
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 6 (Operation of Aircraft), Annex 8 (Airworthiness of Aircraft), Annex 18 (Transportation of Dangerous Goods by Air) and Annex 19 (Safety Management) to the Convention on International

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Civil Aviation.

(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.

§ 129.5 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) Except for foreign air carriers engaged in short-term charter operations, 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.

§ 129.7 Application Requirements.

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

(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,

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- (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 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;
 - (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; and
 - (6) Any other item the President determines is necessary.

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§ 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 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

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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 until—

(1) The authorizing document is expired;

(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.

(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.

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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 Leasing of Aircraft.

(a) Unless otherwise authorized by the President, prior to conducting operations involving a lease of aircraft with crew, each foreign air carrier authorized under this part must provide the President with a copy of the lease to be executed.

(b) The President may refuse to authorize any lease agreement of aircraft with crew not deemed to be in the public interest.

(c) For leasing of aircraft with crew, the lessee must ensure the lessor is an operator holding an authorization issued under this part or an air carrier operator certificate issued under GACAR Part 119.

(d) 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:

(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.

(e) For leasing of aircraft with crew, the lessee must provide the President—

(1) A statement specifying the lessee has operational control of all operational functions and the times, aerodromes, or areas under which such operational control is exercised and

(2) 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.

§ 129.25 Airworthiness and Registration Certificates.

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No foreign air carrier may operate any foreign-registered aircraft within the Kingdom of Saudi Arabia unless that aircraft carries a current certificate of registration and displays the nationality and registration markings of the state of registry in accordance with the standards contained in Annex 7 (Aircraft Nationality and Registration Marks) to the Convention on International Civil Aviation, and carries an airworthiness certificate issued or validated, in accordance with the standards contained in Annex 8 (Airworthiness of Aircraft) to the Convention on International Civil Aviation, by—

- (a) The state of registry 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.

§ 129.27 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

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prescribed by the President for Saudi Arabian air operators for the areas in which the air carrier will operate.

§ 129.31 Assistance to Families of Passengers and Crew Members Involved in Aircraft Accidents.

(a) Each foreign air carrier must develop and maintain a family assistance plan that described how the foreign air carrier will, in case of an aircraft accident, provide the victims, survivors, missing persons and their families with material and spiritual help by complying with the basic principle of timeliness, sensitivity, dignity and respect.

(b) The family assistance plan must comply with the requirements of Appendix A to this part and be acceptable to the President.

(c) Each foreign air carrier must execute their family assistance plan and begin to provide assistance soon as the foreign air carrier learns of an aircraft accident involving one or more of its aircraft. The notification and provision of assistance must comply with the requirements of Appendix A to this part.

(d) Each foreign air carrier must perform periodic exercising of their family assistance plans to ensure the effective implementation of the plan.

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APPENDIX A TO GACAR PART 129 – ASSISTANCE TO FAMILIES OF PASSENGERS AND CREW MEMBERS INVOLVED IN AIRCRAFT ACCIDENTS

(a) Required Planning Documents.

Each foreign air carrier must establish and maintain a family assistance plan, as part of their emergency response plan, which must include:

- (1) A telephone number which is rapidly available after the civil aircraft accident occurs, and a name list of the well trained persons who are capable of handling the phone calls of the families of the passengers and crew members.
- (2) The procedure for giving a timely notice to the families of the passengers and crew members.
- (3) The channel for offering to the GACA the information about the persons aboard the aircraft as well as for updating such information.
- (4) The promise to negotiate with the family of each passenger and crew member about the disposition of the remains and personal effects of the victims.
- (5) The promise to train, where necessary, its personnel and agents to as to address the needs of the families of victims, survivors and missing persons involved in the accident.
- (6) A compensation plan and procedures, and the procedures and organization for handling the funeral affairs of the victims.
- (7) The promise to commit sufficient resources to carry out this plan.

For any change to the family assistance plan, the foreign air carrier must report it to the President within 10 days after the change.

(b) Activation and Notification.

- (1) As soon as the foreign air carrier learns of an aircraft accident, it must activate its emergency plan immediately and must report it to the GACA as soon as possible. The accident reporting information of a foreign air carrier must not only comply with the requirements of GACAR Part 4

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and the Aviation Investigation Bureau (AIB) regulations, but also provide the following information:

- (i) The emergency response measures taken after the occurrence of the accident.
 - (ii) The main contact information, including the name and contact information of the general director for the onsite handling of the accident; the name, telephone number and location of the designated hotels for providing assistance to the families; the name and contact information of the persons who are responsible for notifying the families.
 - (iii) Other information relating to the accident.
- (2) The foreign air carrier must immediately announce the telephone number available for the inquiries of the families of the victims, survivors and missing persons.
- (3) The foreign air carrier must, as soon as possible, make initial notification to the family members of the victims, survivors and missing persons, and must correct the information about the persons aboard the aircraft after verifying it against the boarding documents.
- (4) The foreign air carrier must provide the accident coordinating team with a copy of the verified information about the persons aboard the aircraft, and must make reports of further verified information.

(c) The Provision of Assistance.

- (1) The foreign air carrier must provide assistance to the families of the victims, survivors and missing persons, which include:
- (i) Providing transport support to family members to travel to and from site of the accident.
 - (ii) Providing necessary logistical support to other family members such as lodging, place of activities, etc.
 - (iii) Assigning trained personnel to provide family members with mental conciliating.
 - (iv) Providing the victims, survivors and missing persons and their families with necessary medical health support.

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- (v) Providing necessary funds to carry out the family assistance tasks.
- (vi) Providing other assistance relating to the aircraft accident.

The foreign air carrier must be responsible for the above mentioned assistance expenses.

- (2) The foreign air carrier must publicize the progress of contacting the families so as to further contact the families of the victims, survivors and missing persons in a timely manner.
- (3) Where any foreign passenger is involved in an aircraft accident, the foreign air carrier must timely report the necessary information about him to the accident coordinating team so as to enable the foreign affairs department to contact the relevant foreign embassy in a timely manner.