



STATE SAFETY PROGRAMME FOR GIBRALTAR

**GOVERNMENT OF GIBRALTAR
DIRECTORATE OF CIVIL AVIATION
SUITE 631, EUROPORT, GIBRALTAR**

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Amendment Record

Revision	Item	Date
1	Initial Issue	31 May 2011
2	Full Review	01 September 2019

Definitions

Within this document the following definitions will be used:

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
ALoSP	Acceptable Level of Safety Performance
ANSP	Air Navigation Service provider
CAA	Civil Aviation Authority (UK)
CAAi	CAA International
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

Overview

1. The standards for a State Safety Programme (SSP) are set out in Annex 19 to the Chicago Convention. A SSP is defined as
“An integrated set of regulations and activities aimed at improving safety”.
2. This Document describes the SSP for Gibraltar 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. Each component is subdivided into elements that comprise the processes or activities undertaken to manage safety.
3. The component 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
 - 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
 - 4.2.1 External training, communication and dissemination of safety information.
4. The Gibraltar SSP follows closely the UK State Safety Programme and is considered to be appropriate to the size and complexity of civil aviation activity in Gibraltar.

Gibraltar Aviation Regulatory System

Relationship to the United Kingdom

5. Gibraltar is a British Overseas Territory. As such, it does not form part of the United Kingdom. Gibraltar and the United Kingdom therefore constitute separate and distinct territories and jurisdictions.
6. Gibraltar's system of governance is set out in the Gibraltar Constitution 2006, which entered into force on 1 January 2007 and which replaced the previous Constitution of 1969. The Constitution establishes Gibraltar's own executive, legislature and judiciary all of which are distinct from those of the United Kingdom.
7. The Gibraltar Parliament is elected every four years by the Gibraltarian electorate. Gibraltar has no representation in the Westminster Parliament. The Gibraltar Parliament adopts the laws of Gibraltar. UK laws do not apply in Gibraltar.
8. The Gibraltar Government is termed "Her Majesty's Government of Gibraltar". It consists of Her Majesty, represented in Gibraltar by the Governor, and the elected Government. The elected Government has executive competence for all matters with the exception of those limited matters for which the Governor has responsibility pursuant to section 47 (1) of the Constitution. These are defence, external affairs and internal security.
9. Other than for those three areas, Gibraltar is entirely self-governing. It has its own institutions and public authorities. It decides its own economic policies. It receives no subsidy or financing from the United Kingdom. It raises all its revenue from its own taxation. It mints and prints its own currency, determines its own money supply and decides its borrowing and expenditure by itself.

Relationship to the European Union

10. EU law applies to Gibraltar. It does so, not because Gibraltar forms part of the United Kingdom, but because Article 355 (3) TFEU provides that the Treaty shall apply to "European territories for whose external relations a Member State is responsible". Gibraltar is such a territory.
11. Therefore, since the United Kingdom's accession to the then European Economic Community on 1 January 1973, the Treaties have applied to Gibraltar subject to the limited exceptions set out in Articles 28 – 30 of the 1972 UK Act of Accession. These exceptions exclude Gibraltar from the Customs Union, the Common Agricultural Policy and the Common Fisheries Policy, rules related to the free circulation of goods and the VAT Area. Aside from the above, Gibraltar does not form part of the Schengen Area as the United Kingdom opted out of the Schengen Agreement. Moreover, because of the United Kingdom's opt-out from the third stage of the EU's Economic and Monetary Union, Gibraltar has not adopted the single currency.
12. EU law is given effect in Gibraltar by the European Communities Act 1972, which is primary legislation passed by the Gibraltar Parliament.
13. Section 47 (3) of the Gibraltar Constitution provides :

"Without prejudice to the United Kingdom's responsibility for Gibraltar's compliance with European Union law, matters which under this Constitution are the responsibility

of Ministers shall not cease to be so even though they arise in the context of the European Union.”

14. This means that EU matters are not treated as “external affairs” within Gibraltar’s internal constitutional order. They are matters for which HMGoG is responsible.
15. Thus, HMGoG and the Gibraltar Parliament are responsible for the transposition and implementation of all EU measures within the internal legal order of Gibraltar in the same way as any national parliament and government does in every Member State. The UK transpositions have no effect in Gibraltar.

Relationship to ICAO

16. Gibraltar is a “*territory for which the United Kingdom is responsible*” and falls under the bounds of Article 2 of the Chicago Convention which states that:
“For the purposes of this Convention the territory of a State shall be deemed to be the land areas and territorial waters thereto under the sovereignty, suzerainty, protection or mandate of such State.”
17. When the UK ratified the Chicago Convention in 1947, Gibraltar was an Overseas Territory for the purpose of international treaties. Therefore, the UK ratification of the Chicago Convention, hereafter referred to as the “the Convention”, automatically applied to Gibraltar without the need for extension.
18. As a contracting state, the UK has an internal obligation to ensure that the provisions of the Convention and all ICAO Standards and Recommended Practices (SARPs) are implemented in Gibraltar. The obligations of the UK and Gibraltar with respect to the Convention are detailed in a Memorandum of Understanding between the UK and Gibraltar Governments.
19. As an ICAO compliant territory, the policy of Gibraltar is to comply with ICAO SARPs in so far as possible. Differences will only be filed to SARPs where there is a sound and considered rationale which shall be recorded.
20. The relationship between Gibraltar and ICAO is shown in Figure 1.

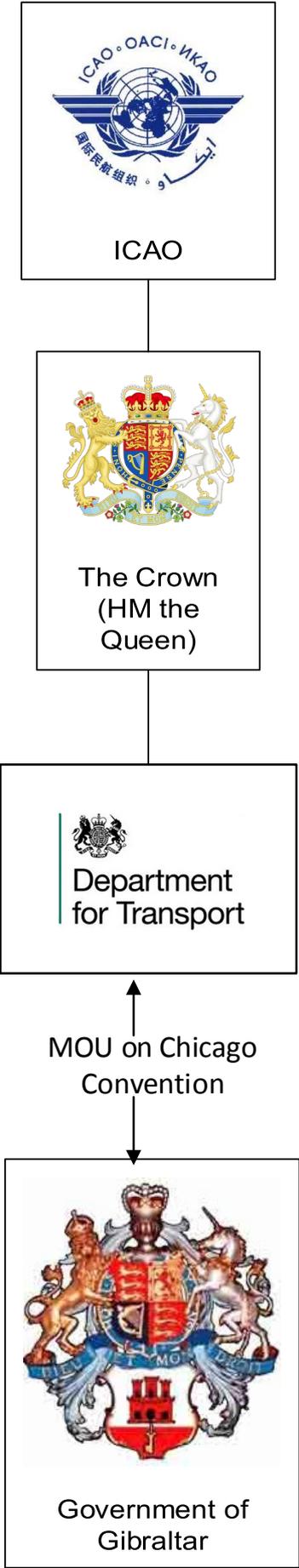


Figure 1 – Relationship between Gibraltar and ICAO

Scope of Aviation Activity

21. Gibraltar does not have an aircraft register and the Gibraltar aviation legislation does not contemplate the licensing of aircraft operations.
22. Gibraltar Airport is the only aerodrome in Gibraltar. Gibraltar Airport is divided into two parts;
 - a. RAF Gibraltar operated by the UK Ministry of Defence (MoD) and regulated by the UK Military Aviation Authority.
 - b. The Civil Airport that consists of the civil air terminal and associated civil aviation aircraft stands and is regulated by the Directorate of Civil Aviation

The terms Gibraltar Airport, Civil Airport and RAF Gibraltar are defined on Page 4 of this document.

23. A civilian company under contract to the MoD provides Air Navigation Services in Gibraltar. The Air Navigation Service Provider (ANSP) operates an accepted SMS. The civil air traffic controllers hold EU licences issued by the UK CAA, which are recognised the by the Directorate of Civil Aviation in order that they can provide Air Navigation Services to civil aircraft in Gibraltar.
24. The MoD provides the meteorological services 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.
25. A privately owned Government Company, Gibraltar Air Terminal Limited (GATL), operates the Civil Airport. GATL provides Air Terminal Services and the Airport Fire and Rescue Service. Ground handling services for civilian aircraft, are provided by a private company under contract to GATL. The ground handling provider is not required by National or European regulations to be licensed.
26. The aerodrome receives scheduled civil air services from the United Kingdom and Morocco. All Companies operating into Gibraltar have mature SMS that are approved by their respective National CAAs. Business aircraft and general aviation aircraft, mostly from Europe, also use the aerodrome on an ad-hoc basis.

Safety Policy and Objectives

Primary Legislation.

27. The Civil Aviation Act 2009 provides the power to make Air Navigation Regulations in order to carry out the Chicago Convention and to generally regulate air navigation.
28. The Civil Aviation Act 2009, makes clear that RAF Gibraltar is a British military aerodrome and that nothing would:
 - a. affect the application to RAF Gibraltar of relevant 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.

Secondary Legislation

29. The Act also allows for the publishing of supporting Regulations to allow for the enforcement and implementation of the Act. As such the following secondary legislation have been introduced:
 - a. The Civil Aviation (Air Navigation) Regulations 2009;
 - b. The Civil Aviation (Dangerous Goods) Regulations 2009;
 - c. The Civil Aviation (Rules of the Air) Regulations 2014;
 - d. The Civil Aviation (Investigation of Air Accidents and Incidents) Regulations 2018;
30. **Responsibilities of the Minister.** The Civil Aviation Act details the Minister with responsibility for Civil Aviation (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.
31. **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.
32. 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.

33. 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.
34. The Gibraltar civil aviation framework is shown at Figure 2.

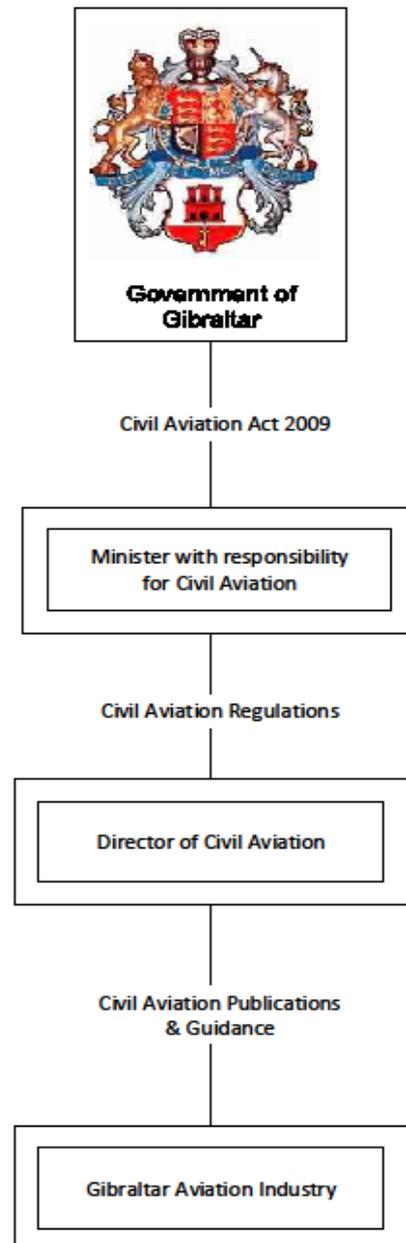


Figure 2 – Gibraltar civil aviation framework

SSP Responsibilities and Accountabilities.

35. 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.
36. **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 Set, which are not, in full, compliant with the equivalent ICAO provisions and are not required to be so.
37. **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.
38. 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.

Aviation Safety Policy.

39. Due to the extremely limited aviation industry in Gibraltar, the decision has been taken to base the Gibraltar aviation safety policy, the definition of an Acceptable level of safety performance (ALoSP) and state safety objectives on those included in the UK State Safety Programme (www.caa.co.uk/statesafetyprogramme).
40. This State Safety Programme (SSP) sets out how Gibraltar approaches aviation safety. It has been set up to protect people from aviation safety risks and to maintain a safe aviation system.
41. To achieve this, Gibraltar is committed to:
 - a. Continuously improve aviation safety through collaborative working with the UK CAA through UK CAAi.
 - b. Achieving the State Safety Objectives.
42. In support of this commitment Gibraltar will:
 - a. Effectively manage aviation safety risk.
 - b. Sustain, or where possible improve, current levels of safety for passengers using Gibraltar Airport.
 - c. Comply with international safety requirements and ensure that if any differences are necessary, the reasons are understood.
 - d. Actively seek out emerging risks and take proactive action to minimise the impact on the aviation system.
 - e. Promote a positive safety culture.
 - f. Engage with the UK Safety Strategy Board and participate in the UK State Safety Programme.
43. **ALoSP.** The ALoSP defines how safe a State wants their aviation system to be. The Gibraltar ALoSP also sets the safety standards for Gibraltar.
44. The Gibraltar ALoSP

“No accidents involving commercial air transport that result in serious injuries or fatalities. No serious injuries or fatalities to third parties as a result of aviation activities.”

45. Gibraltar aims to achieve this ALoSP through State safety objectives that:
 - a. Protect people from aviation safety risks.
 - b. Positively influence aviation safety through collaborative working with the UK CAA through UK CAAi.
46. **State Safety Objectives.** With the aim of fulfilling the key areas identified within the ALoSP, the following are the State Safety Objectives:
 - a. No fatal accidents in commercial air transport operating into Gibraltar Airport.
 - b. No fatal accidents involving people on the ground in Gibraltar because of an aviation accident.
47. The priority is the safety of commercial air transport, but the safe operation of non-commercial complex aircraft and general aviation into Gibraltar Airport is also of critical importance.

Safety Improvement Areas.

48. It is difficult to draw meaningful safety targets and safety performance indicators from the very limited level of civil aviation activity taking place in Gibraltar. Consequently, Gibraltar will work with the UK CAA to monitor the appropriate UK State Safety Performance Indicators applicable to Gibraltar. This will allow a sufficiently detailed picture to enable targeted intervention earlier before accidents and incidents occur.

Accident and Incident Investigation.

49. Accident investigation is governed by the Civil Aviation (Investigation of Air Accidents and Incidents) Regulations 2018. The Minister 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.

Enforcement Policy.

50. The Civil Aviation Act 2009 directs that one of the functions of the DCA is 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.
51. 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 Attorney General's Department for prosecution.

52. 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 Regulation 376/2014 and EC Implementing Regulation 2015/1018. As required by the Directive, the Gibraltar legislation provides that, with the exception of cases of gross negligence, no disciplinary or administrative 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 consequence of the EC Directive.
53. 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 1.
54. The DCA fully supports the principles of a “just culture” in all sectors of aviation and as a policy requires all service providers to have in place processes to ensure that members of staff can report incidents or matters of concern in a non-punitive manner

Safety Risk Management

55. **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 annual audit by the DCA against the Single European Skies legal requirements.
56. Additionally, the DCA has encouraged the ground-handling 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 1059 (Guidance for small, non-complex organisations), and ICAO SMS documentation have been provided in the formulation of the SMS.

Safety Assurance

Safety Oversight.

57. 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.
58. 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 not to be appropriate for the specific circumstances of Gibraltar by the DCA, a Gibraltar Aviation Requirement (GAR) will be promulgated.
59. Assessments of compliance against these Requirements will always be commissioned by the DCA from parties familiar with the United Kingdom's Requirements. In general, the UK CAA on behalf of the Gibraltar DCA, under a contract with CAA International (CAAi), conducts formal audits. These audits use standard UK CAA audit processes and systems.

Safety Data Collection, Analysis and Exchange.

60. Safety data collection on aviation hazards in and risks in Gibraltar is collated from:
 - a. the information provided in voluntary and mandatory occurrence reports;
 - b. bird strike reports;
 - c. accident and serious incident reports;
 - d. Airprox reports.
61. 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. Safety improvement areas will be identified in collaboration with the UK CAA.

Mandatory Occurrence Reporting (MOR) Scheme.

62. 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.
63. The Scheme complies with the Requirements of ICAO Annex 13, EU Regulation 376/2014 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;
 - a. either rely on the investigation reports of the Companies involved or
 - b. where it is considered that the incident is too serious or complex, contract support through the CAAi from the relevant area of the UK CAA to investigate the issue.

64. All reports are closed by the DCA, with the exception of those MORs pertaining solely to military aircraft or services. All 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).
65. **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 data on bird strikes in Gibraltar. The DCA has a local database recording all reported bird strikes, 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.

Safety Data Driven Targeting of Oversight.

66. 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.
67. **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. Gibraltar contributes to the European Union Safety Assessment of Foreign Aircraft (SAFA) programme to complement ICAO audits. This is done by bi-annual visits from the UK CAA SAFA inspectors, who conduct ramp inspections at the Airport to ensure that relevant ICAO standards are met.

State Safety Promotion

68. **Internal Training and Communication.** Appropriate development and training programmes are established for all personnel within the Directorate of Civil Aviation. The programmes are tailored to individual needs and experience; they 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 attend basic and advanced SMS training, the latter of which focusses on the assessment of an SMS.
69. 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 the Directorate will have sight of the UK's MOR listings.
70. **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 CAAi.
71. The Directorate of Civil Aviation communicates with the Gibraltar aviation industry on a regular basis through formal and informal mediums. 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.

Appendix 1 to the Gibraltar SSP

DIRECTORATE OF CIVIL AVIATION REGULATORY ENFORCEMENT POLICY

INTRODUCTION

1. As the Gibraltar aviation safety regulator, our sole purpose is to protect the interests of the public. We also have a responsibility to those we regulate to be clear about when, why and how we will enforce compliance with rules and regulations.

PRINCIPLES

2. The policy of the DCA is to operate a flexible enforcement approach while at the same time carrying out enforcement functions in an equitable, practical and consistent manner. This enforcement approach is based on the following guiding principles.
 - a. Enforcement procedures will 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.
 - b. Intentional contraventions of Aviation Regulations will be investigated and may be subject to conventional enforcement action if appropriate.
 - c. No information derived from the exchange of safety data established under SMS shall be used as the basis for enforcement action.

SCOPE

3. 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

4. Enforcement is any activity that is carried out in order to seek to remedy a breach, or suspected or potential breach, of rules applicable to civil aviation. Enforcement activity forms an important part of the regulatory toolkit, alongside other activities such as continuing oversight. The DCA will work with those organisations that are regulated to encourage and support compliance, but will become much more visible and proactive in dealing with those who do not, or choose not, to comply with the rules. Consequently the spectrum of enforcement is broad and encompasses many tools and processes including those below:
 - a. Collaboration and Advice
 - i. Day to day interaction
 - ii. Guidance
 - iii. Publicity to encourage compliance
 - b. Warning
 - i. Verbal warnings
 - ii. Letters before action
 - c. Formal Enforcement
 - i. Audit findings
 - ii. Directions

- iii. Variations or suspensions in approvals
- iv. Prosecution

IMPARTIALITY OF ENFORCEMENT ACTIONS

- 5. 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

- 6. 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

- 7. 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.