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GACAR PART 129 – OPERATIONS: FOREIGN AIR CARRIERS

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**SUBPART A – GENERAL**

**§ 129.1 Applicability.**

- (a) This part applies to each foreign air carrier intending to operate civil aircraft to, from, or within the Kingdom of Saudi Arabia for purposes of commercial air transportation.
- (b) This part prescribes—
- (1) The types of authorizations issued by the General Authority of Civil Aviation (GACA) for foreign air carriers,
  - (2) The requirements a foreign air carrier must meet in order to obtain and hold an authorization for each kind of operation the foreign air carrier will conduct,
  - (3) The requirements a foreign air carrier must meet to conduct operations under this part, and
  - (4) Requirements affecting leasing of aircraft by foreign air carriers.
- (c) Except where this part has modified the requirements or has imposed new requirements, persons subject to this part must comply with all applicable requirements of the General Authority of Civil Aviation Regulation (GACAR).

**§ 129.3 Authorizations and Prohibitions.**

- (a) The GACA will issue authorizing documents to a person authorized by the President to conduct operations as a foreign air carrier under this part.
- (b) Each foreign air carrier's authorizing documents issued under this part must contain the authorizations, limitations, and certain procedures under which each kind of operation is to be conducted.
- (c) No person may operate under this part without, or in violation of, appropriate authorizing documents.
- (d) Each foreign air carrier must operate in accordance with the applicable Standards contained in: Annex 1 (Personnel Licensing), Annex 6 (Operation of Aircraft), Annex 8 (Airworthiness of

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Aircraft), Annex 18 (Transportation of Dangerous Goods by Air), Annex 19 (Safety Management) to the Convention on International Civil Aviation, and any other requirements stipulated by the President.

(e) Foreign air carriers conducting operations under this part must comply with the applicable economic authority requirements as established by the GACA.

(f) Foreign air carriers conducting operations under this part must comply with the applicable security requirements as established by the GACA.

(g) No person operating under this part may operate or list on its authorizing documents any aircraft listed on operations specifications issued under GACAR Part 119, Subpart D.

(h) A Foreign air carrier conducting operations under this part must inform GACA of any changes to its AOC or to the authorized aircraft listed in its authorization.

### **§ 129.5 Aircraft Registration Marks and Use of Business Names.**

(a) A foreign air carrier authorized under this part may use only the business name(s) appearing in its authorizing documents.

(b) The business name of the foreign air carrier who is operating the aircraft must be legibly displayed on the aircraft and clearly visible and readable from the outside of the aircraft to a person standing on the ground at any time except during flight time. The means of displaying the business name on the aircraft and its readability must be acceptable to the President.

(c) The nationality or common mark and registration mark of any foreign aircraft authorized under this part must be painted on the aircraft or must be affixed by any other means ensuring a similar degree of permanence in accordance with the standards contained in Annex 7 (Aircraft Nationality and Registration Marks) to the Convention on International Civil Aviation.

### **§ 129.7 Application Requirements.**

(a) A person applying to the President for an authority to operate under this part (applicant) must submit an application—

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- (1) In a form and manner prescribed by the President and
  - (2) Containing any information the President requires the applicant to submit.
- (b) Each applicant must submit its application for authorization to the President at least 30 working days before beginning operations to or from or within the Kingdom of Saudi Arabia.
- (c) The GACA may issue authorizing documents to an applicant, if the President finds the applicant—
- (1) Meets the applicable requirements of this part,
  - (2) Is properly and adequately equipped to conduct the operations described in the authorizing documents, and
  - (3) Holds a valid air operator certificate issued by a contracting state to the Convention on International Civil Aviation.

### **§ 129.9 Duty to Maintain Authorizing Documents.**

- (a) Each foreign air carrier must maintain a complete and separate set of its authorizing documents at its principal base of operations.
- (b) Each foreign air carrier must carry on board each aircraft authorized under this part a true copy of the authorizing documents issued under this part.
- (c) Each foreign air carrier must keep each of its employees and other persons used in its operations informed of the provisions of its authorizing documents that apply to that employee's or person's duties and responsibilities.

### **§ 129.11 Contents of Authorizing Documents.**

- (a) Each foreign air carrier authorized to conduct operations under this part must obtain authorizing documents containing the following:
  - (1) The operator's name, the type of authorized operation (passenger, cargo, charter, scheduled, unscheduled), the specific location and mailing address of the foreign air carrier's principal

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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;

- (2) The certificate number and validity of the foreign air carrier's Air Operator Certificate issued by the State of the operator;
- (3) The designation of an agent within the Kingdom of Saudi Arabia, including the agent's full name and office address or usual place of residence;
- (4) Aerodromes in the Kingdom of Saudi Arabia to be used;
- (5) The effective date and expiry date of the authorizing document;
- (6) List of aircraft authorized to operate into the Kingdom of Saudi Arabia; and
- (7) Any other item the President determines is necessary.

### **§ 129.13 Amending, Suspending, or Terminating Authorizing Documents.**

(a) The President may, in the interest of aviation safety or in the public interest, amend, suspend, or terminate any authorizing documents issued under this part.

(b) Except as provided in paragraphs (d) and (e) of this section, when the President initiates an action affecting a foreign air carrier's authorizing documents, the following procedure applies:

- (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 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; and
- (4) The GACA's decision becomes effective not less than 30 working days after the foreign air carrier receives notice of it unless—

- (i) The GACA finds under paragraph (e) of this section that there is an emergency requiring

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immediate action with respect to safety in air commerce, or

(ii) 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 President, 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 GACA 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 paragraphs (b) and (c) of this section, 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 section impracticable or contrary to the public interest—

(1) The GACA 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.

### **§ 129.15 Duration and Surrender of Authorizing Documents.**

(a) Authorizing documents issued under this part are effective unless—

(1) The authorizing document is expired;

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- (2) The foreign air carrier surrenders them to the GACA;
- (3) The President suspends or terminates them; or
- (4) The President amends the authorizing documents as provided in GACAR § 129.13.
- (5) The applicable AOC of the operator is expired, suspended, revoked, canceled, or has been affected by any equivalent action.
- (6) The authorization holder fails to inform GACA of any changes as stipulated in §129.3(h).
- (7) The authorization holder seizes to have all aircraft listed in his authorization document.

(b) 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.

### **§ 129.17 Authority to Inspect.**

- (a) All foreign air operators operating to, from, or, within the Kingdom of Saudi Arabia are subject to inspection in accordance with the requirements of this part.
- (b) Each foreign operator authorized under this part will permit the President to inspect any of its aircraft while operating to, from, or into the Kingdom of Saudi Arabia in a manner prescribed by the President.

### **§ 129.19 Notifications and Operational Restrictions on Unsafe Aircraft.**

- (a) Whenever the President identifies a case of non-compliance, or suspected non-compliance with this part by an authorized foreign operator based on the inspection conducted in accordance with § 129.17, or a similar safety issue with that operator, the President will immediately notify the operator and, if the issue warrants it, the State of the Operator. Where the State of the Operator and the State of Registry are different, such notification will also be made to the State of Registry, if the issue falls within the responsibilities of that State and warrants a notification.
- (b) In the case of notification to States as specified in § 129.19(a), if the issue and its resolution warrant it, GACA will engage in consultations with the State of the Operator and the State of

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Registry, as applicable, concerning the safety standards maintained by the operator.

### **§ 129.20 Damage to Aircraft and Unsafe Conditions.**

- (a) When an aircraft operated by a foreign operator authorized under this part, sustains any damage, or found as a result of GACA inspection to be in an unsafe condition for flight, GACA will immediately inform the aircraft's State of Operator and State of Registry regarding the aircraft's airworthiness condition.
- (b) The aircraft's State of Registry shall judge whether the damage or unsafe condition is of a nature such that the aircraft is no longer airworthy as defined by the appropriate airworthiness requirements.
- (c) The President is entitled to prevent the aircraft from resuming its flight if he determines that the aircraft is unsafe to fly.
- (d) When the State of Registry considers that the damage sustained is of a nature such that the aircraft is no longer airworthy, it must prohibit the aircraft from resuming flight until it is restored to an airworthy condition. The State of Registry may, however, in exceptional circumstances, prescribe particular limiting conditions to permit the aircraft to fly a noncommercial air transport operation to an aerodrome at which it will be restored to an airworthy condition. In prescribing particular limiting conditions, the State of Registry will consider all limitations proposed by the President, that had originally in accordance with § 129.20 (c), prevented the aircraft from resuming its flight. The president will permit such flight or flights within the prescribed limitations.
- (e) When the aircraft's State of Registry considers that the damage sustained, or the reported unsafe condition is of a nature such that the aircraft is still airworthy, the President will allow the aircraft to resume its flight under any prescribed conditions and limitations by the President.

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**SUBPART B – REQUIREMENTS FOR FOREIGN AIR CARRIERS**

**§ 129.21 Applicability.**

This subpart sets out certain requirements for operations conducted under this part as a foreign air carrier.

**§ 129.23 Wet Leasing of Aircraft.**

(a) Prior to conducting operations involving a wet lease-in of aircraft from another foreign air operator, each foreign air carrier authorized under this part must provide the President with a copy of the lease to be executed.

(b) GACA must receive statements of acknowledgment and consent to the lease by the civil aviation authorities of the state of the lessor and the state of the lessee, if different from that of the lessor.

(c) The lessee must provide the President a statement specifying that the lessor has the operational control of all operational functions and the times, aerodromes, or areas under which such operational control is exercised.

(d) The lessor must comply with the requirements of this part except for the requirements of §129.11(a)(3).

(e) Upon authorization of a wet lease of aircraft, the President issues amendments to the authorizing documents of the lessee. The lessee must provide the following information to be incorporated into its authorizing documents:

- (1) The names of the parties to the agreement and the duration thereof, and
- (2) The nationality, registration markings, and serial numbers of each aircraft involved in the agreement.

(f) The lessee and the lessor must be included in the revised authorizing document as stipulated in § 129.25.

**§ 129.25 Documents to be Carried on Board of Aircraft.**

No foreign air carrier may operate any foreign-registered aircraft within the Kingdom of Saudi Arabia

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unless that aircraft carries the following documents:

- (a) A certified true copy of the authorizing documents issued by GACA under this part.
- (b) A current certificate of registration in accordance with the standards contained in Annex 7 (Aircraft Nationality and Registration Marks) to the Convention on International Civil Aviation;
- (c) An airworthiness certificate issued or validated, in accordance with the standards contained in ICAO Annex 8 (Airworthiness of Aircraft) to the Convention on International Civil Aviation, by—
  - (i) The state of registry or
  - (ii) The state of the operator, provided 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;
- (d) Its journey log book (often referred to as the technical log);
- (e) A certified true copy of the air operator certificate, and a copy of the operations specifications relevant to the aircraft, issued in conjunction with the certificate. When the certificate and the associated operations specifications are issued by the State of the Operator in a language other than English, an English translation must be included;
- (f) If subject to the requirements of Annex 16, Volume I, a document attesting noise certification;
- (g) if it carries passengers, a list of names and places of embarkation and destination;
- (h) if it carries cargo, a manifest and detailed declarations of the cargo;
- (i) The aircraft flight manual or other document containing performance data;
- (j) The operator's operations manual or those parts of it that pertain to flight operations, which must include the aircraft operating manual, checklists for normal, abnormal and emergency procedures and the minimum equipment list;
- (k) current and suitable charts to cover the route of the flight;

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- (l) an aircraft search procedure checklist; and
- (m) Information and instructions relating to the interception of civil aircraft.

### **§ 129.27 Flight Crew Member Certificates.**

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:

- (a) The state in which the aircraft is registered or
- (b) The state of the operator, provided 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.

### **§ 129.29 Air Traffic Rules and Procedures.**

- (a) Each pilot must be familiar with the applicable rules, the navigation and communications facilities, and the air traffic control and other procedures, of the areas he will traverse within the Kingdom of Saudi Arabia.
- (b) Each foreign air carrier must establish procedures to assure that each of its pilots has the knowledge required by paragraph (a) of this section and must check the ability of each of its pilots to operate safely according to applicable rules and procedures.
- (c) Each foreign air carrier must conform to the practices, procedures, and other requirements prescribed by the President for Saudi Arabian air operators for the areas in which the air carrier will operate.