



General Authority of Civil Aviation

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الهيئة العامة للطيران المدني
General Authority of Civil Aviation

GACA Circular No. R-7-2009

24 October 2009

TO: ALL PETITIONERS FOR REGULATORY EXEMPTIONS TO THE
GENERAL AUTHORITY OF CIVIL AVIATION REGULATIONS
(GACAR)

SUBJECT: PROCEDURES FOR PETITIONING FOR REGULATORY
EXEMPTIONS

1. Background

The legislation governing civil aviation in Saudi Arabia is the *Civil Aviation Act*.

Article 5 of the *Act* has vested the authority for administering this legislation on the General Authority of Civil Aviation (GACA) which is governed by a Board of Directors. The Board of Directors of GACA delegates the President the responsibility for regulatory policy in the sectors of civil aviation. The President further delegated responsibility for safety and economic regulation to the Vice President of Safety and Economic Regulation. In order to ensure the orderly and safe development of aviation in Saudi Arabia, operational regulations have been imposed on virtually all aviation activities. These regulations are known as the *General Authority of Civil Aviation Regulations (GACAR)*.

It has long been recognized that, in certain situations governed by law, there may be occasions when a regulation cannot or ought not to apply. In such cases, it may be appropriate to issue an "exemption" which exempts compliance from all or part of the regulatory requirement.

The regulatory exemption process is a three phase process;

Phase 1 - Petition for exemption

Phase 2 - GACA review and assessment

Phase 3 - Final Decision (grant, partial grant or denial)

This GACAR Circular describes procedures to be followed by petitioners for exemptions from the requirements of the civil aviation regulations of the Kingdom of Saudi Arabia (GACAR).



2. Petition Procedures

Petitioners for exemptions must petition in writing to the GACA Vice President, Safety and Economic Regulation using form GACA-S&ER 1001 (Attachment A). The petition must include the following items:

- a. Identification of who needs the exemption.
- b. Identification of the regulation(s) that an exemption is requested from including the extent of the relief sought.
- c. The reason that the exemption is required.
- d. Justification for the exemption including the identification of compensating features or factors that will provide for an acceptable level of safety.
- e. The date the exemption is required by
- f. The required duration of the exemption.
- g. If the petitioner wants to exercise the privileges of your exemption outside the Kingdom of Saudi Arabia, the reason(s) why this is needed.
- h. Explain the reasons why granting your request would be in the best interest of the Kingdom of Saudi Arabia - that is, how would it benefit the public as a whole.
- i. Any additional information available to support your request.

3. GACA Analysis

Exemptions are granted by the GACA only in exceptional circumstances and only after a thorough analysis is conducted on the impact the granting of the exemption may have on civil aviation in the Kingdom of Saudi Arabia.

The test for assessing the merits of a petition for exemption is two-fold. Each exemption must answer the following two questions positively:

1. Have specific restrictions or conditions been imposed that will provide for an acceptable level of safety to account for the regulatory requirements that are being exempted?
2. Is the exemption in the best interest of the Kingdom of Saudi Arabia?

The GACA analysis is undertaken by a group of experts within the GACA S&ER Group under the direction of the Vice President. The petitioner is reminded that their petition should include as much information as possible to assist the GACA in completing a comprehensive and accurate analysis of the petition.

The GACA analysis takes time to complete and petitioners must not assume that they will receive a decision on their petition immediately after submitting it.



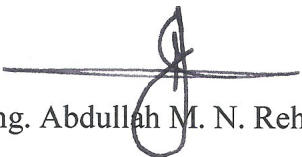
4. Grant, Partial Grant or Deny

The final decision and authority to issue an exemption in the domain of aviation safety and economic regulation rests with the GACA Vice President, Safety and Economic Regulation. The final decision will be; grant, partial grant or deny. Many exemptions will be time limited and thus will contain a validity period. The final decision will be communicated to the petitioner by an official exemption letter.

5. Conclusion

An exemption cannot be used to compel a petitioner to do something the regulations themselves do not require. If, in the course of granting a petitioner relief from a regulation the exemption actually imposes more onerous conditions than the regulation itself, the petitioner always has the choice to not take advantage of the exemption. In this case, the petitioner is expected to comply fully with the existing regulations and standards. Note that if the petitioner of the exemption does not comply with its conditions, the exemption becomes null and void and the person must then comply fully with the regulations.

// President, General Authority of Civil Aviation
Kingdom of Saudi Arabia


Eng. Abdullah M. N. Rehaimi



ATTACHMENT A – Form GACA-S&ER 1001, Petition for Regulatory Exemption

Kingdom of Saudi Arabia
General Authority of Civil Aviation
Aviation Safety & Economic
Regulation



المملكة العربية السعودية
الهيئة العامة للطيران المدني
إدارة السلامة والتراخيص الإقتصادية

PETITION FOR REGULATORY EXEMPTION

Instructions: Print or type all entries except signature.

1. Name:

2. Address:

3. Telephone No:

4. Fax No:

5. Affected Certificate of License No:

6. E-Mail:

7. Identify the specific regulation(s) which you are seeking to be exempted from:

8. Identify the extent of relief which you are seeking:

9. Specify the duration which you need the exemption for:

10. Explain the reason(s) you seek to be exempted from the regulation(s): *Please use additional sheets if necessary.*

11. Explain the reasons why granting the exemption would not adversely affect safety, or how the exemption would provide a level of safety at least equal to that provided by the rule from which you seek the exemption: *Please use additional sheets if necessary.*

12. Do you want to exercise the privileges of your exemption outside the Kingdom of Saudi Arabia?

Yes:

No:

13. If you want to exercise the privileges of your exemption outside the Kingdom of Saudi Arabia, what are the reason(s) you need to do so: *Please use additional sheets if necessary.*

14. Explain the reasons why granting your request would be in the best interest of the Kingdom of Saudi Arabia - that is, how would it benefit the public as a whole: *Please use additional sheets if necessary.*

15. Any additional information, views or arguments available to support your request: *Please use additional sheets if necessary.*

16. Name and Title:

17. Date:

18. Signature:

GACA-S&ER 1001 (10-2009)