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EBOOK VOLUME 10. FOREIGN AIR OPERATORS – AUTHORIZATION &  
ADMINISTRATION

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**CHAPTER 1. RESERVED**

**Section 1. Reserved**

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**CHAPTER 2. FOREIGN AIR CARRIERS OPERATING TO/FROM THE KSA**

**Section 1. Part 129 Authorization Process**

**10.2.1.1. BACKGROUND AND GACA AUTHORITY.** In accordance with Article 12 to the International Civil Aviation Organization (ICAO) Convention, the General Authority of Civil Aviation (GACA) must insure that every aircraft flying over or maneuvering within its territory complies with the rules and regulations relating to the flight and maneuvering of aircraft. Article 33 to the ICAO Convention provides that certificates of airworthiness and certificates of competency and licenses issued, by the State in which an aircraft is registered, shall be recognized by the state (GACA), provided that the requirements under which such certificates or licenses were issued are equal to or above the minimum standards which may be established by ICAO. GACA is entitled, by Article 16 to the ICAO Convention to search aircraft from other States on landing and departure and to inspect the certificates and other documents prescribed by the Convention and its Annexes, provided there is no unreasonable delay to the operation. Operators must have already shown compliance with ICAO Standards by the original certificate issued by the Contracting State, to include:

- Aircraft airworthiness complies with ICAO Annex 8
- Operation of aircraft complies with ICAO Annex 6
- Flight crew have been licensed in accordance with ICAO Annex 1
- Transportation of dangerous goods by air in accordance with ICAO Annex 18
- Environment protection of aircraft in accordance with ICAO Annex 16
- Safety Management in accordance with ICAO Annex 19

**10.2.1.3. REGULATORY AND ECONOMIC AUTHORITY.** General Authority of Civil Aviation Regulation (GACAR) Part 129 contains the basic authority and minimum safety standards a foreign air carrier authorized to conduct operations to, from, and within the Kingdom

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of Saudi Arabia (KSA) must adhere. In addition, before any foreign air carrier or foreign operator may conduct any passenger or cargo operations to and from the KSA, it must obtain the applicable economic authority.

**10.2.1.5. REQUIRMENTS FOR FOREIGN AIR CARRIERS.** The foreign air carrier must comply with GACAR Part 91 and Part 129 including any conditions and limitations prescribed in the GACAR Part 129 authorizing document, the KSA Aeronautical Information Publication (AIP) and any other applicable regulations, laws, and orders of the KSA. At all times the foreign air carrier must have appropriate economic authority issued by the GACA. In addition, the foreign air carrier must comply with the following:

**A. Approved Aircraft.** The foreign air carrier must conduct its operations to, from, and within, the KSA using only the aircraft listed in the GACA authorizing document and is limited to the types of operation, special authorizations, aerodromes used and routes flown as specified by the GACA.

**B. Leasing of Aircraft.** Prior to conducting operations involving a lease of aircraft *with crew*, each foreign air carrier must provide the GACA with a copy of the lease to be executed.

**NOTE:** Foreign air carriers may lease aircraft *without crew* provided that is authorized in the Air Operator Certificate (AOC) issued by the State of Operator.

1) The GACA may refuse to authorize any lease agreement of aircraft *with crew* not deemed to be in the public interest.

2) For leasing of aircraft *with crew*, the lessee must ensure the lessor is an operator holding an authorization issued under GACAR Part 129 or an Air Operator Certificate (AOC) issued under GACAR Part 119.

3) Upon authorization of a lease of aircraft *with crew*, the President issues amendments to the authorizing documents of each party to the agreement, as needed. The lessee must provide the following information to be incorporated into its authorizing documents, as needed:

a) The names of the parties to the agreement and the duration thereof.

b) The nationality, registration markings, and serial numbers of each aircraft

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involved in the agreement.

4) For leasing of aircraft *with crew*, the lessee must provide the GACA:

- a) A statement specifying the lessee has operational control of all operational functions and the times, aerodromes, or areas under which such operational control will be exercised.
- b) A statement of acknowledgment and consent to the lease by civil aviation authority of the State of the lessor and the State of the lessee, if different from that of the lessor.

**C. Flight Crew Members.**

1) Each person acting as a flight crew member must hold a certificate or license that shows the person's ability to perform duties in connection with the operation of the aircraft. One of the following entities must have issued or rendered valid the certificate or license, in accordance with the Standards contained in Annex 1 (Personnel Licensing) to the Convention on International Civil Aviation:

- The State in which the aircraft is registered or
- The State of the Operator, provided that the State of the Operator and the State of Registry have entered into an agreement under Article 83 bis of the Convention on International Civil Aviation that covers the aircraft

2) Each pilot must be familiar with the applicable rules, the navigational and communications facilities, and the air traffic control and other procedures, of the areas he will traverse within the KSA.

3) Each foreign air carrier must:

- Establish procedures to assure that each of its pilots has the knowledge required by this subparagraph and must check the ability of each of its pilots to operate safely according to applicable rules and procedures.
- Conform to the practices, procedures, and other requirements prescribed by the

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GACA for Saudi Arabian air operators for the areas to be operated in

**10.2.1.7. AUTHORIZATIONS AND PROHIBITIONS.** Per GACAR § 129.3, the following apply:

- The GACA will issue authorizing documents to a person authorized to conduct operations as a foreign air carrier
- Each foreign air carrier’s authorizing documents will contain the authorizations, limitations, and certain procedures under which each kind of operation is to be conducted
- No person may operate without, or in violation of, appropriate authorizing documents
- Each foreign air carrier must operate in accordance with the applicable Standards contained in Annex 6 (Operation of Aircraft), and Annex 8 (Airworthiness of Aircraft), Annex 18 (Transportation of Dangerous Goods by Air) and Annex 19 (Safety Management) to the Convention on International Civil Aviation
- Foreign air carriers conducting operations must comply with the applicable economic authority requirements as established by the GACA
- Foreign air carriers must comply with the applicable security requirements as established by the GACA
- No person may operate or list on its authorizing documents any aircraft listed on operations specifications issued under GACAR Part 119, Subpart D

**10.2.1.9. CONTENT OF AUTHORIZING DOCUMENTS.** Each foreign air carrier authorized to conduct operations under GACAR Part 129 must obtain a Foreign Operator Authorization (i.e. authorizing document) containing the following:

- The specific location and mailing address of the foreign air carrier’s principal place of business in the State of the Operator and, if different, the address that will serve as the primary point of contact for correspondence between the GACA and the foreign air carrier
- The certificate number and validity of the foreign air carrier’s or AOC issued by the

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State of the Operator

- The designation of an agent within the KSA, including the agent’s full name and office address or usual place of residence
  - Aerodromes in the KSA to be used
- Any other item the GACA determines is necessary

**NOTE:** Each Foreign Operator Authorization also includes a GACAR Part 129 Operator Limitations listing which identifies all limitations associated with the authorized operations.

**NOTE:** Additional guidance on the development process for the foreign air carrier authorizing document may be found in Volume 15, Chapter 15 of this handbook.

**10.2.1.11. FOREIGN AIR CARRIER AUTHORIZATION PROCESS.**

**A.** A foreign air carrier applying for an authority to operate under GACAR Part 129 must submit an application:

- 1) In a form and manner prescribed by the GACA.
- 2) Containing any information the GACA requires the applicant to submit.

**B.** Each applicant must submit its application for authorization to the GACA at least 30 working days before beginning operations to or from the KSA.

**C.** GACA will review the submitted documentation in order to verify that the applicant complies with all applicable requirements prescribed in GACAR Part 129. The scope and depth of the review will be established by GACA management using risk-based principles. Greater review scrutiny will be given to applicants with previously known safety concerns or who hold an AOC issued by a State who has been determined to warrant enhanced oversight.

When evaluating an application by an operator from to operate within the KSA, the GACA will examine both the safety oversight capabilities and record of the State of the Operator and,

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if different, the State of Registry, as well as the operational procedures and practices of the operator. This is necessary in order for the GACA to have confidence in the validity of the certificates and licenses associated with the operator, its personnel and aircraft, in the operational capabilities of the operator and in the level of certification and oversight applied to the activities of the operator by the State of the Operator. Inspectors can obtain information on the safety oversight capabilities, and the level of compliance with ICAO Standards, of another State by accessing information from the ICAO Universal Safety Oversight Audit Programme (USOAP). This information is available on the ICAO website <http://www.icao.int> and accessible through the Flight Safety Information Exchange (FSIX) – Safety Oversight Information – Audit Reports (1999-2004) or Audit Reports (Comprehensive Systems Approach). Further information is available by accessing audit summary reports from the USOAP audits available to States on the ICAONet <http://www.icao.int/icaonet/>. Full information on USOAP audit results, available only to States, can be found on the ICAO Safety Oversight Audit (SOA) Secure Site which is accessible, subject to an appropriate password, through the FSIX home page. The SOA Secure Site has been developed to provide all Contracting States with the ability to access safety critical information collected from Contracting States that completed the State Aviation Activity Questionnaire (SAAQ) and compliance checklists in preparation for the USOAP audit and from the safety oversight USOAP audits conducted under the comprehensive systems approach. This secure site contains final safety oversight audit reports including the audit findings, recommendations, State's action plan and comments, as well as the comments of the Safety Oversight Audit Section on a State's action plan in addition to all relevant information derived from the Audit Findings and Differences Database (AFDD). Inspectors can also obtain information on an operator from another State by application to the State of the Operator, for reports of any inspections that may have been conducted, and from the international register of air operator certificates to be established by ICAO. Inspectors can also request access to reports of audits of the operator in question, conducted by independent aviation audit organizations and / or by other air operators, such as code-sharing partners. Such non-regulatory audits should be used in conjunction with other information such as a report from the ICAO Universal Safety Oversight Audit Programme (USOAP) or other inspection results to evaluate the application.

Other considerations that will influence the authorization process will be whether the foreign air carrier is currently on the European Union's (EU) banned list and/or subject to a Category 2 assessment under the FAA's International Aviation Safety Assessment (IASA) program. If either, or both, of these situations apply, the GACA shall implement an enhanced review and evaluation process prior to authorizing operations under GACAR Part 129. The GACA may

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require a full assessment of the safety standards of the State of the operator or State of registry, which may include a formal audit of the lessor.

An authorization will normally be granted in the absence of any significant negative findings / major deficiencies. In the case of any significant negative findings / major deficiencies, the document review should be followed by discussions with the State of the Operator seeking resolution of such deficiencies prior to granting an authorization. In case of significant negative findings / major deficiencies, Inspectors shall consult with GACA senior management to determine the best course of action moving forward.

**D.** The President may issue a Foreign Operator Authorization to an applicant, if the GACA finds the applicant:

- 1) Meets the applicable requirements of GACAR Part 129.
- 2) Is properly and adequately equipped to conduct the operations described in the authorizing documents.
- 3) Holds a valid AOC issued by an ICAO Contracting State.

**E.** Within 30 working days after a foreign air carrier terminates operations under GACAR Part 129, the foreign air carrier must surrender its authorizing documents to the GACA.

**10.2.1.13. AMENDING, SUSPENDING, OR TERMINATING AUTHORIZING DOCUMENTS.**

**A.** Authorizing documents issued under GACAR Part 129 are effective until:

- The foreign air carrier surrenders them to the GACA
- The President suspends or terminates them
- The President amends the authorizing documents as provided in GACAR § 129.13

**B.** Except as provided in subparagraphs D and E below, when the GACA initiates an action affecting a foreign air carrier’s authorizing documents, the following procedure applies:

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- 1) The GACA notifies the foreign air carrier in writing of the proposed action.
- 2) The GACA sets a reasonable period (but not less than working 7 working days) within which the foreign air carrier may submit written information, views, and arguments.
- 3) After considering all material presented, the GACA notifies the foreign air carrier of its decision.
- 4) The President’s decision becomes effective not less than 30 working days after the foreign air carrier receives notice of it unless:
  - a) The President finds under subparagraph E below that there is an emergency requiring immediate action with respect to safety in air commerce, *or*
  - b) The foreign air carrier petitions for reconsideration under GACAR Part 13.

**C.** When the foreign air carrier or foreign person applies for an amendment to its authorizing documents, the following procedure applies:

- 1) The foreign air carrier must file an application to amend its authorizing documents, in a form and manner prescribed by the GACA, at least working 15 working days before the date proposed by the applicant for the amendment to become effective in all other cases.
- 2) After considering all material presented, the GACA notifies the foreign air carrier of its decision.
- 3) If the President approves the amendment, following coordination with the foreign air carrier regarding its implementation, the amendment is effective as specified by the GACA.

**D.** The foreign air carrier may petition for reconsideration of any action or denial of action under subparagraphs B and C above, using the procedures prescribed in GACAR Part 13.

**E.** If the GACA finds that an emergency exists requiring immediate action with respect to aviation safety that makes the procedures set out in this paragraph impracticable or contrary to the public interest:

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1) The President amends, suspends, or terminates the authorizing documents and makes the amendment, suspension, or termination effective on the working day the foreign air carrier receives notice of it.

2) In the notice to the foreign air carrier, the GACA articulates the reasons for its finding that an emergency exists requiring immediate action with respect to aviation safety or that makes it impracticable or contrary to the public interest to stay the effectiveness of the amendment, suspension, or termination.

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**CHAPTER 3. TBD**

**Section 1. TBD**

**NOTE:** This guidance to be developed at a later date.