



STATE SAFETY PROGRAMME
FOR CIVIL AVIATION
IN GIBRALTAR

**GOVERNMENT OF GIBRALTAR
MINISTRY OF ENTERPRISE,
DEVELOPMENT, TECHNOLOGY & TRANSPORT
DIRECTORATE OF CIVIL AVIATION
SUITE 771, EUROPORT, GIBRALTAR**

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Amendment Record

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1	Initial Issue	31 May 2011

Definitions

Within this document the following definitions will be used:

The Civil Airport	The Civil Airport is the aggregate of the land, buildings and works comprising the civil air terminal and associated aprons under the management and control of the Government.
Gibraltar Airport	Gibraltar Airport is the aggregate of the land, buildings and works comprising the Civil Airport and RAF Gibraltar.
Gibraltar Airspace	The territorial airspace of Gibraltar consists of the airspace above the land mass of Gibraltar and the Gibraltar territorial waters.
RAF Gibraltar	RAF Gibraltar is the aggregate of the land, buildings and works at the Gibraltar Airport, with the exclusion of those parts that comprise the Civil Airport, and which are managed and operated by the Royal Air Force on behalf of the MoD.

Glossary

AAIB	UK DfT Air Accidents Investigation Branch
AIP	Aeronautical Information publication
ALoS	Acceptable Level of Safety
ANSP	Air Navigation Service provider
CAA	UK Civil Aviation Authority
CAP	CAA Civil Aviation Publication
CFIT	Controlled Flight into Terrain
CSP	EASA Community Safety Programme
DCA	Directorate of Civil Aviation
DfT	UK Department for Transport
EASA	European Aviation Safety Agency
EC	European Commission
ECCAIRS	European Co-ordination Centre for Accident and Incident Reporting Systems
EU	European Union

Eurocontrol	European Organisation for the Safety of Air Navigation
GAR	Gibraltar Aviation Requirement
ICAO	International Civil Aviation Organisation
IBIS	ICAO Birdstrike Information System
JSP	Joint Service Publication
MARDS	Military Aviation Regulatory Document Set
MoD	UK Ministry of Defence
MOR	Mandatory Occurrence Report
MORS	Mandatory Occurrence Reporting Scheme
MoU	Memorandum of Understanding
NATS	National Air Traffic Services
RAF	UK Royal Air Force
SAFA	Safety Assessment of Foreign Aircraft
SARPs	ICAO Standards, Recommended Practices and Provisions
SES	Single European Sky
SMS	Safety Management System
SSP	State Safety Programme
USOAP	ICAO Universal Safety Oversight Audit Programme
UK	United Kingdom

Introduction

1. A State Safety Programme (SSP) is defined as an integrated set of regulations and activities aimed at improving safety. It includes specific safety activities that must be performed by the State, and regulations and directives promulgated by the State to support fulfilment of its responsibilities concerning safe and efficient delivery of aviation activities in the State.
2. The International Civil Aviation Organisation (ICAO) requirement for an SSP recognizes that States as well as service providers have safety responsibilities. The SSP provides a framework within which service providers are required to establish a Safety Management System (SMS) and allows States to set acceptable levels of safety which the service provider's SMS aims to achieve or exceed.
3. The notion of an "acceptable level of safety" (ALoS) has been introduced by ICAO safety management standards as the way of expressing the minimum degree of safety that has been established by the State. The concept of establishing an ALoS attempts to complement the traditional approach to safety management, which is based on regulatory compliance and reactions to safety events, with a performance based proactive approach.
4. This Gibraltar SSP has been developed using the ICAO SSP framework and guidance material. As much as possible, the headings proposed by ICAO in its framework document have been adopted in this document.

Scope of Aviation Activity

5. ICAO has noted that the implementation of an SSP must be commensurate with the size and complexity of the State's aviation system. For this reason it is important to detail the scope of aviation activity in Gibraltar to which this SSP refers.
6. Gibraltar does not have an aircraft register and does not license aircraft operations. There is one aerodrome in Gibraltar, Gibraltar Airport, which is divided into two parts; the Civil Airport, which consists of the air terminal and associated civil aviation aircraft stands, and RAF Gibraltar, which is operated by the United Kingdom Ministry of Defence (MoD). The terms Gibraltar Airport, Civil Airport and RAF Gibraltar are defined on Page 3 of this document.
7. The Air Navigation Services are provided by a civilian company under contract to the MoD. The Air Navigation Service Provider (ANSP) is required under Single European Sky and other EC Regulations to operate an accepted SMS. The individual civil air traffic controllers are licensed by the Directorate of Civil Aviation in order that they can provide Air Navigation Services to civil aircraft. However, European Regulations do allow for ANSPs with an SMS accepted in one Member State to have that acceptance recognised, without the need to repeat the acceptance process, in another Member State. The same recognition rights exist for Air traffic Controller licences.
8. The MoD also provides the fire and rescue services, the meteorological services and provides and maintains the air navigation equipment used by the ANSP. RAF Gibraltar is designated as a UK Government Aerodrome and is not required to be certified in accordance with Annex 14 as, in common with all other UK Government Aerodromes, the UK has filed a difference with ICAO to this effect. The MoD operates a military SMS to assure themselves of the safety of their operations.
9. Apron services for civilian aircraft, which are normally provided within the strict geographical limits of the Civil Airport aircraft stands adjacent to the air terminal, are provided by a company under contract to the Government of Gibraltar. The Apron Service provider is not required by National or European regulations to be licensed and does not require to operate an SMS.
10. The aerodrome receives scheduled civil air services from the United Kingdom, all of which are operated by Companies that have mature SMS. The aerodrome is also used by business aircraft and general aviation aircraft, mostly from Europe, on an ad-hoc basis. It is hoped that further routes from the airport into Europe and possibly North Africa, will be developed in the future; any airlines bidding to operate such routes will be required to operate a certified SMS or equivalent process in order to be granted a permit to operate.

Safety Policy and Objectives

11. **Gibraltar Safety Legislative Framework.** The United Kingdom is a signatory to the Convention on International Civil Aviation (the Chicago Convention) and therefore agrees to comply with the Standards and Recommended Practices (SARPs) published by ICAO in the Annexes to the Convention. By signing the Convention, a State agrees that adopted standards will be implemented in all its territories and dependencies, or if this is impractical any difference will be notified to ICAO for publication to the civil aviation community at large.
12. As such the United Kingdom's signature to the Convention includes its Crown Dependencies and Overseas Territories. Therefore while Gibraltar is not a Contracting State to ICAO, the United Kingdom's ratification of the Chicago Convention requires that Gibraltar complies with the ICAO SARPs.
13. The introduction of the new Gibraltar Constitution on the 1st September 2007, removed the term "defined domestic matters" from the Constitution and as a result the Government of Gibraltar acquired competence over civil aviation. As a consequence, the Government of Gibraltar and the Government of the United Kingdom engaged in discussions in order to reach agreement on a new regulatory and legislative framework for civil aviation in Gibraltar. This Agreement sought to take account of both the new constitutional relationship and to replace outdated United Kingdom legislation applicable to its Overseas Territories.
14. The result was acceptance that Gibraltar should legislate for itself in the area of civil aviation and should have its own competent authorities. This would be without prejudice to the fact that the Gibraltar Airport would remain a British military aerodrome and that nothing in the new legislation would:
 - a. affect the application to RAF Gibraltar of applicable military rules or;
 - b. prejudice or displace the powers and rights of the MoD as owner and operator of RAF Gibraltar or;
 - c. derogate from the responsibility of the Governor under the Constitution for defence, internal security or any other matter for which the Governor may have responsibility under the Constitution.
15. In addition, it was also agreed which areas of Gibraltar Airport would fall under the management, control and regulation of the Government and which parts would continue to be subject to military regulations.
16. The Civil Aviation Act 2009, which was passed by the Gibraltar Parliament and came into effect on 29 January 2009, makes provision for the regulation of civil aviation (save for aviation security) in Gibraltar; and in particular to provide for the management and control of the commercial and civil use of the airport and of the air terminal and aircraft using its facilities. The Act also allows for the publishing of supporting Regulations to allow for the enforcement and implementation of the Act. As such on the same day the Act became effective, the following secondary legislation was introduced:
 - a. The Civil Aviation (Air Navigation) Regulations 2009;
 - b. The Civil Aviation (Rules of the Air) Regulations 2009;

- c. The Civil Aviation (Investigation of Air Accidents and Incidents) Regulations 2009;
 - d. The Civil Aviation (Dangerous Goods) Regulations 2009;
17. **Responsibilities of the Minister.** The Civil Aviation Act details the Minister with responsibility for Transport (the Minister) as the person charged with the general duty of organising, carrying out and encouraging measures for the development and safety of civil aviation in Gibraltar. The Civil Aviation Act also allows for the Minister to publish supporting Regulations to allow for the enforcement and implementation of the Act. The Minister is accountable to Parliament for the activities performed by the Directorate of Civil Aviation.
18. **Responsibilities of the Directorate of Civil Aviation.** The Civil Aviation Act also empowers the Minister to establish the Directorate of Civil Aviation (DCA); the DCA is responsible to the Minister for the discharge of its duties and functions. The Minister has detailed the functions of the DCA in the Director of Civil Aviation (Chicago Convention) Directions 2009 and the Director of Civil Aviation (Air Navigation) Directions 2009, both of which documents are published on the Gibraltar Civil Aviation webpage.
19. The Directorate of Civil Aviation is responsible for the safety regulation of the civil aviation industry in Gibraltar. In particular, it ensures that all civil aviation operating within Gibraltar airspace and at Gibraltar Airport does so safely and in compliance with:
- a. the Chicago Convention, except where a difference has been filed;
 - b. European Union obligations in respect to civil aviation, except where a specific Gibraltar exclusion clause exists;
 - c. other international agreements and international obligations in respect to civil aviation which apply to Gibraltar.
20. The Civil Aviation (Air Navigation) Regulations 2009 give the DCA a number of functions relating to the issue of licences, certificates and approvals. The DCA has adopted the United Kingdom Civil Aviation Publications (CAPs), which have been developed by the United Kingdom Civil Aviation Authority, as the standards that applicants are expected to meet in such instances. The list of CAPs adopted by the DCA is listed at Appendix 1.
21. **SSP Responsibilities and Accountabilities.** Responsibility for the production of the Gibraltar SSP rests with the DCA. In addition, the DCA is accountable for the development and continuous improvement of the SSP process in Gibraltar. The role and responsibilities of the European Commission and the European Aviation Safety Agency (EASA) for safety oversight are expanding. It is expected that EASA will publish a Community Safety Programme (CSP) to cover all areas of European Commission competence and this will become an integral part of the Gibraltar SSP. When the CSP is published, the DCA will amend the Gibraltar SSP as required.
22. **RAF Gibraltar.** RAF Gibraltar is operated by the MoD, but is offered for civilian use. In common with other United Kingdom military aerodromes, RAF Gibraltar is operated and regulated by power vested in the United Kingdom Secretary of State for Defence. The requirements for the regulation of which are set out in the Military

Aviation Regulatory Document Set¹, which are not, in full, compliant with the equivalent ICAO provisions and are not required to be so.

23. **Gibraltar and the United Kingdom.** A Memorandum of Understanding (MoU) with regard to Aviation Safety has been signed by the Governments of Gibraltar and the United Kingdom which sets out the obligations of both parties. This includes the requirement for the Government of Gibraltar to assist, where possible, the United Kingdom in meeting its Chicago Convention requirements.
24. The MoU also allows the Government of Gibraltar to “contract in, as may be required, any expert services from the United Kingdom Civil Aviation Authority which cannot be provided in house” to assist the DCA in performing its duties.
25. **Accident and Incident Investigation.** Accident investigation is governed by the Civil Aviation (Investigation of Air Accidents and Incidents) Regulations 2009. The Minister for Transport has appointed the Chief Inspector of the Air Accident Investigation Branch (AAIB) of the United Kingdom Department for Transport as the Chief Inspector of Air Accidents for Gibraltar. The Government of Gibraltar has signed a MoU with the AAIB to investigate accidents or serious incidents which occur within the geographic area bounded by Gibraltar airspace.
26. **Enforcement Policy.** The Civil Aviation Act 2009 directs that it is one of the functions of the DCA to investigate and enforce any breaches of the Act or its subsidiary legislation. Almost every aspect of aviation activity is subject to a permission regime, in which these permissions are issued or recognised by the DCA. All permissions are issued in accordance with legal requirements setting out the criteria which must be met in order to be granted. The DCA has powers to vary, suspend or revoke a permission where it is no longer satisfied that the relevant criteria are met. Where administrative action is taken, the permission holder has the right to appeal the decision in accordance with the provisions of Section 60 of the Civil Aviation Act 2009.
27. A failure to comply with any of the requirements of the Civil Aviation Act 2009 and its related Regulations or specified European aviation safety regulations is a criminal offence in Gibraltar. In such circumstances, the DCA would, if necessary, request support from either the Royal Gibraltar Police or the UK CAA Aviation Regulation Enforcement Department to conduct an investigation and if necessary the case would be referred to the Gibraltar Attorney General’s Department for prosecution.
28. There is a requirement in the Civil Aviation (Air Navigation) Regulations 2009 for the reporting of specified occurrences to the DCA in accordance with the requirements of EC Directive 2003/42, the EU Occurrence Reporting Directive. As required by the Directive, the Gibraltar legislation provides that, with the exception of cases of gross negligence, no criminal proceedings shall be instituted in respect of un-premeditated or inadvertent infringements of the law, which come to the attention of the relevant authorities only because they have been reported as a result of the EC Directive.
29. Commensurate with the requirements for the exchange of information required between the SSP and the SMS of a service provider the DCA has developed an Enforcement Policy, which is attached at Appendix 2.

¹ Joint Service Publications 550, 551,552, 553, 554, 556, JAP 100A 01 and 02 and AvP67.

Safety Risk Management

30. **Safety Requirements for Service provider's SMS.** Only one Gibraltar based organisation is required by law to operate an SMS. This requirement falls to the ANSP, which is required under Single European Sky and other EC Regulations to employ an SMS. The application and efficacy of the SMS is subject to bi-annual audit by the DCA against the Single European Skies legal requirements.
31. Additionally, the DCA has encouraged the apron services provider to establish its own SMS, which will be applicable to all the airside operations it currently undertakes. Guidance material provided by the UK CAA, in particular CAP 726 (Guidance for developing and auditing a formal SMS), and ICAO SMS documentation have been provided in the formulation of the SMS. The full impact of SMS on regulatory oversight in this area has yet to be fully developed, but in preparation internal training of all regulatory staff has been conducted using ICAO SMS documentation.
32. **Implementation of SMS.** ICAO has outlined a phased implementation of a service providers SMS. This phased approach provides service providers with a manageable series of steps to follow when implementing SMS and helps to manage the workload associated with SMS implementation. The phased approach recommended by ICAO and adopted by the Gibraltar DCA has the following four phases:
 - a. Phase 1 – Planning SMS Implementation;
 - b. Phase 2 – Reactive safety management processes;
 - c. Phase 3 – Proactive and predictive safety management;
 - d. Phase 4 – Operational safety assurance.
33. Such a phased approach to the implementation of an SMS recognises the timescale required to develop, implement and verify the effectiveness of an SMS. The timescale will depend on the size and complexity of an organisation and smaller organisations, such as those operating in Gibraltar, will require more time to acquire sufficient data to be able to make meaningful statements regarding safety indicators and safety targets for specific safety measures.

Safety Assurance

34. **Safety Oversight.** Safety oversight in Gibraltar is focussed on ensuring that service providers comply with applicable regulations and are encouraged to introduce procedures associated with SMS. This is achieved by the provision of guidance material, inspections and audits.
35. The scope of the aviation activity in Gibraltar is limited and accordingly the Directorate of Civil Aviation is similarly small. The DCA has decided that the Requirements which will be used in determining the granting, issuing or validating of a licence, certificate, approval or authorisation, will be the same as those of the UK CAA, which are published as CAPs and Supporting Notices. Where the requirements set out in a particular CAP are deemed by the DCA not to be appropriate for the specific circumstances of Gibraltar, a Gibraltar Aviation Requirement (GAR) will be promulgated.
36. Assessments of compliance against these Requirements, will always be commissioned by the DCA from parties familiar with the United Kingdom's Requirements.
37. **Safety Data Collection, Analysis and Exchange.** The main aviation safety reporting process in Gibraltar is the Mandatory Occurrence Reporting Scheme (MORS). In addition, individual reporting arrangements are available for Aircraft Accidents and Serious Incidents, Birdstrikes and Airprox events.
38. The level of aviation activity in Gibraltar limits the ability to conduct trend analysis of incidents from which to reach meaningful and credible conclusions. Thus Gibraltar forwards all safety related reports to the UK CAA for inclusion in the respective UK database and for onward transmission to both the ICAO and European databases. The DCA uses the analysis provided by the UK CAA as the basis for its safety assessment.
39. **Mandatory Occurrence Reporting (MOR) Scheme.** The Gibraltar MOR scheme is based on the UK MOR scheme, which is described in CAP 382, but amended by the requirements set out in DCA Procedure 3. The intention of the Scheme is to encourage secure and free reporting of safety related incidents in order to prevent future accidents and incidents. The Scheme is not used to apportion blame or attribute liability and encourages both mandatory and voluntary reports.
40. The Scheme complies with the Requirements of ICAO Annex 13, EU Directive 2003/42/EC and Regulation 96 of the Civil Aviation (Air Navigation) Regulations 2009. All reports are reviewed by the DCA, who decides whether the report should be closed on receipt or investigated further. If further investigation is required, the DCA will either rely on the investigation reports of the Companies involved or if sufficiently serious will contract support from the relevant area of the UK CAA to investigate the issue. All reports are closed by the Directorate of Civil Aviation, with the exception of those MORs pertaining solely to military aircraft or services. The reports are automatically forwarded to the UK CAA and included in the UK database for inclusion in the European Co-Ordination Centre for Accident and Incident Reporting Systems (ECCAIRS).

41. **Mandatory Birdstrike Reports.** In accordance with the ICAO Annex 14 and Regulation 97 of the Civil Aviation (Air Navigation) Regulations 2009, the DCA has established a process to collect birdstrike reports. The DCA has a local database recording all reported birdstrikes. However, the reports are also forwarded to the UK CAA for inclusion in the UK database and for onwards transmission to the ICAO Birdstrike Information System (IBIS) database. The scheme requires any aircraft commander flying in Gibraltar airspace who believes his aircraft has collided with one or more birds to report the occurrence to the DCA.
42. **Safety Data Driven Targeting of Oversight.** The DCA has organised a programme of audit activity to ensure the areas for which it has regulatory responsibility continue to meet a level of safety commensurate with the operations and services provided, and acceptable to the DCA. During an Audit any findings are recorded in order of priority; any safety significant findings identified, which require immediate attention, will normally result in regulatory action being taken suspending operations until action is taken to resolve the non-compliance. All other findings are recorded and timescales are agreed with the operator for the resolution of the non-compliance. Action plans are then agreed and findings are only closed when the operator has demonstrated compliance to the satisfaction of the DCA.
43. **Safety of Foreign Aircraft.** The DCA has powers under Regulation 99 of the Civil Aviation (Air Navigation) Regulations 2009 to inspect and, where necessary, to detain any aircraft that is suspected of not complying with International Safety Standards. The European Union conducts a Safety Assessment of Foreign Aircraft (SAFA) programme to complement ICAO audits. The programme concentrates on actual aircraft checks at airports (ramp inspections) aimed at ensuring that relevant ICAO standards are met².
44. **Safety Improvement Areas.** It is difficult to draw meaningful safety targets and safety performance indicators from the limited level of civil aviation activity taking place in Gibraltar. To partially overcome this problem and as stated earlier, the DCA has elected that all Mandatory Occurrence Reports (MORs) originating from Gibraltar are input into the UK CAA database of MORs. In a similar vein the DCA has decided to make use of the data emanating from the UK CAA Safety Risk Management Process to identify the areas in which safety improvement should be focused. The UK process has identified the following significant safety issues as the focus of its safety improvement programme:
- a. Airborne Conflict
 - b. Runway overrun or excursion;
 - c. Loss of Control non-technical (including turbulence and bird strike);
 - d. Controlled Flight into terrain (CFIT);
 - e. Airborne and post-crash fire;
 - f. Ground Collision and runway incursion;
 - g. Ramp Incidents.
45. All of these issues have relevance to Gibraltar and until further evidence can be established from Gibraltar MOR data, it is the intention of the DCA that these

² Gibraltar does not participate in the SAFA programme at the present time, but as detailed in the UK USOAP Corrective Action Plan has undertaken to do so by June 2011.

significant safety issues listed above will form the basis for future safety improvement work in Gibraltar.

State Safety Programme Implementation

46. ICAO has outlined four steps that a State should take to implement an SSP, which are as follows:
 - a. Step 1. – Conduct a gap analysis of the SSP and develop national legislation governing the functioning of the SSP;
 - b. Step 2. – Develop a training programme for civil aviation oversight authority personnel;
 - c. Step 3. – Develop SMS regulations for service providers and prepare guidance material for the implementation of SMS;
 - d. Step 4. – Revise the civil aviation oversight authority's enforcement policy.
47. Step 1. An initial gap analysis of the ICAO SSP framework and the safety system in Gibraltar has revealed that the current national legislation is sufficient to govern the functioning of the framework SSP. However, the analysis did reveal that a Gibraltar Civil Aviation safety policy had not been produced. To that end a policy document, which is based on suggested ICAO documentation, has been developed and is attached at Appendix 3.
48. Step 2. All Gibraltar based personnel involved in the regulatory oversight of civil aviation have attended an initial ICAO SMS training programme. The DCA ensures that all experts contracted-in to provide regulatory advice from the UK CAA under the terms of the MoU have also undertaken an initial SMS training course. A requirement for the future development of the SSP will need to focus on the need to provide continuing and specialist SMS training to staff.
49. Step 3. European legislation already provides sufficient SMS regulation and guidance material in respect of the Air Navigation Service Provider operating in Gibraltar. The European Aviation Safety Agency is in the process of developing certification requirements for Apron Service Providers, which will most likely include a requirement for an SMS to be introduced. In preparation for this Regulation, the DCA has encouraged the existing service provider to develop an SMS based on guidance contained in the UK CAA CAP 726. The DCA will also encourage the local MoD authorities to produce an Aerodrome Manual and to share with him the results of the military SMS for the airfield.
50. Step 4. An outline of the Gibraltar Enforcement Policy is detailed at Paragraph 27 of this Document. The policy is designed to ensure a continuing flow and exchange of safety information with service providers, but the procedures to effect this aim had not been explicitly outlined in any document. As such, the DCA has developed an Enforcement Procedure commensurate with the requirements of the exchange of information required between the SSP and the SMS of a service provider. This document is attached at Appendix 4.
51. The Enforcement Policy is based on the following guidelines:
 - a. service providers should be allowed to deal with certain safety concerns internally, within the context of their SMS;

- b. service providers should provide the State with a clear definition of the safety concern, including deviations and/or minor violations, and a mitigation plan for its resolution, that satisfies the State;
 - c. the mitigation plan should include timelines, so that the State can monitor satisfactory progress of mitigation activities; and
 - d. gross negligence, reckless conduct and wilful deviations should be dealt with through established enforcement procedures set out in the Civil Aviation Legislation.
52. **Review Requirement.** The detail outlined in this Document, together with the Appendices attached, constitutes an initial framework SSP, which is fit for purpose as a baseline document.
53. To enable the SSP to be progressed further the major requirement is for safety data to be collected and analysed and exchanged in order to be able to sensibly set ALoS from which the individual SMS will set their safety targets and safety performance indicators. This process has already been started and safety data is now recorded from all the airlines operating into Gibraltar, in addition to the data reported by the local civil aviation entities. It is anticipated sufficient data should be available at the second annual review of this document when the ALoS will be set.
54. Separate to this document a Gibraltar Aviation Safety Plan has been published, the purpose of which is to provide linkage between Gibraltar regulatory planning and regulated organisations. This is done by providing safety objectives suitable for adoption in operators' and service providers' safety management systems (SMS) to give focus for proactive measures to improve safety. Clearly it will be up to the individual organisation to ensure that the safety objectives in their SMS take adequate account of the hazards and risks identified in relation to their own activities as well as including relevant safety objectives from the Safety Plan
55. At the same time, it is hoped that similar work being conducted in the European Aviation Safety Agency to develop a European SSP will come to fruition. Once this work is published the applicability of their work will become apparent and it is likely that in line with other European States, various sections of the SSP will need to be amended to reflect the European requirements.

State Safety Promotion

56. **Internal Training and Communication.** Appropriate development and training programmes are established for all personnel within the Directorate of Civil Aviation; programmes are tailored to individual needs and experience and are reviewed on an annual basis. With regard to specific training relating to SMS, it is the intention of the DCA that all personnel employed to work in the Office should either attend an ICAO course on the subject or will attend a UK CAA sponsored training course.
57. All personnel in the Directorate of Civil Aviation who are involved in, or aware of, the investigation and resolution of MORs received by the DCA will receive appropriate training. However, as previously stated the scale of civil aviation operations in Gibraltar does not allow for the number of MORs received to be used to compile meaningful high-level safety performance indicators. For that reason the DCA has arranged that it will have sight of the UK's monthly listing of MORs received by the CAA.
58. **External Training and Communication.** The Directorate of Civil Aviation does not conduct any external training for the aviation industry in Gibraltar. Instead, it encourages the aviation industry to make use of the external training and consultancy provided by the UK CAA's commercial training arm, CAA International.
59. The Directorate of Civil Aviation communicates with the Gibraltar aviation industry on a regular basis through formal and informal mediums. At a formal level, safety is addressed in the DCA's Annual Report, which is laid before Parliament each year. The DCA makes use of the work conducted by the UK CAA regarding safety and ensures that relevant stakeholders in Gibraltar are aware of the guidance material that is published by the UK CAA to support regulatory activity.



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Director of Civil Aviation
31 May 2011

Appendix 1 to the Gibraltar SSP

CIVIL AVIATION PUBLICATIONS ADOPTED BY THE DIRECTORATE OF CIVIL AVIATION

For each Annex of the Chicago Convention listed below, the Requirements identified in the following CAPs should be considered:

Annex 1, the requirements of

CAP 624, Rating Requirements for Air Traffic Controllers;

Annex 2, the requirements of:

CAP 032, Aeronautical Information Publication

CAP 493, Manual of Air Traffic Services,

CAP 637, Visual Aids Handbook,

CAP 642, Airside Safety Management,

CAP 694, UK Flight Planning Guide,

CAP 768, Guidance Material for Operators;

Annex 3, the requirements of:

CAP 493, Manual of Air Traffic Services,

CAP 670, ATS Safety Requirements,

CAP 746, Meteorological Observations,

CAP 782, Regulation of Aeronautical Meteorological Services;

Annex 4, the requirements of:

CAP 232, Aerodrome Survey Information,

CAP 709, Radar Minimum Altitude Charts in UK Airspace, Policy and Design Criteria,

CAP 779, Aeronautical Information Management Services;

Annex 10, the requirements of:

CAP 413, Radiotelephony Manual,

CAP 670, ATS Safety Requirements,

CAP 761, Operation of IFF/SSR Interrogators in the UK – Planning, Principles and Procedures;

Annex 11, the requirements of:

CAP 382, Mandatory Occurrence Reporting Scheme,

CAP 413, Radiotelephony Manual,

CAP 493, Manual of Air Traffic Services Part 1,

CAP 584, Requirements for Initial Air Traffic Control Training,

CAP 624, Rating Requirements for Air Traffic Controllers,

CAP 670, ATS Safety Requirements,

CAP 736, Guide for the use of Lasers, Fireworks and Searchlights in UK Airspace,

CAP 744, UK Manual of Personnel Licensing – Air Traffic Controllers,
CAP 772, Birdstrike Risk Management for Aerodromes;

Annex 14, the requirements of:

CAP 168, Licensing of Aerodromes,
CAP 232, Aerodrome Survey Information,
CAP 410, Manual of Flight Information Services,
CAP 493, Manual of Air Traffic Services,
CAP 637, Visual Aids Handbook,
CAP 642, Airside Safety Management,
CAP 670, ATS Safety Requirements,
CAP 683, Assessment of Runway Surface Friction for Maintenance Purposes,
CAP 699, Standards for the Competency of Rescue and Firefighting Service Personnel,
CAP 719, Fundamental Human Factors Concepts,
CAP 729, Guidance on Airport Development Procedures,
CAP 736, Guide for the use of Lasers, Fireworks and Searchlights in UK Airspace,
CAP 738, Safeguarding of Aerodromes,
CAP 748, Aircraft Fuelling and Fuel Installation Management,
CAP 760, Guidance on the Conduct of Hazard ID, Risk Assessment; and
CAP 772, Birdstrike Risk Management for Aerodromes,
CAP 781, Runway Rehabilitation;

Annex 15, the requirements of:

CAP 032, UK Aeronautical Information Publication.

Appendix 2 to the Gibraltar SSP

DIRECTORATE OF CIVIL AVIATION SMS ENFORCEMENT POLICY

PRINCIPLES

1. The implementation of SMS requires that the DCA develop a flexible enforcement approach to this evolving safety framework while at the same time carrying out enforcement functions in an equitable, practical and consistent manner. This enforcement approach in an SMS environment is based on two general principles.
 - a. The first general principle is to develop enforcement procedures that allow service providers to deal with, and resolve, certain events involving safety deviations, internally, within the context of the service provider's SMS, and to the satisfaction of the DCA. Intentional contraventions of the Civil Aviation Act 2009 and the Civil Aviation (Air Navigation) Regulations 2009 will be investigated and may be subject to conventional enforcement action if appropriate.
 - b. The second general principle is that no information derived from the exchange of safety data established under SMS shall be used as the basis for enforcement action.

SCOPE

2. The principles underlying this enforcement policy statement and associated enforcement procedures apply to all civil aviation service providers in Gibraltar operating an SMS. Within the context of this guidance the term "service provider" refers to any organization providing aviation services.

GENERAL

3. Service providers will establish, maintain and adhere to an SMS that is commensurate with the size, nature and complexity of the operations and to the hazards and safety risks related to these operations.
4. In order to develop an enforcement policy that supports the implementation of SMS, the DCA, or its contracted representatives, will maintain an open communication with service providers.
5. When a service provider operating under an SMS unintentionally contravenes the Civil Aviation Act 2009 or its associated Regulations 2009, specific review procedures will be used. These procedures will allow the DCA the opportunity to engage in dialogue with the SMS-governed organisation. 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 service providers' employees can report safety deficiencies and hazards without fear of punitive action. A service

provider can therefore, without apportioning blame, and without fear of enforcement action, analyse 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.

REMEDIAL MEASURES

6. The DCA, or its contracted representatives, 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 proposed are considered appropriate and likely to prevent recurrence and foster future compliance, the review of the violation will then be concluded with no enforcement action. In cases where either the corrective measures or the systems in place are considered inappropriate, the DCA 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, the DCA will consider taking enforcement action or other administrative action regarding the certificate, license or permit.

ENFORCEMENT PROCEDURES

7. Breaches of aviation regulations may occur for many different reasons, from a genuine misunderstanding of the regulations, to disregard for aviation safety. The DCA has a range of enforcement procedures in order to effectively address safety obligations under the Civil Aviation Act 2009 in light of different circumstances. These procedures may result in a variety of actions such as:
 - a. counselling;
 - b. remedial training; or
 - c. variation, suspension and cancellation of authorisations.

IMPARTIALITY OF ENFORCEMENT ACTIONS

8. Enforcement decisions will not be influenced by:
 - a. personal conflict;
 - b. considerations such as gender, race, religion, political views or affiliation; or
 - c. personal, political or financial power of those involved.

PROPORTIONALITY OF RESPONSES

9. Enforcement decisions must be proportional to the identified breaches and the safety risks they underlie, based on two principles:
 - a. The DCA will take action against those who consistently and deliberately operate outside Civil Aviation Regulations; and
 - b. The DCA will seek to educate and promote training or supervision of those who show commitment to resolving safety deficiencies.

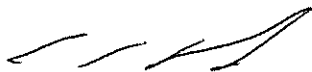
NATURAL JUSTICE AND ACCOUNTABILITY

10. Enforcement decisions will:

- 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 when considering action;
- d. be consistent actions / decisions for like / similar circumstances; and
- e. be subject to appropriate internal and external review.

EXCEPTIONS

11. This policy is not applicable if there is evidence of a deliberate effort to conceal non-compliance.
12. This policy is not applicable if the service provider fails to provide confidence in its means of hazard identification and safety risk management.
13. This policy is not applicable if the service provider is a recurrent violator. A recurrent violator is a violator who, in the past 2 years, has had the same or closely related violations.
14. In such circumstances, the penalties outlined in the Civil Aviation Act 2009 will be applicable.



C C PURKISS
Director of Civil Aviation
31 May 2011

Appendix 3 to the Gibraltar SSP

DIRECTORATE OF CIVIL AVIATION SAFETY POLICY STATEMENT

1. The Directorate of Civil Aviation is committed to developing, implementing, maintaining and constantly improving strategies and processes to ensure that all aviation activities that take place under its oversight will achieve the highest level of safety performance.
2. It is intended that all organizations providing services in support of civil aviation shall be required to demonstrate that their management systems adequately reflects a SMS approach. The expected result of this approach is improved safety management, and safety practices, including safety reporting within the civil aviation industry.
3. The Directorate of Civil Aviation is committed, within the boundaries of International and European Regulations, to:
 - a. develop general rulemaking and specific operational policies that build upon safety management principles;
 - b. support the management of safety in Gibraltar through an effective safety reporting and communication system;
 - c. interact effectively with service providers in the resolution of safety concerns;
 - d. ensure that only personnel with the proper skills, who are appropriately trained, are engaged in the conduct of oversight activity;
 - e. conduct both performance-based and compliance-oriented oversight activities;
 - f. comply with, wherever possible, international safety requirements and standards;
 - g. ensure that all activities under oversight achieve the highest safety standards;
 - h. encourage a continuous flow and exchange of safety management data with the service providers;
 - i. establish and measure the realistic implementation of Gibraltar's State Safety Programme (SSP) against safety indicators and safety targets which are clearly identified; and
 - j. promulgate an enforcement policy that ensures that no information derived from any exchange of safety management data established under the SSP or the SMS will be used as the basis for enforcement action, except in the case of gross negligence or wilful deviation.



C C PURKISS
Director of Civil Aviation
31 May 2011

Appendix 4 to the Gibraltar SSP

Civil Aviation

SMS Enforcement Procedures

GENERAL

1. Under the Gibraltar State Safety Programme (SSP), the DCA is responsible for oversight of certificate holders operating in an SMS environment. Enforcement procedures provide guidance to those responsible for the oversight of service providers operating in an SMS environment, by advising on the appropriate response to acts or omissions to ensure that if enforcement action is taken it will be successful. Enforcement procedures play a supporting function in the process, and the final decision regarding any enforcement issue is the responsibility of the DCA.

APPLICABILITY

2. These procedures apply to contraventions that may have been committed by persons or service providers conducting civilian aviation activities under an SMS in Gibraltar.
3. These procedures are effective as of 31 May 2011.
4. Where service providers have demonstrated their willingness to conduct their operations under an SMS, SMS enforcement procedures may be used with respect to contraventions by those service providers that, although they do not have an accepted SMS, have some essential core components of an SMS in place and are in the process of full implementation.
5. The DCA will not apply SMS enforcement procedures to service providers that, subsequent to the initiation of an investigation of a contravention, arbitrarily claim to be developing an SMS. These procedures will be used for service providers that have been diligently involved in the development of an SMS which would eventually meet the requirements of the SMS regulations.
6. Where service providers have not demonstrated they are operating in an SMS environment, the enforcement actions may apply without the advantages of the procedures explained below.

PROCEDURES

7. For the purpose of determining whether an investigation should be conducted using SMS enforcement procedures, it will be necessary for the DCA to determine the SMS implementation status of the specific service provider.
8. The DCA will ascertain if the service provider meets the above-mentioned criteria for SMS enforcement procedures. The DCA will require, as a minimum, that the three following conditions be met before SMS enforcement procedures may be applied:
 - a. The service provider has an effective internal hazard reporting programme supported by upper management;

- b. The service provider has a proactive event analysis process commensurate with the size and complexity of its operations and adequate for determining causal factors and developing corrective measures;
- c. The information derived from the SMS process, appropriately protected so as not to endanger data exchange requirements, is communicated, upon request, to the DCA or its contracted principal inspector.

Initial report of violation

- 9. The DCA must conduct a preliminary analysis in all cases where a contravention is detected or where information about a possible contravention is received.

Preliminary analysis

- 10. The following questions will be considered based on the information received:
 - a. Are there reasonable grounds to believe that a person or organization conducting activities under an SMS may have committed a contravention?
 - b. Is the event of such a serious nature that enforcement action should be considered?
 - c. Is there any perishable evidence that should be secured for enforcement action?

Providing effective support

- 11. When the three questions are answered in the affirmative, the principal inspector shall be notified. The information shall identify the event and the contravention.
- 12. When requested, contracted aviation enforcement investigators will provide effective support to the DCA by advising on the appropriate response to the contravention, in order to ensure that if enforcement action is taken, it will be successful. Support for the DCA includes collecting and securing perishable evidence.

Initiating an enforcement investigation

- 13. An enforcement investigation shall be initiated only upon the request of the DCA or its contracted inspector.

Immunity

- 14. No information derived from a data exchange established under an SMS will be used as the basis for enforcement action.

Note.— The SMS enforcement policy and associated procedures may also apply to foreign air operators who operate under SMS regulations, follow the requirements and guidance set forth by the International Civil Aviation Organization (ICAO) and meet the conditions in paragraph 2.