendix 1 to this document. The State Safety Policy Statement for Ireland is signed by the Chief Executive and Director SRD of the Irish Aviation Authority.

2.2.5 State acceptable level of safety

Acceptable Levels of Safety Performance (ALoSP), as required by Annex 19, and in accordance with associated guidance in the ICAO Doc 9859 Safety Management Manual, are being established across all domains in the civil aviation system. ICAO Doc 9859 Section 4.3.5 states “ALoSP is the overarching concept while safety indicators with their corresponding alert and target levels (performance boundary settings) are the actual metrics of the ALoSP”.

The ALoSP has been established in Ireland for Air Navigation Service Providers and has been published as Aeronautical Notice S17 (see www.iaa.ie/s-series). The acceptable level of safety performance (ALoSP) for other domains is being researched and will be completed with due consideration of the work of the EASA Network of Analysts to ensure a common EU wide approach. Ireland is an active participant in the work of EASA Network of Analysts.

The IAA produces an Annual Safety Performance Review for Ireland as well as an annual update to the Irish State Safety Plan which ensures that key safety performance indicators are monitored and risk mitigation strategies are developed and implemented to address these key risks.

2.2.6 SSP Improvement/Review

Director SRD is responsible for on-going review of the effectiveness of the State Safety Programme and ensuring it's continuous improvement in order to meet the safety objectives of the state. The detailed activities of the State Safety Programme are subject to on-going review in the various functional departments responsible, and an annual top level review of the overall status of the state safety programme is conducted by the National SSP Co-ordination Committee.

A robust system of monitoring of the safety performance of all aspects of the civil aviation system is fundamental to this process.

Continuous improvement of the process depends on the identification of relevant safety performance indicators, the collection of data to monitor and analyse the actual performance against these indicators, the planning and executing of relevant actions to address safety concerns and adverse trends and the monitoring the effectiveness of these actions in improving safety.

The safety performance indicators are subject to on-going review to ensure their continued appropriateness across each domain and to ensure that any new or emerging risks are included in the review process.

In Ireland a common approach to measuring risk levels and safety performance is established at both the service provider and regulator levels based on four separate assessment areas

- **Risk assessments (Inherent risks)**
- **Compliance Performance**
- **Operational Performance (including safety and non-safety data)**
- **Effectiveness of safety management**

The specific actions to address the safety concerns are planned and executed by the responsible functional department. For example detailed analysis of the risk and safety performance assessments helps establish appropriate safety oversight cycles and identifies areas of greater risk to be targeted during safety oversight planning.

The overall review of the State Safety Programme will consider the following:

- **The aggregated results of risk and safety performance assessments**
- **Analysis of the states key safety performance indicators at the safety outcomes level, including accidents, serious incidents and incidents (as published in the Annual Safety Performance Review)**

In addition Ireland will take due consideration of recommended actions for Member States in the European Aviation Safety Programme and European Aviation Safety plan as published by EASA.

This SSP document will be amended as necessary to reflect any changes to the State Safety Programme that emerge as a result of this review process.

2.3 State Accident and Incident Investigation

The Irish State has established the Air Accident Investigation Unit (AAIU) as part of the Department of Transport, Tourism and Sport to implement an independent accident and serious incident investigation process, the sole objective of which is the prevention of accidents and serious incidents, and not the apportioning of blame or liability. The Air Accident and Investigation unit is completely independent of the IAA and any other aviation organisation in the state.

The AAIU conducts its investigations of aviation occurrences in accordance with Annex 13 to the International Civil Aviation Organisation Convention, REGULATION (EU) No 996/2010 OF THE EUROPEAN PARLIAMENT AND OF THE COUNCIL, and Statutory Instrument No. 460 of 2009.

The Air Accident Investigation Unit (AAIU) is responsible for the investigation of aircraft accidents and serious incidents that occur within Ireland. In addition the AAIU provides assistance to foreign safety investigation authorities who conduct investigations into occurrences of Irish registered and / or operated aircraft abroad. In some cases Foreign States may delegate investigations to the AAIU.

The Chief Inspector of Air Accidents reports directly to the Minister for Transport, Tourism & Sport.

The AAIU headquarters is located in the Department of Transport, Tourism and Sport, 2nd Floor, Leeson Lane, off Leeson Street, Dublin 2, Ireland.

Full details of the Air Accident Investigation Unit, including Final Investigation Reports may be found on www.aaiu.ie.

2.4 State Enforcement Policy

The aviation legal framework provides the necessary powers to the states agencies for enforcement of the regulations and the imposition of related fines and/or sanctions on offenders who breach these regulations.

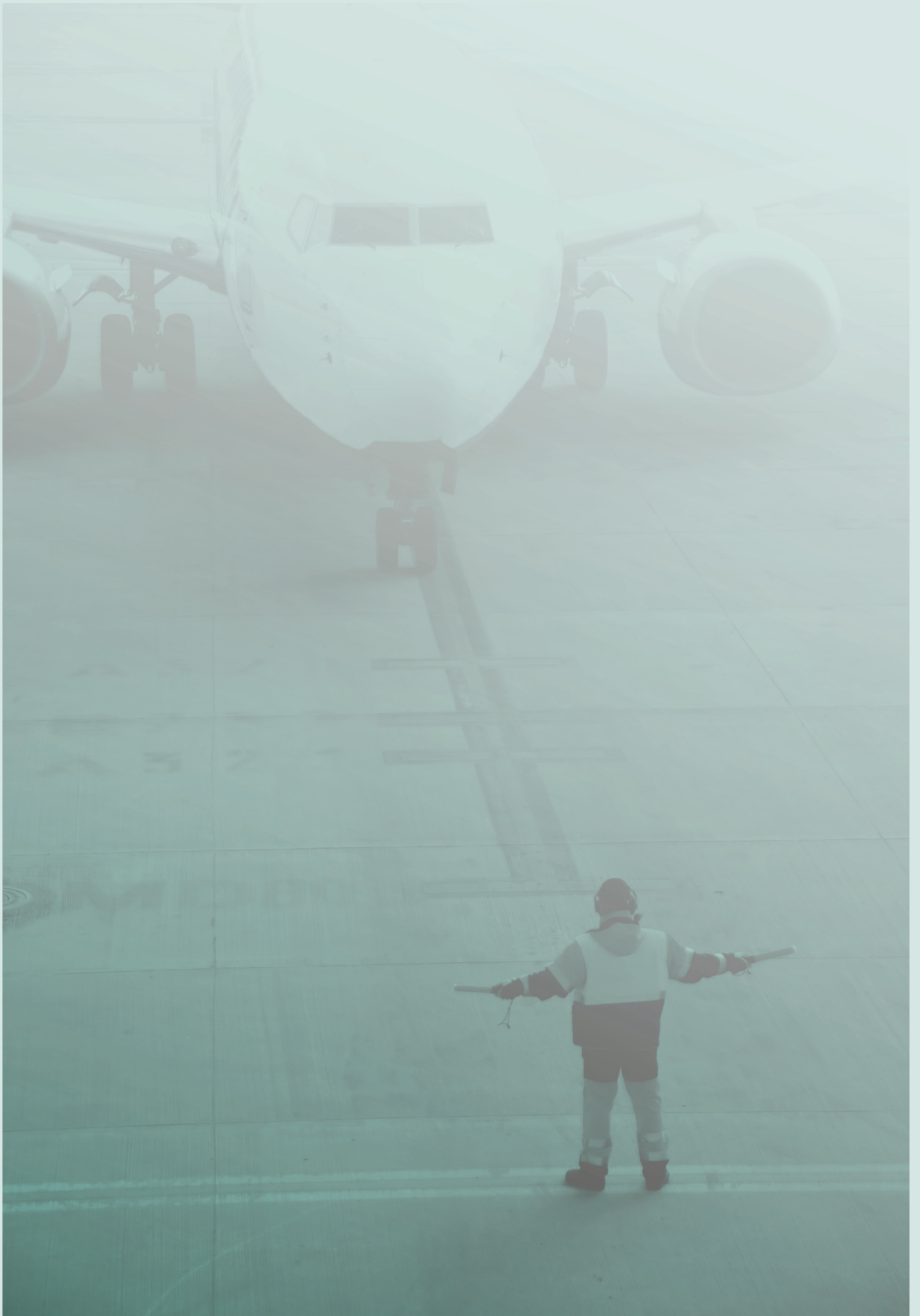
Breaches of aviation regulations may occur for many different reasons, from a genuine misunderstanding of the regulations, to blatant disregard for aviation safety. The range of enforcement actions available in the state include;

- discussion with the offender to outline the issues and to agree a resolution of the safety concern,
- written requirement to resolve the matter within a specified time period,
- variation, suspension and revocation of authorisations, certificates or licences,
- summary prosecution (criminal) through the District Circuit Court,
- instigation of indictment proceedings through the Office of the Director of Public Prosecutions (DPP).

The states enforcement policy is based on the concept of a just culture. Regulation (EU) No 376/2014 of the European Parliament and of the Council of 3 April 2014, defines a “just culture” as a culture in which front-line operators or other persons are not punished for actions, omissions or decisions taken by them that are commensurate with their experience and training, but in which gross negligence, wilful violations and destructive acts are not tolerated.

Recognising that the safety of aviation is improved through safety management mechanisms, such as Safety Management Systems, Mandatory Occurrence Reporting and Voluntary Occurrence Reporting, and in an effort to encourage a good reporting culture in Ireland, the enforcement policy reflects the need for organisations and persons involved in aviation activities to be confident that their reports will not be subject to inappropriate use, such as, the use of the information for disciplinary, civil, administrative and criminal proceedings against operational personnel, and/or disclosure of the information to the public. The enforcement policy includes the principles of exception such as cases of gross negligence, wilful violations and destructive acts . The policy outlines the obligations of the stakeholders, the enforcement actions to be used, the impartiality of enforcement actions, the proportionality of responses, natural justice and accountability.

See Appendix 2 – State Enforcement Policy Statement for further details.





Chapter Three

State Safety Risk Management

3.1 Safety Requirements For the Service Provider's SMS

For over ten years, the Irish Aviation Authority has been progressively introducing specific operating regulations for Safety Management Systems for Irish providers of aviation services including aircraft operators, maintenance organisations, ATM services, and Aerodromes. These requirements and associated implementing guidance are based primarily on the guidance contained in the ICAO Doc 9859 Safety Management Manual and include the requirements for identification of hazards and managing safety risks.

Some of these Irish national regulations are now superseded by European Union Regulations, and whereas the legislative structure is affected, the implementing guidelines are not significantly changed.

The following paragraphs detail the current safety requirements applicable for service providers SMS in the State.

3.1.1 Air Operator

COMMISSION REGULATION (EU) No 965/2012 of 5 October 2012, laying down technical requirements and administrative procedures related to air operations pursuant to Regulation (EC) No 216/2008 of the European Parliament and of the Council, Annex II Part-ARO and Annex III Part-ORO

3.1.2 Approved Maintenance Organisation SMS Requirements

IAA Aeronautical Notice A67 specifies SMS requirements for approved maintenance organisations.

This Aeronautical Notice will be superseded by EU regulations in this area when they become available through draft Opinion of EASA for a Commission Regulation amending Commission Regulation (EC) No 2042/2003 on the continuing airworthiness of aircraft and aeronautical products, parts and appliances, and on the approval of organisations and personnel involved in these tasks to include the embodiment of Safety Management System (SMS) requirements (EASA NPA 2013-01 (A)). This regulation will include SMS requirements for Commission Regulation (EC) 2042/2003 Annex Part M (Continued Airworthiness Management Organisations) and Annex Part -145 (Maintenance Organisations).

Future EASA rulemaking work will include SMS requirements for Part -66 (Aircraft Maintenance Licence holders) and Part -147 (Maintenance Training Organisations). EASA Notice of proposed rulemaking NPA 2013-19 refers.

3.1.3 POA/DOA SMS Requirements

The state currently does not specify SMS requirements for organisations responsible for type design and manufacturing of aircraft in the state. It is noted that currently there are no such organisations in Ireland. Ireland is working with EASA to develop the requirements in conjunction with the EASA rulemaking task RMT.0262. This task's objective is to embody into Commission Regulation No 748/2012 and its Annex (Part-21) organisation and authority requirements supported by related AMC/GM to foster implementation of SMS in the Design and Manufacturing industry. The implementing regulation is planned for delivery in 2017.

3.1.4 Aerodrome Operator SMS Requirements

COMMISSION REGULATION (EU) No 139/2014 of 12 February 2014 laying down requirements and administrative procedures related to aerodromes

3.1.5 ANS Operator SMS Requirements

COMMISSION IMPLEMENTING REGULATION (EU) No 1034/2011 of 17 October 2011 on safety oversight in air traffic management and air navigation services and amending Regulation (EU) No 691/2010

COMMISSION IMPLEMENTING REGULATION (EU) No 1035/2011, of 17 October 2011, laying down common requirements for the provision of air navigation services and amending Regulations (EC) No 482/2008 and (EU) No 691/2010

It is noted that both of these regulations are subject to an EASA Draft Opinion amending Commission Implementing Regulation (EU) No 1034/2011 and Commission Implementing Regulation (EU) No 1035/2011 (EASA NPA 2012-18 and 2013-08)

3.1.6 ATO SMS Requirements

COMMISSION REGULATION (EU) No 1178/2011 laying down technical requirements and administrative procedures related to civil aviation aircrew pursuant to Regulation (EC) No 216/2008 of the European Parliament and of the Council.

COMMISSION REGULATION (EU) No 290/2012 of 30 March 2012 amending Regulation (EU) No 1178/2011 laying down technical requirements and administrative procedures related to civil aviation aircrew pursuant to Regulation (EC) No 216/2008 of the European Parliament and of the Council, Annex VI PART-ARA and Annex VII PART-ORA

These regulations contain SMS requirements for ATO, FSTD Operators and Aeromedical Centres.

3.2 Agreement of Product or Service Provider's Safety Performance

As part of the SMS acceptance process, the service provider's proposed safety performance indicators (SPIs) and their associated targets and alert levels are reviewed and agreed upon by the Irish Aviation Authority. The proposed safety performance indicators must be compatible with any state level performance indicators applicable to that domain.

The IAA recognises that the implementation of safety management systems has attained a higher level of maturity in some areas above others, and as such the IAA can accept an SMS implementation plan allowing for acceptance of a service provider's SPIs at a later phase of their SMS implementation process. In any case full acceptance of an SMS requires that the IAA is satisfied that the proposed SPIs are appropriate and pertinent to the individual service provider's aviation activities.

3.3 Periodic Assessment of the Product or Service Provider's SMS

The IAA has also progressively introduced Safety Management Systems in its compliance oversight activities in the key operational areas, and these oversight responsibilities are also reflected in the Authority Requirements established in the related EU Implementing Rules. This oversight ensures that the SMS, and its associated safety performance indicators and targets, are subject to periodic review to ensure it is properly implemented, effective and continuously relevant to the activities of the service provider.





Chapter Four

State Safety Assurance

4.1 Safety Oversight

The safety oversight of the Irish Civil Aviation System is the responsibility of the Irish Aviation Authority. The safety oversight system consists of regulatory controls, including requirements, specific operating regulations and implementation policies, as well as obligations related to the initial approval and continued surveillance of aviation service providers. The control mechanisms include inspections, audits and surveys to ensure the effective implementation of the applicable requirements. Regulatory controls established under European Union Regulations are applicable in Ireland and the IAA is responsible for implementing the associated requirements for competent authorities.

The regulatory controls established for Ireland address requirements for Safety Management, including the identification of hazards and management of safety risks, and specifically addressing the implementation of Safety Management Systems by aviation service providers. The control mechanisms ensure the effective implementation of these safety management requirements and ensure that they have the intended effect on safety risks.

The safety oversight system in Ireland has been, and continues to be, subject to a range of oversight and standardisation audits by ICAO, the European Commission and EASA. Ireland fully supports these activities and strives to maintain a leading role in the effective implementation of the requirements for states in this regard.

4.1.1 Certification, Approval and Licensing System

The initial approval process by the state includes approval processes for organisations, licencing processes for pilots, air traffic controllers and maintenance personnel, and qualification processes for Flight Simulator Training Devices.

EASA is responsible for the certification of products and parts, albeit there are currently no manufacturers of type certified products or ETSO parts in Ireland.

Continued surveillance activities ensure that the organisations and persons authorised by the state continue to meet their obligations. Appropriate sanctions (eg revocation, suspension) are available, and used, in case of non-compliance in accordance with the IAA enforcement policy (Ref also Appendix 2).

The initial approval processes, which detail the technical and administrative requirements, are contained in documented procedures in the relevant departments of the IAA Safety Regulations Division. Guidance material for industry associated with these procedures is published on the IAA website www.iaa.ie. The IAA provides additional guidance by way of focused workshops or seminars as required (eg in case of significant changes to the system). The IAA procedures comply with the ICAO SARPS as well as the requirements for competent authorities contained in EU Regulations, where applicable.

The approval processes include specific procedures for the acceptance of service providers SMS pursuant to the relevant requirements outlined in Chapter 3.1 above. In recognition of the fact that all elements of an SMS may not be available upon initial application, the IAA may accept a phased approach to the full implementation of an SMS provided the applicant provides an acceptable SMS Implementation Plan.

4.1.2 Safety Oversight of Product and Service Providers

Continued surveillance of approved organisations is carried out through planned and unplanned audits and inspections designed to ensure that an adequate level of regulatory compliance is maintained by the service provider and that their respective aviation-related activities are performed safely. The IAA procedures include the evaluation of SMS performance.

The IAA has implemented a system to co-ordinate audit activities to facilitate the monitoring and analysis of the outcomes of continued surveillance activities and to contribute towards the implementation of risk and performance based oversight.

4.1.3 Internal Quality Assurance

Quality Management in accordance with ISO 9001:2008 requirements:

The IAA is an ISO 9001:2008 accredited organisation. In accordance with corporate procedures the Safety Regulation Division (SRD) is audited at regular intervals. The Corporate Quality Manager has responsibility for ensuring that the Authority's business management system is implemented, maintained and continually improved and ensures the audits of SRD are conducted as necessary, which includes audit of the documented procedures addressed in this SSP document. Findings during audit are documented and associated corrective actions and implementation plans are documented and agreed.

Internal Audit:

The IAA has an Internal Auditor who reports directly to the Authority's Audit Committee, a subgroup of the Board of the Company. The internal audits may cover any aspect of activity within SRD. Findings are recorded and sent to the relevant manager for remedial action to be taken.

4.1.4 External audit

4.1.4.1 External Standardisation Audits Conducted by EASA / European Commission.

The IAA implements various European regulations in the State. As part of the EASA remit defined in EU regulation 216/2008, EASA ensures standard implementation of the requirements across all EU member states. To implement this, EASA conducts standardisation audits of all member states in all areas included under the regulation. These audits are conducted at regular intervals and findings arising from the audit are documented and corrective action implemented.

The Irish Aviation Authority has been designated as the Appropriate Authority for the purposes of EU Regulation 300/2008 (Common Rules in the field of Civil Aviation Security). In accordance with Article 1 of EU Regulation 72/2010 inspections of the Appropriate Authority shall be undertaken by the European Commission in order to monitor the application of Regulation 300/2008 by Member States.

4.1.4.2 External Audit Conducted by (on behalf of) Department of Transport, Tourism and Sport.

In accordance with Section 32(3)(a) of the Irish Aviation Authority Act, 1993 SI no. 29 of 1993 the DTTAS periodically appoints a person to carry out an examination of the performance by the Irish Aviation Authority of its functions in so far as they relate to the application and enforcement of technical and safety standards in relation to aircraft and air navigation and to report in writing to the Minister the results of the examination. Findings during audit are documented and corrective actions implemented.

4.1.4.3 External Audit Conducted by ICAO

ICAO implements the Universal Safety Oversight Audit Programme (USAOP) of all signatory States to the Chicago Convention. The (USOAP) ran from 2005 – 2012 and is now replaced by a continuous monitoring process. Ireland completed the USOAP audit in 2010 and will participate fully in the continuous monitoring programme developed by ICAO.

ICAO also implements a Universal Security Audit Programme (USAP).

4.1.4.4 Results of SAFA Programme on IAA Regulated Commercial Air Transport Airlines.

The EU has established a safety assessment of foreign aircraft (SAFA) programme within the EU. Each EU Member State may inspect Irish registered aircraft entering their country. These inspections follow a procedure common to all Member States and are then reported on using a common format and database. If an inspection identifies significant irregularities, these will be taken up with the airline and the oversight authority. Where irregularities have an immediate impact on safety, inspectors can demand corrective action before they allow the aircraft to leave. The EU/EASA tracks each airline's performance and also each state's oversight performance based on the results of the inspections.

4.2 Safety Data Collection, Analysis and Exchange

4.2.1 Mandatory Occurrence Reporting System

Regulation (EU) No 376/2014 of the European Parliament and of the Council of 3 April 2014, on the reporting, analysis and follow-up of occurrences in civil aviation is directly applicable in Ireland. This regulation becomes applicable on 15th November 2015 and amends Regulation (EU) No 996/2010 of the European Parliament and of the Council and repeals Directive 2003/42/EC of the European Parliament and of the Council and Commission Regulations (EC) No 1321/2007 and (EC) No 1330/2007. Currently SI No 285 of 2007 "European Communities (Occurrence Reporting In Civil Aviation) Regulations 2007" gives effect in Ireland to the Directive 2003/42/EC of The European Parliament And Of The Council dated 13 June 2003 on Occurrence Reporting In Civil Aviation. Under this regulation the IAA is designated as the competent authority to put in place a mechanism to collect, evaluate, process and store relevant occurrences reported.

Mandatory Occurrence Reporting requirements are also contained in EU Implementing Regulations pursuant to Regulation (EC) no 216/2008 (EASA Basic Regulation) and the IAA is specified as the competent authority for management of the occurrence reporting system for a number of these EU implementing regulations.

The IAA has established the system for receipt of mandatory reports and has specified the format for these reports on <https://www.iaa.ie/mor>. The system also allows IAA inspectors to update the reports with the results of the investigation of the occurrence.

The system facilitates the analysis of the data and the production of aggregated reports for specific organisations, as well as for specific aviation sectors and at overall state level. The IAA engages with the specific organisations to share this aggregated data on an on-going basis and some of this aggregated analysis is published in the IAA Annual Safety Performance Report. In addition the IAA has implemented ECCAIRS information systems to allow extraction of information from the stored data, and to actively exchange safety information with the European Central Repository.

Occurrences defined as accidents or serious incidents in accordance with Annex 13, must be independently investigated by the Air Accident Investigation Unit (see www.aaui.ie). The AAUI is tasked with the production and publication of specific reports for these occurrences.

Occurrences may be reported by a person directly or reported through an organisation's safety or quality office in accordance with procedures detailed in the organisation's approved procedures manuals. S.I. 285 of 2007 provides protection to all employees from unfair treatment and prejudice for reporting an occurrence. Confidentiality of the reporter/reporting organisation of mandatory occurrence reports is assured by the IAA, in accordance with the provisions of SI No 285 of 2007.

Regulation (EU) No 376/2014 of the European Parliament and of the Council of 3 April 2014 also includes provisions for protection of reporters and confidentiality of reports.

4.2.2 Voluntary/Confidential Reporting System

Any person who performs functions in civil aviation operations, not governed by the Mandatory Occurrence Reporting requirements, is encouraged to voluntarily report to the IAA any occurrence they may witness as soon as is practicable after they occur, and to give further information about the relevant occurrence if requested.

Some employees may perceive that inadequate protection is offered in the case of mandatory occurrence reporting and may be unwilling to report an occurrence directly to their employer in certain situations. In this case a person may file a confidential report directly to the IAA using the voluntary occurrence reporting system.

The IAA website (<https://www.iaa.ie/voluntary-reporting>) contains the necessary details on how voluntary occurrence reports may be submitted to the IAA. This includes standard reporting forms and contact details.

The same protection and confidentiality provisions afforded to reporters under mandatory occurrence reporting schemes are afforded to reporters of voluntary occurrence report in accordance with the provisions of SI No 285 of 2007 and Regulation (EU) No 376/2014 of the European Parliament and of the Council of 3 April 2014.

4.3 Safety-Data-Driven Targeting of Oversight of Areas of Greater Concern or Need

The State Safety Programme (SSP) provides for comprehensive analysis of the State's aviation system. The Safety Risk Management component deals with the management of the safety risks within the State, from identification of the risks, identification of appropriate mitigation actions and review of the consequences of the mitigating action.

The IAA identifies hazards and assesses the safety risks of the consequences of hazards in all aspects of aviation activity in Ireland. Various risk assessment tools are used including risk classification schemes (eg ARMS), Bowtie Analyses and bespoke risk and performance based measurement tools with appropriate scoring systems.

Risks are identified from the analysis of occurrence reports, compliance oversight activities, SMS oversight activities and assessment of risk profile, safety performance and effectiveness of safety management of both service providers and safety regulator. The results of these analyses allow the State to react to an immediate safety concern, to effectively plan oversight programmes and to identify and target areas of greater safety concern. The highest priority items are reflected in the State Safety Plan for Ireland.

The implementation of the required data collection and analysis tools across all domains in Ireland is a work in progress; however, a fully integrated risk and performance based oversight system will be developed over the next few years.



Chapter Five

State Safety Promotion

5.1 Internal Training, Communication and Dissemination of Safety Information

5.1.1 Internal SSP, SMS and Safety Training

The IAA's training and staff development programmes are fully documented and controlled in the IAA policies and procedures management system. The IAA has Training Programmes defined for each specific role in the SRD department, and individual Annual Training Plans are agreed with each staff member.

External technical training courses are procured as required. Internal training on new/amended procedures or latest developments is provided by subject matter experts. In all cases a certificate of completion or record of attendance for individual training courses are provided to the attendee and record is filed in the persons training record repository. The IAA conducts annual training courses (week long) on SMS for both IAA staff and industry.

The policies and procedures management system has a continuous improvement feedback loop, ensuring the continuing effectiveness of all policies and procedures. All procedures in the IAA are subject to annual review to ensure they remain current. In addition, changes to regulations are reviewed as they are notified, for effects they may have on the existing procedures and guidance material, and for their effect on existing training programmes, training plans and specific training needs of IAA staff members.

In support of the SSP implementation, training will be provided for inspectors to improve competency in the evaluation of Safety Management Systems and the implementation of risk and performance based oversight.

5.1.2 Internal Communication and Dissemination of Safety Information

Safety information is promulgated to relevant staff members via weekly safety reports, specific safety analysis bulletins, dedicated safety workshops/ presentations, annual safety performance reports. In addition specific presentations are focused on the State safety Plan and the mitigating actions contained therein.

The IAA endeavours to provide cross -functional communication forums for personnel involved in SSP-related duties and SMS oversight activities, in so far as possible, in order to synergise the activities across the different departments within the SRD Division.

5.2 External Training, Communication and Dissemination of Safety Information

5.2.1 External SMS and SSP Training/ Education Facilitation

The IAA regularly organises training programmes and workshops on key specific topics to ensure effective communication and dissemination of safety information. These training programmes and workshops are typically aviation sector specific, and made available to the related approved organisations within that sector, and are advertised through the IAA website and/or by direct communication with relevant stakeholders.

The IAA conducts annual training courses (week long) on implementation of SMS for both IAA staff and industry. These joint regulator/industry training courses facilitate classroom discussion of both perspectives and can provide a greater understanding of the issues involved.

5.2.2 External Communication and Dissemination of Safety information

High level safety review meetings are conducted annually with the large approved organisations. Lower level safety review meetings are held with industry post holders (including group workshops and individual presentations). The IAA also conducts safety review meetings with other NAA's and EASA. The State Safety Programme document, the Annual Safety Performance Review and the State Safety Plan are published on the IAA website and promoted during industry meetings. The IAA's internet site is used to disseminate guidance and regulatory requirements to all stakeholders, both national and international. Safety information is also disseminated through the IAA library directly to applicable service providers and certificate holders.

The effectiveness of dissemination of safety data is assessed as part of the effectiveness of safety management review process and also through the auditing process of approved organisations and certificate holders.

Appendices



Appendix 1

State Safety Policy Statement

The Irish Aviation Authority promotes and regulates the safety of aviation in Ireland. The IAA is committed to developing and implementing effective strategies, regulatory frameworks and processes to ensure that aviation activities under our oversight achieve the highest practicable level of safety. The IAA will provide sufficient financial support and skilled staff necessary to undertake our safety oversight and safety management responsibilities.

Conscious of the ultra-safe nature of the International Aviation System and of the sustained efforts of all stakeholders to maintain this high level of safety, the IAA embraces the philosophy and policy of the International Civil Aviation Organisation, (ICAO) and the European Aviation Safety Agency, (EASA).

Reflecting these international standards and recommended practices the IAA will ensure the highest level of safety in the Irish aviation system. The IAA Safety Regulation Division (SRD) will aim to improve safety by adopting a data-driven and performance based approach to safety regulation and safety oversight activities, where appropriate, and, by identifying safety trends and adopting a risk-based approach to address areas of greater concern.



Eamon Brennan
Chief Executive IAA

IAA SRD will monitor and measure the safety performance of our aviation system continuously through the State's aggregate safety indicators as well as service providers' safety performance indicators and will collaborate and consult with the aviation industry to address safety matters and continuously enhance aviation safety.

IAA SRD will be innovative in embracing predictive strategies encouraging all stakeholders to understand the benefits of good safety practices and a positive organisation safety culture, based on sound safety management principles. IAA SRD will foster and assist stakeholders in developing comprehensive Safety Management Systems, and will encourage safety information collection, analysis and exchange, amongst all relevant industry organisations and service providers in an environment of a just culture.



Kevin Humphreys
Director SRD

Appendix 2

State Enforcement Policy Statement

Background

The Irish Aviation Authority enforcement policy is aimed at promoting compliance with aviation safety regulations and requirements through enforcement functions in an equitable manner. Specifically, the implementation of safety management systems (SMS) requires the IAA to have an equitable and discretionary enforcement approach in order to support the State Safety Programme SSP-SMS framework.

The IAA enforcement policy and procedures will also 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. The enforcement policy also seeks to encourage the reporting of safety events by persons or organisations, with the assurance that the information will be used for the purposes of improving safety.

Intentional contraventions of the regulations will be investigated and may be subject to conventional enforcement action where appropriate. There are clear provisions in the enforcement framework in order to distinguish between premeditated violations and unintentional errors or deviations.

Legal Obligations

The following is a summary of the main aviation legislation in Ireland which governs the enforcement policy of the IAA.

The Irish Aviation Authority Act 1993 provided for the establishment, funding and governance of the IAA. It defined the functions of the IAA including, inter alia, to give effect to Annexes 1-2, 4-8, 10-11, parts of 12, 14-16, 18 and 19 of the Chicago Convention. The act transferred to the IAA certain functions of the Minister under the Air Navigation and Transport Acts, including, the powers to make orders (ie secondary legislation).

The State has responsibility to give effect in Ireland to European Union legislation. The IAA has been designated as the Competent Authority in the State for the purposes of the European Aviation Safety Agency (EASA) requirements and National Supervisory Authority under European Single European Sky (SES) Framework Regulation.

In addition to European legislation connected with EASA or SES, the EU has produced other aviation related legislation and the Minister for Transport, Tourism and Sport has, by Ministerial Regulations under the European Communities Acts 1972-2007, assigned responsibility to the Irish Aviation Authority for some of this legislation (including Mandatory Occurrence Reporting).

An increasing number of Chicago Convention Annex provisions are now given effect in Ireland via European law.

This legislation places responsibility on the IAA to conduct the safety regulation of the civil aviation aspects contained therein, to oversee compliance with the related safety standards and to perform the relevant enforcement actions, including the application of the appropriate sanctions or penalties in case of violations of the regulations.

The oversight tools which the IAA uses include;

- compliance monitoring through oversight audits, testing, or inspection of the activity, and,
- collection, monitoring and analysis of safety information obtained through oversight of Safety Management Systems and mandatory and voluntary safety occurrence reports.

Enforcement Actions

Some of the enforcement and sanctioning powers, provided by the legal framework, are delegated to the IAA's Safety Regulation Division (SRD) which has the responsibility and authority to conduct investigations, depending on the nature and extent of such provisions in the legislation.

Breaches of aviation regulations may occur for many different reasons, from a genuine misunderstanding of the regulations, to blatant disregard for aviation safety. The IAA SRD has a range of enforcement actions it may use; these actions include non-punitive and punitive actions as follows:

- discussion with the certificate/licence holder to outline the issues and to agree a resolution of the safety concern;
- written requirement from the IAA SRD to the certificate/licence holder to resolve the matter within a specified time period;
- variation, suspension and revocation of authorisations, certificates or licences.
- summary prosecution (criminal) through the District Circuit Court
- instigation of indictment proceedings through the Office of the Director of Public Prosecutions (DPP).

The IAA policy is to address breaches of aviation regulations through the non-punitive actions in the first instance; however, it may not always be appropriate to apply this policy in each individual case. The conditions relating to the IAA decision making in respect of enforcement action are specified in the following Chapters

Enforcement and Safety Management

Specific regulations require persons or organisations to implement Safety Management mechanisms which includes; collecting and analysing safety data, assessing their own safety performance and providing notification of deviations from safety standards to their oversight authorities. The mechanisms available to enable these regulations include:

- Safety Management Systems (SMS) as required for certain commercial entities
- Mandatory reporting of certain occurrences where deviations from expected safety performance have been experienced
- Voluntary Reporting of other occurrences where deviations from expected safety performance have been experienced.

The confidentiality of information provided under mandatory or voluntary reporting mechanisms is assured under Irish Law (SI No 285 of 2007) and the IAA does not use or disclose this information for purposes other than safety improvement, unless compelled to do so under legal proceedings. Regulation (EU) No 376/2014 of the European Parliament and of the Council of 3 April 2014 becomes applicable on 15th November 2015 and this regulation also contains the necessary confidentiality protections.

The IAA is fully supportive of these Safety Management mechanisms and understands their importance in contributing to the overall safety of the civil aviation system. In the context of a Just Culture* environment it is not intended that the IAA enforcement policy should be seen to discourage persons or organisations from fully embracing these mechanisms for improving safety or from reporting deviations when they occur for fear of punitive enforcement actions by the IAA.

Consequently the IAA enforcement approach in respect of information obtained through Safety Management mechanisms is based on the following principles:

- a The IAA will not take punitive enforcement actions in a case where safety deviations are being resolved to the satisfaction of the IAA responsible inspector in the context of an approved Safety Management System.
- b Information derived from safety data collection and processing systems established under an approved SMS, and information reported to the IAA as a mandatory or voluntary report will not be used as the basis for punitive enforcement action against an individual or organisation.

These principles will not be applied if:

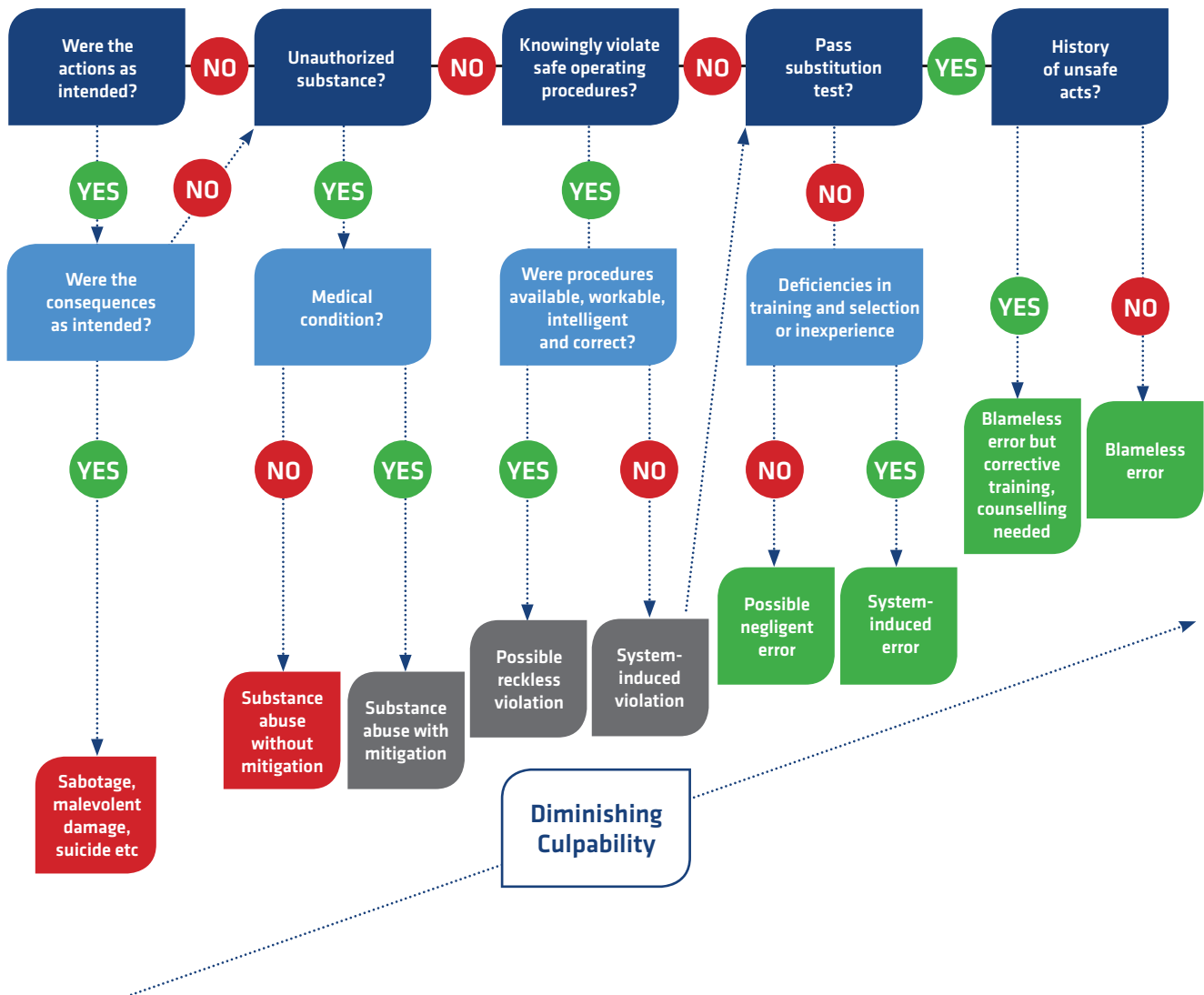
- i The IAA suspects that there is a deliberate effort to conceal non-compliance with safety regulations or standards, or,
- ii the IAA has found during oversight activities that an approved SMS no longer meets required standards, or,
- iii the certificate/licence holder/service provider is a recurrent violator.

A recurrent violator is a violator, who, in the past 24 months, has had the same or closely related violations and / or has failed to implement mitigating actions identified during previous investigations,
or,

- iv in case of dereliction of duty amounting to gross negligence**, wilful violations or destructive acts.

In these cases (I-IV above) the IAA will investigate the issues fully and pursue the available enforcement actions as deemed appropriate.

IAA enforcement decision making will be conducted within a framework of a Just Culture using mechanisms such as Reasons 'Managing the Risks of Organisational Accidents' - A decision tree for determining the culpability of unsafe acts' p209, 1997, Ashgate Publications, is shown below.



*Just Culture as defined in Regulation (EU) No 376/2014 of the European Parliament and of the Council of 3 April 2014, "means a culture in which front-line operators or other persons are not punished for actions, omissions or decisions taken by them that are commensurate with their experience and training, but in which gross negligence, wilful violations and destructive acts are not tolerated".

**The determination of "gross negligence" may ultimately be subject to legal interpretation in the Irish courts. For the purposes of this enforcement policy, the actions the IAA will consider in application of paragraph IV above will be consistent with those actions referred to in Article 16 paragraph 10(b) of Regulation (EU) No 376/2014 of the European Parliament and of the Council of 3 April 2014, namely "where there has been a manifest, severe and serious disregard of an obvious risk and profound failure of professional responsibility to take such care as is evidently required in the circumstances, causing foreseeable damage to a person or property, or which seriously compromises the level of aviation safety".

Impartiality of Enforcement Actions

Enforcement decisions will not be influenced by:

- personal conflict;
- personal gain;
- considerations such as gender, race, religion, political views or affiliation; or
- personal, political or financial power of those involved.

Proportionality of Responses

Enforcement decisions will be proportionate to the identified breaches and the safety risks they underline, based on the following principles:

- the IAA SRD will take firm enforcement action against those who consistently or deliberately contravene the safety rules and procedures, and
- the IAA SRD will provide a measured response to less serious contraventions of the safety rules and procedures and will seek to provide guidance and promote training or supervision of those who show commitment to resolving these issues, rather than taking punitive actions
- the IAA SRD will give due and equitable consideration to distinguish premeditated violations from unintentional errors or deviations.

Natural Justice and Accountability

Enforcement decisions will:

- be fair and follow due process,
- be transparent to those involved;
- take into account the circumstances of the case and the attitude/actions of the certificate/licence holder when considering action;
- take due consideration of precedent enforcement decisions for like/similar circumstances; and
- be subject to appropriate internal and external review in accordance with the relevant regulations.

Rights of Appeal

The IAA Enforcement Policy does not in any way affect the rights of any person or organisation to appeal decisions made by the IAA. The relevant appeals processes are specified in the regulations themselves in many instances. Any person or organisation that is subject to punitive enforcement action will be informed of their rights to appeal and of the relevant appeals process.

In addition complaints against the IAA may be made by any person or organisation using an on-line complaints form on www.iaa.ie.

Appendix 3

State Safety Programme (SSP) Implementation Plan

Ireland has implemented the main elements of the SSP in the state over the past few years, albeit with some identified deficiencies still a work in progress.

The management of the SSP Implementation Plan is the responsibility of Assistant Director Regulatory Performance and Personnel Licensing in the Safety Regulation Division of the Irish Aviation Authority. The plan consists of a Gap Analysis checklist for each separate domain (operations, airworthiness, ANS etc) and provides an indication of current status.

This SSP Implementation Plan is a living document that will continue to evolve as the SSP matures in the state. Items identified as fully implemented may also be subject to on-going updates and amendments as the plan develops. Detailed action plans and associated target dates are developed to address the gaps identified in the GAP Analysis to support the activities identified in the Plan.

The IAA promulgates a summary of the progress of the SSP implementation plan on the ICAO SSP GAP Analysis tool on the ICAO SPACE (iSTARS 2) portal. The associated link (password protected) is <https://portal.icao.int/space/Pages/default.aspx>.

