

**Kingdom of Saudi Arabia
General Authority of Civil Aviation**

GACA REGULATION

Section 22 ANS Safety Oversight Requirements

Edition 2.0

FOREWORD

The following Regulations governing the Safety Oversight of Air Navigation Services (ANS) are based on provisions of Articles 2, 3, 4, 5, 89, 90, 94, 175 and 177 of the Civil Aviation Act that has been approved by the Council of Ministers Resolution No. 185 dated 17/07/1426H and issued by the Royal Decree No. M/44 dated 18/07/1426H. (23/08/2005G), and are in accordance with the relevant ICAO Annexes and guidance material.

The promulgation of this regulation is based on the authority granted in Article 179 of the Civil Aviation Act, and is issued under the authority of the President, General Authority of Civil Aviation, as a duly delegated representative of the GACA Board of Directors, in accordance with Order No.T-41, dated 30/12/1429H (28/12/2008G).

As GACA-S&ER has regulatory responsibility for civil aviation safety in the Kingdom of Saudi Arabia. In order to meet and implement the applicable ICAO SARPs, all the safety oversight functions have been reviewed in particular in the oversight of Air Navigation Services activities.

New principles have been adapted to strengthen the safety oversight activities and to build a cooperative system which involved the Air Navigation Services Department in charge of Safety Management System. This will allow GACA to have a better vision on the achievement of the required Safety levels and to improve the level of safety sharing data.

This regulation is considered the basis that will govern the production, establishment and implementation of an SSP for safety oversight for Air Navigation Services activities.

The General Authority of Civil Aviation is responsible for the preparation and distribution of all regulations in sufficient quantities so that all service providers and aircraft operators based in the Kingdom of Saudi Arabia are able to obtain an authentic copy prior to the effective date of the Regulation.

APPROVED:*Original Signed by*

Fahad Bin Abdullah Al-Saud

President, General Authority of Civil Aviation
Kingdom of Saudi Arabia

Effective Date: 15 November 2012

RULES OF CONSTRUCTION

Rules of Construction

- a) To avoid any misunderstanding within this regulation, certain words are to be interpreted as having specific meanings when they are used, unless the context requires otherwise:
- (1) words importing the singular include the plural;
 - (2) words importing the plural include the singular; and
 - (3) words importing the masculine gender include the feminine.
- b) In this regulation, the following protocol is used:
- (1) the words "**shall**" and "**must**" indicate that compliance is compulsory;
 - (2) The word "**should**" indicates a recommendation. It does not mean that compliance is optional but rather that, where insurmountable difficulties exist, the GACA- S&ER may accept an alternative means of compliance, provided that an acceptable safety assurance from the Air Navigation Services shows that the safety requirements will not be reduced below that intended by the requirement.
 - (3) The word "**Can**" or "**May**" is used in a permissive sense to state authority or permission to do the act prescribed, and the words "no person may * * *" or "a person may not * * *" mean that no person is required, authorized, or permitted to do the act prescribed;
 - (4) The word "**will**" is used to express the future; and
 - (5) The word "**includes**" means "**includes but is not limited to**".

AMENDMENT PROCEDURE

The existing General Authority of Civil Aviation Regulations (GACAR) will be periodically reviewed to reflect the latest updates of International Civil Aviation Organization (ICAO) Standards and Recommended Practices (SARPs); it will be also amended to reflect the latest aviation safety provisions issued by GACA and other regional and international Civil Aviation organizations. A complete revised edition incorporating all amendments will be published every three years from the original effective date of this regulation. The amendment procedure shall be as follows;

1. When the General Authority of Civil Aviation (GACA) receives an amendment to any of the current ICAO Annexes that can affect the provisions of this regulation, it will be forwarded by the Vice President of International Organization Affairs to the Vice President, Safety and Economic Regulation (S&ER) who in turn will provide a copy of this amendment to the concerned department for study and comments taking into account the ICAO deadline for the reply.
2. When any GACA department or stakeholder proposes an amendment to this regulation, it will send a letter with the proposed amendment including a clear justification and argument for such amendment. Following the receipt of an amendment proposal, the S&ER will analyze this proposal and forward its comments and any proposed decision action to the S&ER Vice President.
3. An accepted amendment proposal will be prepared as draft amendment to the GACAR Section 22 and forwarded to the originator of the amendment proposal and concerned GACA department (s) for further review and comment within a specified timeline.
4. All accepted amendments will be drafted in the form of Notices of Proposed Amendments (NPA) and forwarded to all concerned parties including stakeholders for comment within a two-month reply period. The NPA shall indicate the proposed Amendment's effective date.
5. Following the receipt of NPA replies, the S&ER will analyze the comments received and produce a new draft in consultation with the concerned GACA department. The final draft will be submitted to President of the General Authority of Civil Aviation for formal approval prior to publication.
6. The Amendment's effective date will take into account the comments of all the concerned parties and stakeholders.
7. Any differences between the GACAR Section 22 new amendment and ICAO Annexes Standards and Recommended Practices will be forwarded to ICAO as a Difference and published as it is in the Aeronautical Information Publication (AIP).
8. All concerned parties and stakeholders will be provided a copy of the new amendment and will be requested to update their copy of the GACAR Section 22 accordingly.
9. It is the responsibility of all concerned parties to keep their copy of GACAR Section 22 and other GACA regulation publication up to date.

SUPPLEMENTARY REGULATIONS

From time to time it will be necessary to issue regulations which supplement or augment the GACA Regulations. The following procedures will apply:

1. Supplementary regulations will be issued in the form of a GACA Regulation Circular (RC).
2. The GACA Regulation Circular will be approved by the President.
3. The process for preparation and publishing of the GACA Regulation Circular will be addressed in the GACA Quality System Manual.



AMENDMENT RECORD

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1. SUBJECT MATTER AND SCOPE

1.1 This Regulation establishes a safety oversight function concerning air navigation services and Air Traffic Management by identifying and adopting the relevant requirements of ICAO on safety oversight.

2. DEFINITIONS

2.1 For the purposes of this Regulation, the following definitions shall apply:

Air navigation services:

Services provided to air traffic during all phases of operations including air traffic management (ATM), communication, navigation and surveillance (CNS), meteorological services for air navigation (MET), search and rescue (SAR) and aeronautical information services (AIS).

Note: Under the current arrangements, the General Authority of Civil Aviation does not have oversight of the PME, which is the Meteorological Authority. GACA exercises its oversight through the Memoranda of Understanding with PME, which describes the agreed process to verify the accuracy and timeliness of PME aviation weather products in conformance with ICAO Annex 3 Standards and Recommended Practices.

Air traffic management (ATM):

The dynamic, integrated management of air traffic and airspace including air traffic services, airspace management and air traffic flow management — safely, economically and efficiently — through the provision of facilities and seamless services in collaboration with all parties and involving airborne and ground-based functions.

Corrective action:

Means action to eliminate the cause of a detected non-conformity;

Functional system:

Means a combination of systems, procedures and human resources organized to perform a function within the context of Air Navigation Services;

Entity:

Means either a GACA-ANS or an organization contracted with GACA;

Procedure:

A way of documenting a process.

Process:

Means a set of interrelated or interacting activities which transforms inputs into outputs;

Regulation:

The giving of authoritative direction to bring about and maintain a desired degree of order.

Safety argument:

Means the demonstration and evidence that a proposed change to a functional system can be implemented within the targets or standards established through the existing regulatory framework consistently with the safety regulatory requirements;

Safety notice:

Means a document issued or adopted by GACA-S&ER which mandates actions to be performed on a functional system to restore safety, when evidence shows that aviation safety may otherwise be compromised;

Safety objective:

Means a qualitative or quantitative statement that defines the maximum frequency or probability at which a hazard can be expected to occur;

Safety regulatory audit:

Means a systematic and independent examination conducted by, or on behalf of, GACA-S&ER to determine whether complete safety-related arrangements or elements thereof, related to processes and their results, products or services,

comply with required safety-related arrangements and whether they are implemented effectively and are suitable to achieve expected results;

Safety regulatory requirements:

Means the requirements established by GACA for the provision of air navigation services concerning the technical and operational competence and suitability to provide these services and functions, their safety management, as well as systems, their constituents and associated procedures;

Verification:

Means confirmation through the provision of objective evidence that specified requirements have been fulfilled.

3. SAFETY OVERSIGHT FUNCTION

3.1 GACA-S&ER shall identify and adopt the relevant provisions of the Safety Regulatory Requirements applicable to Air Navigation Services taking into account existing ICAO Standards and Recommended Practices, guidance material and all Safety related material.

3.2 GACA-S&ER shall develop and exercise an effective Safety Oversight function as part of the supervision of requirements applicable to Air Navigation Services in order to monitor the safe provision of these activities and to verify that the applicable safety regulatory requirements and their implementing arrangements are met.

3.3 GACA-ANS shall ensure the Safe provision of Air navigation services and cooperate with GACA-S&ER for all activities related to Safety Oversight.

3.4 GACA-S&ER shall conduct safety regulatory audits and reviews in accordance with this Regulation as part of the proper inspections and surveys required.

3.5 GACA-S&ER shall perform a Safety Oversight of any changes to the functional systems that enable air navigation services.

3.6 GACA-S&ER shall make appropriate arrangements for close cooperation with GACA-ANS to ensure adequate supervision of air navigation services provided. These arrangements shall cover in particular secondment of qualified Staff and exchange of appropriate information about the safety performance in the provision of Services.

4. MONITORING OF SAFETY PERFORMANCE

4.1 GACA-S&ER shall ensure that GACA-ANS perform regular monitoring and assessment of the levels of safety achieved and provide it with regular reports. GACA-S&ER shall use these reports to determine areas in which the verification of compliance with safety regulatory requirements is necessary as a matter of priority.

5. VERIFICATION OF COMPLIANCE WITH SAFETY REGULATORY REQUIREMENTS

5.1

5.2 GACA-S&ER shall establish a process in order to verify:

- a) Compliance with applicable GACA Safety regulatory requirements for the provision of Air Navigation Services;
- b) Ongoing compliance of GACA-ANS with applicable GACA safety regulatory requirements;
- c) implementation of safety objectives, safety requirements and other safety-related conditions identified under risk assessment and mitigation procedures required by GACA safety regulatory requirements applicable to air navigation services;

5.2 The process referred to in § 5.1 shall:

- a) be based on documented procedures;
- b) be supported by documentation specifically intended to provide GACA-S&ER safety oversight personnel with guidance to perform their functions;
- c) provide GACA-ANS with an indication of the results of the safety oversight activity;
- d) be based on safety regulatory audits and reviews conducted in accordance with provision of § 6, 8 and 9;
- e) provide GACA President and GACA-ANS with the evidence needed to support further action in situations where safety regulatory requirements are not being complied with.

6. SAFETY REGULATORY AUDITS

6.1 GACA-S&ER shall conduct safety regulatory audits, which:

- a) provide GACA president and GACA-ANS with evidence of compliance with applicable safety regulatory requirements and with implementing arrangements by evaluating the need for improvement or corrective action;
- b) be independent of internal auditing activities undertaken by GACA as part of its safety or quality management systems;
- c) be conducted by auditors qualified in accordance with the requirements of § 11;
- d) determine whether:
 - 1) implementing arrangements comply with safety regulatory requirements;
 - 2) actions taken comply with the implementing arrangements;
 - 3) the results of actions taken match the results expected from the implementing arrangements;
- e) lead to the correction of any identified non-conformities in accordance with § 7.

6.2 GACA-S&ER shall establish and update at least annually a program of safety regulatory audits in order to:

- a) cover all the areas of potential safety concern, with a focus on those areas where problems have been identified;
- b) cover all the GACA-ANS entities involved in the Provision of Air navigation Services;
- c) ensure that audits are conducted in a manner commensurate to the level of risk posed by the GACA-ANS' activities;
- d) ensure that sufficient audits are conducted over a period of one year to check the compliance of all GACA-ANS entities with applicable safety regulatory requirements in all the relevant areas of the functional system;
- e) ensure follow up of the implementation of corrective actions.

6.3 GACA-S&ER may decide to modify the scope of pre-planned audits, and to include additional audits, wherever that need arises. In this case, the GACA President and GACA-ANS shall be informed.

6.4 GACA-S&ER shall decide which arrangements, elements, services, physical locations and activities are to be audited within a specified time frame.

6.5 GACA-S&ER Audit observations and identified non-conformities shall be documented. The latter shall be supported by evidence, and identified in terms of the applicable safety regulatory requirements and their implementing arrangements against which the audit has been conducted.

6.6 GACA-S&ER shall draw up an audit report, including the details of the non-conformities.

7. CORRECTIVE ACTIONS.

7.1 GACA-S&ER shall communicate the audit findings to the GACA-ANS Vice President and to the audited GACA-ANS entity and shall simultaneously request corrective actions to address the non-conformities identified.

7.2 The audited GACA-ANS entity shall determine the corrective actions deemed necessary to correct non-conformity and the timeframe for their implementation.

7.3 The GACA-S&ER shall assess the corrective actions and the implementation determined by the audited GACA-ANS entity and accept them if the assessment concludes that they are sufficient to address the non-conformities.

7.4 The audited GACA-ANS entity shall initiate the corrective actions accepted by GACA-S&ER. These corrective actions and the subsequent follow-up process shall be completed within the time period accepted by GACA-S&ER.

8. SAFETY OVERSIGHT OF CHANGES TO FUNCTIONAL SYSTEMS

8.1 GACA-ANS shall only use procedures accepted by GACA-S&ER when deciding whether to introduce a safety-related change to its functional systems.

8.2 GACA-ANS shall notify GACA-S&ER of all planned safety related changes. To this effect, GACA-S&ER shall establish appropriate administrative procedures.

8.3 Unless provision of § 9 applies, GACA-ANS may implement the notified change in accordance with the procedure procedures referred to in § 8.1 of this regulation.

9. REVIEW PROCEDURE OF THE PROPOSED CHANGES

9.1 GACA-S&ER shall review the safety arguments associated with new functional systems or changes to existing functional systems proposed by GACA-ANS when:

- a) the severity assessment conducted in accordance with GACA-ANS Safety management Manual determines a severity class 1 or a severity class 2 for the potential effects of the hazards identified; or
- b) the implementation of the changes requires the introduction of new aviation standards.

9.2 When GACA-S&ER determines the need for a review in situations other than those referred to in points a) and b), it shall notify the organization that it will undertake a safety review of the change notified.

9.3 GACA-S&ER review shall be conducted in a manner commensurate with the level of risk posed by the new functional system or change to existing functional systems. It shall:

- a) use documented procedures;
- b) be supported by documentation specifically intended to provide safety oversight personnel with guidance to perform their functions;
- c) consider the safety objectives, safety requirements and other safety-related conditions that are related to the change under consideration which have been identified.

- d) identify additional safety-related conditions associated to the implementation of the change, wherever needed;
- e) assess the acceptability of safety arguments presented, taking account of:
 - 1) the identification of hazards;
 - 2) the consistency of the allocation of severity classes;
 - 3) the validity of the safety objectives;
 - 4) the validity, effectiveness and feasibility of safety requirements and any other safety-related conditions identified;
- f) the demonstration that the safety objectives, safety requirements and other safety-related conditions are continuously met;
- g) the demonstration that the process used to produce the safety arguments meets the applicable safety regulatory requirements;
- h) verify the processes used by GACA-ANS to produce the safety arguments in relation to the new functional system or changes to existing functional systems under consideration;
- i) identify the need for the verification of ongoing compliance;
- j) include any necessary coordination activities with the concerned GACA-S&ER departments responsible for the safety oversight of airworthiness and flight operations;
- k) provide notification of the acceptance, with conditions where applicable, or the non-acceptance, with supporting reasons, of the change under consideration.

9.4 The introduction into service of the change under consideration in the review shall be subject to acceptance by the GACA-S&ER.

10. INVOLVEMENT OF INTERNAL AND EXTERNAL ENTITY IN SAFETY OVERSIGHT ACTIVITIES.

10.1 When GACA-S&ER decides to involve an internal or external body in the conduct of safety regulatory audits or reviews, it shall ensure that the criteria used to select this entity include the following:

- a) the entity has prior experience in assessing safety in Air Navigation Services;
- b) the entity is not simultaneously involved in GACA-ANS operational Air Navigation Services activities;
- c) all personnel concerned with the conduct of safety regulatory audits or reviews are adequately trained and qualified and meet the qualification criteria of § 11.3 of this Regulation.

10.2 The internal entities shall accept the possibility of being audited by GACA-S&ER or anybody acting on its behalf.

10.3 GACA-S&ER shall maintain a record of the internal and external entities commissioned to conduct safety regulatory audits or reviews on its behalf. The records shall document compliance with the requirements contained in § 10.1.

11. SAFETY OVERSIGHT CAPABILITIES

11.1 GACA-S&ER Vice President shall ensure that GACA-S&ER have the necessary capability to ensure the safety oversight of all operators and Service providers operating under their supervision, including sufficient resources to carry out the actions identified in this Regulation.

11.2 GACA-S&ER shall produce and update every year, an assessment of the human resources needed to perform their safety oversight functions, based on the analysis of the processes required by this Regulation and their application.

11.3 GACA-S&ER shall ensure that all persons involved in safety oversight activities are competent to perform the required function. In that regard, they shall:

- a) define and document the education, training, technical and operational knowledge, experience and qualifications relevant to the duties of each position involved in safety oversight activities within its structure;
- b) ensure specific training for those involved in safety oversight activities within its structure;
- c) ensure that personnel designated to conduct safety regulatory audits, including auditing personnel from internal and external entities, meet specific qualification criteria defined by GACA-S&ER. The criteria shall address:
 - 1) the knowledge and understanding of the requirements related to air navigation services and Air Traffic Management against which safety regulatory audits may be performed;
 - 2) the use of assessment techniques;
 - 3) the skills required for managing an audit;
 - 4) the demonstration of competence of auditors through evaluation or other acceptable means.

12. SAFETY NOTICES

12.1 GACA-S&ER shall issue a safety notice when it has determined the existence of an unsafe condition in a functional system requiring immediate action.

12.2 A safety notice shall be forwarded to the GACA-ANS and contain, as a minimum, the following information:

- a) the identification of the unsafe condition;
- b) the identification of the affected functional system;
- c) the actions required and their rationale;
- d) the time limit for compliance of the required actions with the Safety Notice;

12.3 GACA-S&ER shall forward a copy of the Safety Notice to GACA President and GACA-ANS Vice President.

12.4 GACA-S&ER shall verify the compliance with applicable safety notices.

13. SAFETY OVERSIGHT RECORDS

13.1 GACA-S&ER shall keep and maintain access to, the appropriate records related to its safety oversight processes, including the reports of all safety regulatory audits and other safety-related records related to approvals, designations of audit teams, the safety oversight of changes, safety notices and the use of internal and external entities in Safety oversight activities.

14. SAFETY OVERSIGHT REPORTING

14.1 GACA-S&ER shall produce an annual safety oversight report of the actions taken pursuant to this Regulation. The report shall also include information on the following:

- a) Organizational structure and procedures used for Safety Oversight;
- b) List of approved auditors and existing levels of resources for Safety Oversight;

- c) Number of the regulatory Safety audits performed;
 - d) Internal and external entities commissioned to conduct safety regulatory audits with GACA-S&ER;
 - e) any safety issues identified through the safety oversight processes;
- 14.2 GACA-S&ER safety oversight report shall be made available to all concerned GACA-ANS departments.

15. INFORMATION EXCHANGE BETWEEN GACA-S&ER AND GACA-ANS

15.1 GACA-S&ER and GACA-ANS shall make arrangements for close cooperation and exchange of any appropriate information to ensure the safety oversight of all Air Navigation Services activities.

16. ENTRY INTO FORCE

16.1 This Regulation shall enter into force on the day following its signature.

