



International Civil Aviation Organization

MIDANPIRG/20 and RASG-MID/10 Meetings

(Muscat, Oman, 14-17 May 2023)

Agenda Item 4: RASG-MID Work Programme (RASG-MID/10)

**PROPOSED GUIDANCE MATERIAL ON THE ENHANCEMENT OF UNDERSTANDING
THE CONCEPT OF JUDICIAL ENFORCEMENT FOR AVIATION INSPECTORS**

(Presented by the state of Qatar)

SUMMARY

This WP presents guidance material to enhance the awareness of Judicial enforcement for aviation inspectors and to explore the importance of judicial enforcement in aviation, the challenges that exist in this area, and the potential strategies and solutions that can be employed to overcome them. this paper seeks to contribute by providing a comprehensive overview of the role of judicial enforcement in aviation and its relationship with state safety oversight system (SSO) and State safety program (SSP), as the State safety oversight (SSO) system critical elements (CEs) constitute the foundation of the SSP.

Action by the meeting is at paragraph 3.

REFERENCES

- ICAO Annex 19.
- ICAO Doc 9734 (A) Safety Oversight Manual
- Doc 9859 Safety Management System

1. INTRODUCTION

The aviation judicial enforcement is one of the topics related to enforcing regulations and laws. For inspectors in civil aviation, it is important to know the difference between what the inspectors do in the framework of administrative enforcement and judicial enforcement to avoid any confusion may affect the level of effective implementation of the aviation safety standards.

2. DISCUSSION

2.1 The proposed guidelines will be provided by the state of Qatar to be presented during Safety Enhancement Implementation Group or any equivalent group under the auspices of the MID office.

2.2 The proposed guidelines will explain the various types of aviation offenses and violations, and the consequences and penalties associated with them, including civil and criminal liabilities. It will recognize the importance of compliance with air law regulations and the role of enforcement agencies in ensuring aviation safety.

2.3 The proposed guidelines will support the Aviation safety inspectors to have a clear distinction between their role to enforce the aviation regulations from different perspectives, in case of noncompliance which may lead to administrative enforcement and in some cases may lead to judicial enforcement.

2.4 The proposed guidelines will include mainly the following topics:

- a) Introduction
- b) Part I: Definition and scope of judicial enforcement
- c) Part 2: Difference between administrative enforcement and judicial
- d) Part 3: Responsibilities of aviation inspectors as judicial officers
- e) Part 4: the relation between judicial enforcement and CE 7 and
CE 8.

3. ACTION BY THE MEETING

3.1 The meeting is invited to:

- a) Note the content of the working paper.
- b) Include and consolidate the initiative under agenda item 4.6 and to discuss the proposed Guidance material on The Enhancement of Understanding the Concept of Judicial Enforcement for Aviation Inspectors which will be ready on the next SEIG/ 5 November 2023.
- c) encourage States to participate and contribute to the elaboration of this project.