

GOVERNMENT RESPONSE TO RECOMENDATIONS

	Committee Recommendations	Government Response
1.	<p>That Transport Canada be required to conduct full recertification for any aeronautical system that was previously considered critical and is interfaced with a new or modified component.</p>	<p>The government strongly agrees with the recommendation and while its processes are currently in line with the recommendation, it continuously seeks to improve the certification process.</p> <p>Canada has a robust certification system, and it has a high level of safety. Currently, under Transport Canada’s (TC’s) domestic certification process, any and every change or modification to a certified aeronautical product must be re-evaluated to ensure the applicable design standards are appropriate for the change and subsequently recertified.</p> <p>Based on internationally accepted aircraft certification practices, all modifications to aeronautical products are re-evaluated. The determination of the certification basis used during these reviews is guided by the Change Product Rule (CPR), which ensures that any modifications to aeronautical products clearly meet the applicable safety standards.</p> <p>TC is actively participating in a multi-lateral working group to review and recommend improvements to CPR process. Participants include the major aviation authorities: the United States (U.S.) Federal Aviation Administration (FAA), European Aviation Safety Agency (EASA), National Civil Aviation Agency of Brazil (ANAC), Civil Aviation Administration of China (CAAC) and Japan Civil Aviation Bureau (JCAB).</p>
2.	<p>That Transport Canada formalize a process to consider the involvement of line pilots in the aircraft certification process for commercial aircraft where line pilots may have the ability to participate.</p>	<p>The government strongly agrees with the recommendation and is working towards formalizing the related processes.</p> <p>TC is working with other Civil Aviation Authorities that are members of the Certification Management Team (CMT), composed of TC, EASA, ANAC and the FAA to better integrate aircraft certification and operational evaluation activities. These evaluation activities are a key element to the safe entry into service of aircraft by establishing minimum pilot qualification requirements, crew procedures, and the operational suitability of an aircraft. The objective of this work is to ensure that certification requirements are captured earlier in the aeronautical design process.</p> <p>TC concurs that the input of commercial pilots is important to maximize the value of pilot training as well as improving design standards</p>

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		<p>and in post-certification activities. To that end, TC is in the process of formalizing the involvement of commercial pilots in the aircraft operational evaluation process. TC anticipates the development of applicable guidance in the 2023 timeframe. TC will also assess in the same timeframe if a more robust regulatory framework would be appropriate.</p>
3.	<p>That Transport Canada ensure that cabin crew representatives are consulted as important stakeholders and receive regular briefings during the design phase of aircraft certification or validation.</p>	<p>The government agrees in part with the recommendation.</p> <p>Canadian flight crew and cabin safety experts are some of the most highly trained in the global aviation industry. Based on their training, knowledge and expertise, these individuals are equipped and prepared to work through many different emergency situations that may arise.</p> <p>As such, TC requires the involvement of both flight crew and cabin safety experts during full scale emergency evacuation certification testing.</p> <p>Further, Canadian air operators work with their internal cabin safety representatives to determine the appropriate interior design prior to the completion and purchase of an aircraft. The cabin crew representative's knowledge and expertise is best served in the role and understanding of cabin monuments and their effects on aircraft occupants during incidents, accidents and evacuations.</p>
4.	<p>That Transport Canada examines the role of delegate representatives in the certification of aircraft and ensures that it pursues a more active role for independent safety regulators.</p>	<p>The Government agrees with the recommendation.</p> <p>As part of TC's certification process, the Minister of Transport authorizes Ministerial delegates, which includes qualified individuals such as engineers, or companies specializing in aviation certification activities to approve and review aeronautical products. Delegates play an important role in the process and are used by all major certification authorities (EASA, FAA, ANAC) comparable to TC. All these authorities use and benefit from an extensive external delegation program with their respective industry counterparts to deliver their aeronautical product certification programs. As such, delegate oversight is an essential component of a robust delegation program.</p> <p>Delegation programs operate on open lines of communication and trust, which are built through the working relationship between delegates and TC personnel inherent in the certification process. Through regular oversight</p>

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		<p>activities, the Government continuously reviews all aspects of the Canadian aircraft certification delegation system, including, but not limited to, aspects of undue pressure, conflicts of interest, delegation system oversight and the independence of the Regulator.</p>
5.	<p>That Transport Canada produce a report on lessons learned from the Boeing 737 MAX groundings focused on the National Aircraft Certification's approach to certifying and validating aeronautical products, including design, implementation and oversight of its delegation program and subsequent revalidation process within six months and that it shares this report with the Committee.</p>	<p>The Government agrees with the recommendation.</p> <p>Following the 737 Max grounding, TC's Internal Audit (IA) team undertook an audit and assessed TC's certification system, examining TC's approach and procedures to certifying and validating aeronautical products. IA verified the progress of TC's certification system improvement initiatives that were underway prior to the assessment. IA made several recommendations to further strengthen TC's certification capacity. Furthermore, IA concluded that department's certification processes are sound and carried out professionally to effectively mitigate the risks to meeting its objectives and fulfilling its safety mandate. As a result of the IA's recommendations, TC's management developed an action plan. The result of the auditing process fulfills the Committee's request for a lesson's learned report. TC's audit report will be publicly available.</p> <p>In addition, TC is also reviewing and actioning parts of its certification processes to address the lessons learned which were already identified through the departments participation on international certification working groups, such as the Joint Authorities Technical Review.</p>
6.	<p>That the Government of Canada conduct a high-level stakeholder consultation, including industry and labour representatives, regarding the staffing and funding needs of Transport Canada Civil Aviation.</p>	<p>The Government agrees with the recommendation.</p> <p>TC recognizes that there is currently imbalance between the growth of the Canadian aerospace industry and TC certification resources. The department is working on solutions to address this issue. Of note, TC continuously assesses its staffing capacity and service levels with respect to certification and airworthiness activities across Canada. TC strives to build capacity and expertise based on allocated resource levels and to maintain a high level of aviation safety.</p> <p>The pace and complexity of technological advancements in aerospace design and systems, together with the strong commitment</p>

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		<p>and investment the Government has made in supporting growth and innovation in the industry, will result in a greater demand for aircraft and aeronautical product certification and oversight activities.</p> <p>Canada's certification of aeronautical products is globally recognized as being one of the best in the world. The global industry and its stakeholders regularly view Canada's certification as a gold standard for aeronautical products.</p> <p>The Government is taking action to strengthen Canada's economic recovery, including supporting strategic industries, such as aerospace, through Budget 2021. This plan focuses on protecting Canada's competitive advantage, driving investments to anchor production and employment in Canada, while stimulating innovation and technology development that will position Canada for global leadership in emerging digital technologies, advanced manufacturing, and sustainable aviation. The success of the Government's growth initiatives outlined in Budget 2021 depends on Canadian aeronautical products being certified prior to reaching global markets. The Government will need to continuously assess aircraft certification resource needs in order to maintain its rigorous safety certification standards; to facilitate new technology, including green innovation, to enter the Canadian aviation sector; and further ensure Canadian products can be used domestically and exported internationally with a strong assurance of safety.</p>
7.	<p>That the Government of Canada re-establish the Canadian Aviation Regulatory Advisory Council as a form of joint government-industry-labour review panel and that this council be tasked with reviewing the requirements for safety management systems in regard to the aerospace manufacturing sector.</p>	<p>The Government agrees with the recommendation.</p> <p>The Canadian Aviation Regulatory Advisory Council (CARAC) continues to be the primary avenue that TC uses to inform, consult, and engage the public and stakeholders in relation to proposed amendments to the <i>Canadian Aviation Regulations</i> and associated Standards. This process includes consultations at the policy development stage, at the regulatory development stage, and at the <i>Canada Gazette</i>, Part I and Part II, publication stage. CARAC is also used as a forum through which TC provides information and receives stakeholder feedback to discuss emerging and ongoing priorities related to regulations and standards.</p>

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		<p>Following a recent policy review that was completed in 2021, TC is proposing to modernize, expand and simplify the structure of the current Safety Management System (SMS) regulatory framework in Canada. This first phase of this work will include extending SMS requirements to design organizations and the manufacturing sector. In the meantime, TC has taken an innovative approach through the development and implementation of a voluntary program to expedite the establishment and recognition of SMS for these sectors. A Voluntary SMS Application Process for Design and Manufacturing sectors was launched for applicable enterprises in 2020 and is designed to fill identified regulatory gaps while TC pursues a more permanent regulatory framework.</p> <p>The program includes voluntary measures that ensure aeronautical design and manufacturing organizations comply with the International Civil Aviation Organization (ICAO)'s Annex 19 - Safety Management and the International Industry Standard SM-0001 - Implementing a SMS for Design, Manufacturing and Maintenance Providers.</p> <p>TC will continue to leverage CARAC to support the development of requirements for SMS regarding the aerospace manufacturing sector. These efforts include, in the near-term, informal consultations that will take place through CARAC to inform and derive feedback from stakeholders about the proposed extension of SMS requirements for the aerospace design and manufacturing sectors; and in the medium to long-term, publication of Notices of Proposed Amendments for regulations and standards to extend, harmonize, and modernize Canada's SMS regulatory framework.</p> <p>These proposed changes aim to improve the breadth and clarity of Canada's rules, align Canadian requirements with new Standards and Recommended Practices made by ICAO and remove barriers for Canadian industries seeking to sell goods and services in the global marketplace.</p>
8.	That Transport Canada Civil Aviation undertake further formalizing international collaboration with other aviation authorities regarding certification/validation issues, including a formal exchange of permanent representatives.	<p>The Government agrees with the recommendation.</p> <p>TC will further work with its partners to formalize international collaboration with other aviation authorities regarding certification and validation issues. Canada is currently a signatory to 39 international</p>

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		<p>agreements related to aircraft certification. Since 2014, Canada has participated in a CMT with the U.S., European Union, and Brazil. This team has advanced the harmonization of certification processes, leading to a common understanding on many requirements that differed in interpretation.</p> <p>Furthermore, bilateral collaboration with the U.S. is well-established and seeks to harmonize certification requirements, including the interpretation of rules. As a result of the 737 MAX accidents, the CPR process was identified as deficient. Various international authorities are collaborating to discuss an improved process that will be able to identify changes and their impact on aircraft safety. This includes clarifying the required process for certification basis. This is anticipated to be completed by Spring 2023.</p>
9.	That Transport Canada Civil Aviation review its policies to ensure that certification or validation of an aircraft does not occur until all significant issues or concerns are fully addressed.	<p>The Government agrees with the recommendation.</p> <p>TC has updated its practices which bring it inline with the recommendation. It is also reviewing its internal policies and updating them to clarify and mandate the closure of all significant issues prior to the issuance of an approval of certification or validation.</p>
10.	That the Committee express concern with the FAA's certification of Boeing aircraft in light of findings by U.S. authorities.	<p>The Government acknowledges the recommendation for the Committee to express concern with the FAA's certification of Boeing aircraft considering findings by U.S. authorities.</p> <p>Canada has a robust certification system, and it has consistently produced and maintained a high level of safety. Currently, under TC's internal certification process, any and every change or modification to a certified aeronautical product must be re-evaluated to ensure the applicable design standards are appropriate for the change and subsequently recertified.</p> <p>The Government envisions transparency as critical to establishing greater trust, growth of relationships and fostering harmonization of validation programs.</p>
11.	That Transport Canada review its international agreements with regards to harmonization of aircraft certification with other jurisdictions.	<p>The Government agrees with the recommendation.</p> <p>TC is reviewing its international agreements with regards to harmonization of aircraft certification with other jurisdictions and is implementing the <i>Maintenance of Confidence Charter</i> signed by TC and the FAA in September</p>

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		<p>2021.</p> <p>This Charter serves to implement the requisite continued assessment of the FAA and TC aircraft certification system recognized under the Canada/U.S. Bilateral Aviation Safety Agreement (BASA).</p> <p>The BASA imposes an inherent obligation between parties to ensure that the confidence established with each other's regulatory system is maintained for technical implementation procedures to remain valid.</p> <p>TC will explore implementing a similar approach with other certification authorities as the state of the relationship and size of bilateral activities mature. This recommendation is complementary to recommendation 8 which concerns the extension of collaboration with other aviation authorities regarding certification/validation issues.</p>
12.	That Transport Canada pursue additional technical assessment during validation of FAA certified aircraft.	<p>The Government agrees in principle with the recommendation.</p> <p>TC uses scalability to define the scope and level of involvement desired in a validation program that will lead to a design approval being issued.</p> <p>As such, risk-based principles are used as part of the process to develop workplans for the validation program. Each workplan is unique and tailored to the size, complexity, and risk associated with the application. TC has the flexibility to define a greater level of technical assessment within the workplan framework to seek answers to questions it may have, or in areas that may need further clarification. However, TC will examine its guidance on technical assessments, while also ensuring that any new guidance that increases the level of technical assessment does not unduly penalize the Canadian aviation industry or divert TC resources to non-safety enhancing activities.</p>
13.	That the Government of Canada work with the families of the Canadian victims of Ethiopian Airlines Flight 302 to commemorate the victims.	<p>The Government agrees with the recommendation.</p> <p>The Government will work with the families of the Canadian victims of Ethiopian Airlines Flight 302 to commemorate them. The Government took note of the lessons learned from the outreach with the families. The Government has since improved its mechanisms, which helped shape a much more robust and timely response to the Ukraine International Airlines Flight 752 tragedy in January 2020.</p> <p>Since the Flight 302 tragedy, the Government</p>

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		<p>has demonstrated support to the families through meetings, communications and by offering access to counselling services. TC has taken extensive steps to consult with the families on all the commemorative initiatives that have been organized by the Government. It is hoped that these actions contribute to honoring the lives of the victims.</p> <p>The Government announced the allocation of \$5.6 million in Budget 2021 to establish a five-year commemorative program to honour the Canadian victims of Flight 302. The mandate and format of this initiative will be determined in collaboration with the families to reflect their wishes and expectations. The Government also proclaimed January 8th as Canada's National Day of Remembrance for Victims of Air Disasters. This day provides an opportunity to commemorate, raise awareness and reflect on air tragedies, including the Flight 302 disaster, at a national level. The Department of Canadian Heritage is leading on the establishment of a physical tribute to commemorate all the victims of modern air tragedies with a connection to Canada.</p>
14.	<p>That Canada, through its permanent representation at ICAO, pursues amendments to Annex 13 to allow for greater participation in incident investigations by states with expertise or a significant number of fatalities in the incident.</p>	<p>The Government agrees in part with the recommendation.</p> <p>The downing of Ukraine International Airlines Flight PS752 in January 2020 exposed gaps in the international air accident investigation framework under Annex 13. This includes gaps in terms of transparency and communication with States with Fatalities, which were also highlighted by the Lion Air Flight 610 and Ethiopian Airlines Flight 302 accidents, despite the different contexts.</p> <p>In December 2020, the Special Advisor to the Prime Minister, Ralph Goodale, published a report entitled: <i>Flight PS752: The Long Road to Transparency, Accountability and Justice</i>. Among other things, the report recommended that the Government of Canada pursue enhanced participation in air accident investigations for States with Fatalities under Annex 13.</p> <p>TC is committed to addressing the Annex 13 gaps highlighted by the PS752 tragedy, including transparency and communication related gaps also highlighted by the Lion Air Flight 610 and Ethiopian Airlines Flight 302 tragedies. At ICAO's October 2021 High-Level Conference on COVID-19, Canada secured the</p>

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		support of 55 member states on a proposal to prioritize ongoing technical expert work aimed at addressing these and other issues. TC also has established a dedicated unit to advocate for a review of ICAO's Annex 13 to enhance the transparency and credibility of air accident investigations in the context of the downing of an aircraft, with a focus on maintaining momentum for expert-led work and broadening support within ICAO to that effect.