

Appendix D:

Aviation Safety Enforcement Policy

This aviation safety enforcement policy is promulgated by the General Authority of Civil Aviation (GACA) of the Kingdom of Saudi Arabia (KSA) under the authority granted in Article 179 of the Civil Aviation Law 2005.

A. PURPOSE

The KSA's aviation safety enforcement policy is aimed at promoting compliance with aviation safety regulations and requirements through enforcement functions in an equitable manner. The implementation of safety management systems (SMS) requires GACA to have a fair and discretionary enforcement approach in order to support the KSA State Safety Program's Safety Management framework. This enforcement policy and associated enforcement procedures 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 GACA. Intentional contraventions of the Civil Aviation Law and the GACA Regulations (GACARs) will be investigated and may be subject to Remedial Certificate Actions and Orders and/or Punitive Actions where appropriate. The enforcement framework considers and distinguishes between premeditated violations and unintentional errors or deviations. It is intended to take account of the actual conditions and circumstances surrounding a violation or act of non-conformance.

This enforcement policy and associated enforcement procedures apply to all GACA regulated entities under GACARs 21 and 43 and companion regulations for Airworthiness, GACAR 91 and companion regulations for Flight operations, GACAR 139 and companion regulations for Aerodromes and ground handling, GACARs 61, 64, 65 66 and 67 for personal licensing and GACARs 141, 142, 143, 144 and 147 for Training, GACAR 170 and companion regulations for Air navigation services derived from ICAO Annex 1 — Personnel licensing; Annex 6 — Operation of Aircraft, Part I — International commercial air transport — Aeroplanes and Part III — International operations, — Helicopters; Annex 8 — Airworthiness; Annex 11 — Air traffic services, and Annex 14 — Aerodromes, Volume I — Aerodrome design and operations).

B. POLICY

Information derived from safety data and processing systems (established by GACA or under a certificate holder's SMS) relating to reports classified as confidential or voluntary shall not normally be used as the basis for punitive enforcement action.

All KSA SSP applicable service providers will establish, maintain, and adhere to an SMS that is commensurate with the size, nature and complexity of the operations authorized to be conducted under their approval/certificate. They are expected to have an acceptable process in place to manage their own routine safety and quality non-conformances. To maintain this enforcement policy that supports the implementation and ongoing oversight of SMS, the GACA inspectors will maintain an open communications channel with service providers.



When a service provider operating under an SMS unintentionally contravenes the KSA Civil Aviation Law safety-related provisions and the relevant GACARs, specific review procedures will be used. These procedures will allow the GACA inspector responsible, for service providers' safety oversight, the opportunity to engage in dialogue with the SMS-approved organization. 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 a recurrence.

Notwithstanding the previous protection statements, and in accordance with GACAR Part 13.47, immunity from punitive action may be denied if:

- There is evidence of intentional violation of the GACAR or a deliberate effort to conceal noncompliance;
- or
- The regulated person has, in the past 5 years, had the same or closely related violations.

GACA shall, through the department responsible for the oversight of the service provider, 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 (including any internal actions) are considered satisfactory and likely to prevent recurrence and foster future compliance, the review of the violation should be concluded with no further punitive enforcement action by the regulator. In cases where either the corrective measures or the systems in place are considered inappropriate, GACA shall continue to interact with the service provider to find a satisfactory resolution that would bring the service providers back into compliance and prevent enforcement action. However, in cases where the service provider refuses or is unable to address the event and provide effective corrective measures, GACA shall consider taking enforcement action (including Remedial Certificate Actions and Orders, Punitive Actions or other administrative action) as deemed appropriate.

GACA has a range of enforcement procedures in order to effectively address breaches of aviation regulations and requirements under the KSA Civil Aviation Law and GACARs, in light of different circumstances. These may range from a genuine misunderstanding of the regulations to a deliberate disregard for aviation safety. The enforcement procedures may result in a variety of actions, such as counselling; remedial training; variation, suspension or cancellation of authorizations or certification; or penalties and punishments for violations.

Enforcement decisions shall not be influenced by personal conflict; personal gain; considerations such as gender, race, religion, political views, or affiliation; or personal, political, or financial power of those involved.



C. PROPORTIONALITY OF RESPONSES

Compliance decisions must be proportional to the identified breaches and the resulting safety risks they underlie, based on three principles:

- (1) GACA shall act against those who consistently and deliberately operate outside civil aviation regulations;
- (2) GACA shall seek to educate and promote training or supervision of those who show commitment to resolving safety deficiencies; and
- (3) GACA shall give due and equitable consideration to distinguish premeditated violations from unintentional errors or deviations.

D. NATURAL JUSTICE, SAFETY CULTURE AND ACCOUNTABILITY

Enforcement decisions must be fair and follow due process, be transparent to those involved, take into account the circumstances of the case and the actions and attitudes of the service provider or individual when considering action. It must also be consistent in the actions and decisions for similar circumstances and be subject to appropriate internal and external review.

E. EXCEPTIONS

None. The KSA aviation safety enforcement policy is an overarching policy subject only to the provisions of GACAR Part 13 and GIP Volume 13 which apply in conjunction with it.

Signature:

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