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GACAR PART 11 – GENERAL RULEMAKING PROCEDURES

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## GACAR PART 11 – GENERAL RULEMAKING PROCEDURES

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### SUBPART A – GENERAL

#### § 11.1 Applicability.

This part prescribes—

(a) Rules governing the issuance, amendment, and repeal of the General Authority of Civil Aviation Regulations (GACAR) administered by the General Authority of Civil Aviation (GACA); and

(b) Requirements for—

(1) Petitions for regulatory exemptions; and

(2) Petitions for reconsideration.

#### § 11.3 Delegation of Authority.

The Civil Aviation Law (Royal Decree No. M/44) vested authority for administering all civil aviation affairs in the Kingdom of Saudi Arabia on the GACA, which is governed by a Board of Directors. The GACA Board of Directors delegates to the GACA President responsibility for the administration of regulatory policy in the sector of civil aviation. The President is delegated the authority to publish supplemental policy, procedures and guidance to aid in the administration of the regulations.

#### § 11.5 Scope.

(a) Whenever the President determines, interested persons may participate in rulemaking proceedings in accordance with the rulemaking procedures prescribed in GACAR § 11.7.

(b) Unless the President determines otherwise, interpretive rules, general statements of policy, and rules of the GACA organization, procedure, or practice are prescribed as final without rulemaking procedures.

(c) Whenever the President determines, the procedures prescribed in this part apply to rulemaking, including exempting persons and classes from the requirements of a rule.

#### § 11.7 Rulemaking Procedures.

(a) The President initiates rulemaking procedures. In doing so, he must consider current International Civil Aviation Organization (ICAO) standards and recommended practices, and he may

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consider recommendations from other agencies of the Kingdom of Saudi Arabia and petitions from interested persons, as appropriate.

(1) The effective date of a rule will be stated in the final rule.

(2) Approved rule changes will be published by the GACA and made available to all concerned parties and stakeholders.

(b) Any interested person may petition the GACA to issue, amend, or repeal a rule in accordance with procedures designated by the GACA. The decision to initiate, amend, or repeal a rule rests with the President under paragraph (a) of this section and GACAR § 11.11.

(c) Whenever the President so determines, the GACA may publish proposed rulemaking actions to solicit comments from interested persons. Before making decisions to initiate, amend, or repeal a rule, the President may consider comments submitted in accordance with procedures designated by the GACA.

(d) The President may initiate the rule making process for amendment of GACAR in accordance with revisions proposed or incorporated in the ICAO standards and recommended practices provided that all such revisions are appropriate and consistent with aviation safety policy of the Kingdom of Saudi Arabia.

(e) For any differences of adaptation of standards and recommended practices, or its subsequent amendments, if applicable, the President may file differences of operating regulations with the ICAO and all significant differences with safety impact will be listed in KSA AIP.

(f) New or revisions to the GACAR are promulgated as outcome of the rule making process based on amendments issued by the ICAO, or proposals made by the stakeholders or safety enhancing initiatives recommended during the periodic reviews of KSA aviation safety policy and performance.

### **§ 11.9 Petitions for Exemption.**

(a) The President may issue and promulgate regulatory exemptions based on §11.5 and §11.7.

(b) Any person may petition the President for an exemption from all or part of a regulatory requirement issued by the GACA.

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(c) Each petition for exemption must—

(1) Be submitted in writing in a form and manner prescribed as acceptable by the President.

(2) Include the following:

(i) Identification of who needs the exemption;

(ii) Identification of the regulation(s) from which an exemption is requested, including the extent of relief sought;

(iii) Why the exemption is required;

(iv) Justification for the exemption, including compensating features or factors that will provide for an acceptable level of safety;

(v) The date by which the exemption is required;

### **§ 11.11 Action on Petitions for Exemption.**

(a) If the President determines a petition for exemption is both in the best interest of the Kingdom of Saudi Arabia and is not likely to adversely affect aviation safety, the President may grant the exemption in full or in part.

(1) Each exemption granted must include conditions under which the exemption will be considered expired.

(2) Upon expiration, any petition for re-issuance must be made in accordance with GACAR §11.9.

(3) Exemptions are not transferable.

(b) Whenever the President so determines, the Authority may publish a summary of a grant or denial of a petition for exemption, including—

(1) The petition identifier,

(2) The name of the petitioner,

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- (3) A citation of each rule from which relief is requested,
- (4) A brief description of the general nature of the relief granted or denied, and
- (5) The disposition of the petition.

### **§ 11.13 Petitions for Reconsideration.**

- (a) If a petition for exemption is denied, the petitioner may file a petition for reconsideration with the President in accordance with procedures designated by the GACA.
- (b) A petition for reconsideration under this section must be based on the existence of one or more of the following:
  - (1) A finding of material fact that is erroneous.
  - (2) The petitioner believes the initial decision was made incorrectly, unfairly, or without the benefit of all available relevant information.
  - (3) Any additional facts relevant to the decision that were not presented in the initial petition for exemption. The petition for reconsideration must state the reason these additional facts were not presented in the initial petition.

### **§ 11.15 Granted Exemption.**

- (a) An exemption cannot be used to compel a petitioner to do something the regulations themselves do not require.
- (b) If the exemption imposes more onerous conditions than the regulation itself, the petitioner may decline to use the granted exemption.
- (c) If the recipient of the granted petition does not comply with its conditions, the exemption becomes null and void.