	<p style="text-align: center;">Aeronautical Services</p> <p style="text-align: center;">Advisory Memorandum</p> <p style="text-align: center;">(ASAM)</p> <p style="text-align: center;">Focal Point: GEN</p>	<p style="text-align: center;">ASAM</p> <p style="text-align: center;">No: 004</p> <p style="text-align: center;">Issue 5</p> <p style="text-align: center;">Date 30.01.19</p>
<p>Title</p>	<p style="text-align: center;">Guidance on the NSA/CA Audit Finding Corrective Action Process</p>	

1. Introduction

The objective of this document is to provide guidance to audited organisations on the corrective action process to be followed in response to NSA/CA audit findings.

2. Scope

This guidance is applicable to the corrective action process used for audits conducted by the IAA Safety Regulation Division in its role as National Supervisory Authority (NSA) and Competent Authority for Ireland under the Single European Sky Legislation and under Regulation (EU) 2018/1139 and its implementing rules respectively.

3. Corrective Action Definition

EU Regulation 1034/2011 defines corrective action as “an action to eliminate the cause of a detected non-conformity”.

The focus on the cause of the non-conformity is also highlighted in the following extract from the Eurocontrol Guidance Document EAM1 / GUI 3:

“The term “Corrective Action” has a specific meaning that relates to the action taken to eliminate the cause of a problem or system weakness. It is not the term that should be used to refer to the action taken to eliminate the symptom.”

4. Corrective Action Requirements: Legislation

Commission Regulation (EU) No 1034/2011 and Commission Regulation (EU) 2015/340 identifies several legal requirements with respect to corrective actions.

5. Corrective Action Process

The objective of the corrective action process is to identify and eliminate the “root cause” of the problem. Figure 1 identifies the recommended corrective action process to be adopted in response to NSA/CA audit findings.

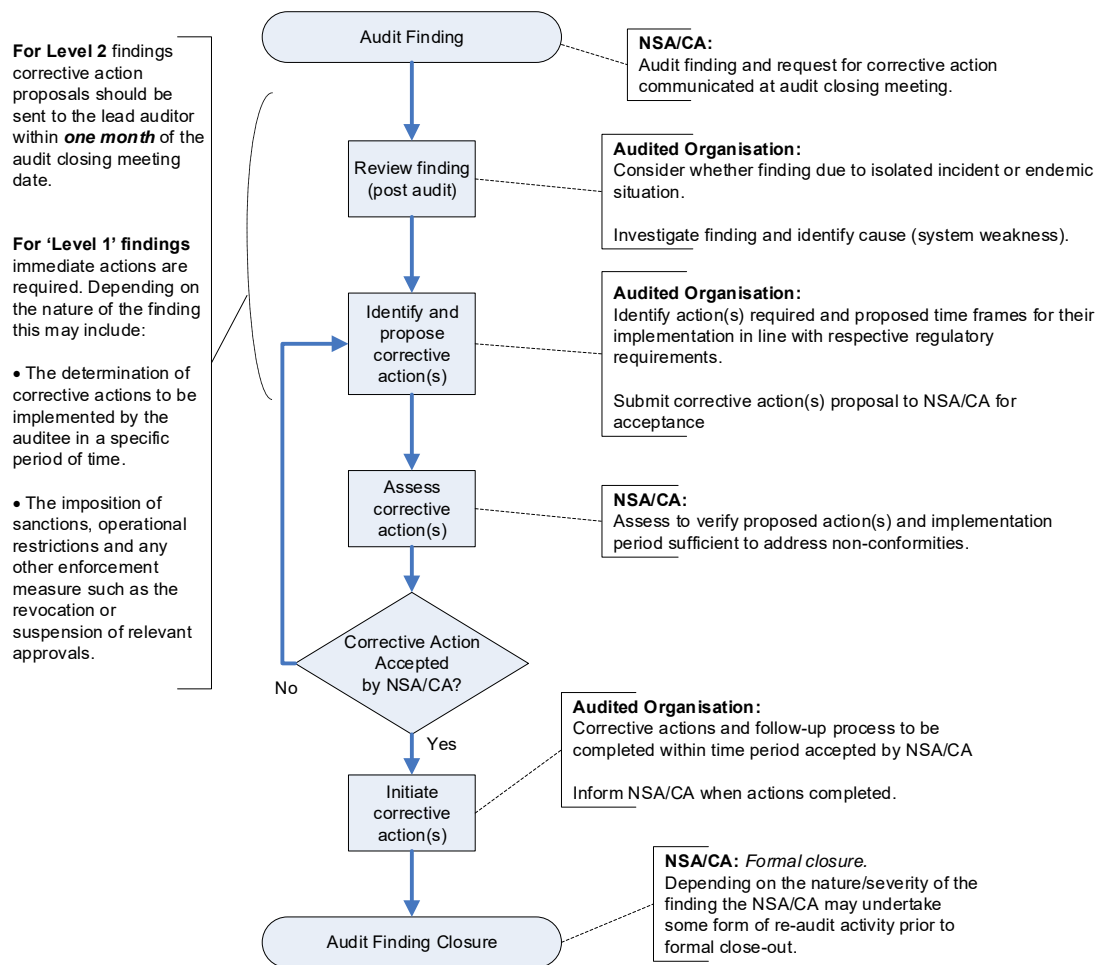


Figure 1: Corrective Action Process¹

6. References

1. 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
2. Eurocontrol, (2005), "EAM 1 / GUI 3 Guidelines for Safety Regulatory Auditing"
3. Commission Regulation (EU) 2015/340 ATCO Licensing and Training Organisations

7. Further Information

Requests for further information on the contents of this notice should be addressed to ansdinfo@iaa.ie

¹ Annex A defines the audit finding classification scheme employed by the Irish NSA.

Annex A: Audit Findings Classification Scheme:

ANSPs (Reg (EU) 1034/2011)

A level 1 finding shall be issued by the competent authority when any serious non-compliance is detected with the applicable requirements of Regulation (EU) 2018/1139 and its implementing rules as well as Regulations (EC) No 549/2004, (EC) No 550/2004, (EC) No 551/2004, and (EC) No 552/2004 and their implementing rules, with the service provider's procedures and manuals, with the terms of conditions of certificate or certificate, with the designation act, if applicable, or with the content of a declaration which poses a significant risk to flight safety or otherwise calls into question the service provider's capability to continue operations.

Level 1 findings shall include but not be limited to:

1. promulgating operational procedures and/or providing a service in a way which introduces a significant risk to flight safety;
2. obtaining or maintaining the validity of the service provider's certificate by falsification of submitted documentary evidence;
3. evidence of malpractice or fraudulent use of the service provider's certificate;
4. the lack of an accountable manager.

A level 2 finding shall be issued by the competent authority when any other non-compliance is detected with the applicable requirements of Regulation (EU) 2018/1139 and its implementing rules as well as Regulations (EC) No 549/2004, (EC) No 550/2004, (EC) No 551/2004, and (EC) No 552/2004 and their implementing rules, with the service provider's procedures and manuals or with the terms of conditions or certificate, or with the content of a declaration.

For those cases not requiring level 1 and 2 findings, the competent authority may issue observations.

Annex B: Audit Findings Classification Scheme:

Training Organisations (Reg (EU) 2015/340)

When a finding is detected during oversight or by any other means, the ASD shall, without prejudice to any additional action required by Regulation (EC) 2018/1139 and Regulation (EU) 2015/340, communicate the finding to the training organisation in writing and request corrective action to address the non-compliance(s) identified.

1. In the case of level 1 findings the ASD shall take immediate and appropriate action to prohibit or limit activities, and if appropriate, it shall take action to revoke the certificate or to limit or suspend it in whole or in part, depending upon the extent of the finding, until successful corrective action has been taken by the training organisation.
2. In the case of level 2 findings the ASD shall:
 - (i) grant the training organisation a corrective action implementation period included in an action plan appropriate to the nature of the finding; and
 - (ii) assess the corrective action and implementation plan proposed by the training organisation and, if the assessment concludes that they are sufficient to address the non-compliance(s), accept these.
3. Where a training organisation fails to submit an acceptable corrective action plan, or to perform the corrective action within the time period accepted or extended by the competent authority, the finding shall be raised to a level 1 finding, and action shall be taken as laid down in point 1.

The ASD shall record all findings it has raised and, where applicable, the enforcement measures it has applied, as well as all corrective actions and the date of action closure for findings.

The corrective action implementation period included in an action plan granted by ASD initially should not exceed three months. At the end of this period, and subject to the nature of the finding, the ASD may extend the three-month period subject to a satisfactory corrective action plan agreed to by ASD.

For those cases not requiring level 1 and 2 findings, the competent authority may issue observations.