

**Stephenson, Mark**

**From:** Mathieu, Jean-François  
**Sent:** November 3, 2006 11:30 AM  
**To:** DL OTT EMS Users  
**Cc:** Reinhardt, Franz; Sherritt, Donald; Taylor, Jennifer  
**Subject:** SMS Enforcement Policy & Procedures / Politique et Procédures SGS  
**Importance:** High

(Le texte français suit l'anglais)

**To:** All Aviation Enforcement Inspectors & Regional Managers, Aviation Enforcement  
**Subject:** SMS Enforcement Policy & Procedures  
**Importance:** High

On October 17, 2006, National Civil Aviation Management Executive (NCAMX) made a decision outlining the proposed Aviation Enforcement involvement in cases of regulatory contraventions committed by certificate-holding organizations that are conducting activities under a safety management system (SMS) (SMS certificate holder). The decision was based on a discussion paper (attached) that reflects the role of Enforcement as communicated to us by the Director General at the *2006 Annual Aviation Enforcement Conference* held in Ottawa on September 25, 2006.

At our conference the Director general reiterated that under IMS, only one organization within Civil Aviation, and ultimately one individual (the accountable manager) is responsible for oversight of an SMS enterprise. In many case the principle inspector or his immediate supervisor may hold the position of accountable manager. The Director General also indicated that Enforcement is one of the tools in the accountable manager's toolbox, and that Enforcement's role is to provide effective support to the accountable manager, whether in the SMS environment or outside of it. Enforcement must support those responsible for the oversight of SMS enterprises by advising on the appropriate response to contraventions, in order to ensure that if enforcement action is taken, it will be effective. Enforcement is in a support role, therefore, the final decision on any enforcement issue is the responsibility of the accountable manager.

A new procedure (attached) was developed in line with NCAMX's decision. Essentially, the new procedure redefines the entry point for Aviation Enforcement when initiating an investigation. The new procedure was discussed at the national Aviation Enforcement teleconference of October 26, 2006, and accepted by all regional managers. This procedure is effective October 17, 2006, and will be incorporated into the *Aviation Enforcement Procedures Manual* at the appropriate time.

Unless expressly asked to do so by the accountable manager, Aviation Enforcement shall no longer initiate an investigation into a contravention committed by an SMS certificate

holder. The accountable manager may require Enforcement to initiate an investigation for contraventions that were committed intentionally, or when the organization's SMS has been deemed to be ineffective in addressing the circumstances that lead to the contravention(s). Upon request by the accountable manager, an investigation shall be initiated in accordance with the *Aviation Enforcement Procedures Manual*

For now, all open EMS cases against SMS certificate holders should be closed as "NFA-Abandoned". In addition to other information entered in the manager's comment in EMS, it is important that the following, or similar, comment be included:

*"As a result of the NCAMX decision on October 17, 2006, and the new Enforcement procedures respecting contraventions by SMS certificate-holding organizations, this case is closed subject to be reactivated upon request by the accountable manager"*

It is important that for each open investigation of an SMS certificate holder, the accountable manager should be informed that the case is being closed in accordance with the NCAMX decision.

NavCanada data that was acquired as perishable evidence should be released unless required by the accountable manager.

Franz Reinhardt, Director, Regulatory Services has indicated that he will be working with Don Sherritt, Director of Standards, and Jennifer Taylor, Director National Operations, to assist in the development of guidance for accountable managers.

I am confident that with the support of all inspectors and regional managers, the implementation of the new procedures will be smooth and successful.

Thank you.



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SAMPLE LETTER OF  
ORCEMENT POLICYEMENT PROCEDUR SMS NOTIFICAT...

**Jean-François Mathieu, LL. B.**

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