
GACAR PART 170 – CERTIFICATION: AIR NAVIGATION SERVICE PROVIDERS

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SUBPART A – GENERAL

§ 170.1 Applicability.

(a) This part applies to each person providing or intending to provide an air navigation service in the Kingdom of Saudi Arabia, whose activities must be conducted in accordance with a certificate as required under Subpart B of this part.

(b) This part prescribes—

(1) The certification requirements an air navigation service provider must meet in order to obtain and hold a certificate authorizing operations under General Authority of Civil Aviation Regulation (GACAR) Part 171, 172, 173, 175 or 179 and operations specifications for each kind of air navigation service to be provided; and

(2) The requirements an air navigation service provider must meet to conduct operations under GACAR Part 171, 172, 173, 175 or 179.

(3) Requirements for obtaining special authority to perform an emergency operation.

(c) Persons subject to this part must comply with the other requirements of the GACAR, except where those requirements are modified by or where additional requirements are imposed by GACAR Part 170, 171, 172, 173, 175 or 179.

(d) This part does not apply to:

(1) Air navigation services provided exclusively for military flight operations;

(2) A person who is providing air navigation services to military aircraft in the course of his duties for the Armed Forces of the Kingdom of Saudi Arabia; or

(3) Any air navigation services provided to military aircraft by the Armed Forces of the Kingdom of Saudi Arabia.

§ 170.3 Certifications, Authorizations, and Prohibitions.

(a) A person authorized by the President to provide air navigation services under GACAR 171, 172, 173, 175 or 179 will be issued an air navigation services certificate (ANSC).

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(b) A person authorized to provide air navigation services under more than one part of Chapter J of the GACAR will be issued only one ANSC.

(c) A certificate holder must provide air navigation services in compliance with—

(1) The requirements for the kind of air navigation service provided; and

(2) The appropriate authorizations, limitations, and procedures specified in the operations specifications for each kind of air navigation service.

(d) Except as provided in (g), no person may provide an air navigation service under GACAR 171, 172, 173, 175 or 179 in violation of an ANSC or appropriate operations specifications issued. No person may provide an air navigation service under GACAR 171, 172, 173, 175 or 179 in violation of any exemption or special authority, if issued to that person or that person's representative.

(e) No person may provide an air navigation service under this part without holding appropriate security authorization from the President.

(f) No person may advertise or otherwise offer to provide air navigation services subject to this part unless that person is authorized by the President to provide that service.

(g) A certificate holder may deviate from the applicable standards prescribed in GACAR 171, 172, 173, 175 or 179 if an emergency, or other circumstance, arises that makes the deviation necessary in the interests of aviation safety. As soon as practicable, the certificate holder must notify the President of the deviation and how long it is likely to last.

§ 170.5 Operations Specifications.

Each certificate holder's operations specifications must contain —

(a) The authorizations, limitations, and certain procedures under which each kind of air navigation service is to be provided; and

(b) Certain other limitations, conditions and procedures applicable to each kind of air navigation service provided.

§ 170.7 Safety Management Systems.

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(a) Certificate holders authorized to conduct operations under GACAR Part 171, 172, 173 or 175 must have a Safety Management System (SMS) that meets the requirements of GACAR Part 5 and is acceptable to the President.

(b) A person applying to the President for an ANSC to provide air navigation services under GACAR Part 171, 172, 173 or 175 must demonstrate, as part of the application process under GACAR § 170.25, that it has an SMS that meets the standards set forth in GACAR Part 5 and is acceptable to the President.

§ 170.9 Security Program.

(a) Certificate holders authorized to conduct operations under GACAR Part 171 or 173 must have, and put into effect, a security program that is acceptable to the President and that sets out the procedures designed to protect its personnel, and any facility and equipment that it uses, in providing any of its services.

(b) A person applying to the President for an ANSC to provide air navigation services under GACAR Part 171 or 173 must demonstrate, as part of the application process under GACAR § 170.25, that it has a security program that is acceptable to the President.

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SUBPART B – CERTIFICATION, OPERATIONS SPECIFICATIONS, AND OTHER REQUIREMENTS FOR AIR NAVIGATION SERVICE PROVIDERS

§ 170.21 Applicability.

This subpart sets out certification requirements and prescribes the content of operations specifications and certain other requirements for air navigation service providers.

§ 170.23 General Requirements.

A person may not provide an air navigation service unless that person—

- (a) Is the Government of the Kingdom of Saudi Arabia; or
- (b) Is a person who is to provide an air navigation service:
 - (1) In cooperation with the Government of the Kingdom of Saudi Arabia; or
 - (2) By arrangement with the Government of the Kingdom of Saudi Arabia.
- (c) Maintains a principal base of operations in the Kingdom of Saudi Arabia, and
- (d) Obtains an ANSC.

§ 170.25 Certificate Application Requirements for all Air Navigation Service Providers.

- (a) A person applying to the President for an ANSC under this part 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 the application to the President at least 90 working days before the date of commencement of operations.
- (c) Each applicant for a certificate under this part and each applicant for operations specifications authorizing a new kind of operation subject to GACAR Part 171, 172, 173, 175 or 179 may be required to conduct proving tests as authorized by the President during the application process. All proving tests must be conducted in a manner acceptable to the President and under the

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appropriate operating requirements of GACAR Part 171, 172, 173, 175 or 179 that would apply if the applicant were fully certificated.

§ 170.26 Consideration of Approval Issued by Another State.

(a) Subject to the acceptance of the President, approvals issued to the applicant by another Contracting State to the Convention of International Civil Aviation may be used as the basis for showing compliance with this part and any other relevant part.

(b) In making a decision regarding the consideration to be given to any foreign approval issued, the President may:

- (1) Require the applicant to provide evidence of equivalent compliance with the requirements of this part or any other relevant part; and
- (2) Contact the regulatory authority of the Contracting State that issued the approval to validate equivalent compliance.

§ 170.27 Contents of an ANSC.

The ANSC includes—

- (a) The certificate holder's business name,
- (b) The location of the certificate holder's principal base of operations,
- (c) The certificate number and its expiration date, and
- (d) The certificate's effective date.

§ 170.29 Issuing or Denying a Certificate.

(a) An applicant may be issued an ANSC if the President finds that the applicant—

- (1) Meets the applicable requirements of this part;
- (2) Holds the appropriate security authorization from the President, if required; and
- (3) Is properly and adequately equipped in accordance with the requirements of GACAR Part 171, 172, 173, 175 or 179, as applicable, and is able to safely provide air navigation services

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under appropriate provisions of GACAR Part 171, 172, 173, 175 or 179 and operations specifications issued under this part.

(b) An application for an ANSC may be denied if the President finds that—

- (1) The applicant is not properly or adequately equipped or is not able to conduct safe operations;
- (2) The applicant previously held an ANSC that was revoked;
- (3) The applicant intends to fill or currently fills a key management position listed in GACAR Part 171, 172, 173, 175 or 179, as applicable, with an individual who exercised control over or who held the same or a similar position with a certificate holder whose certificate was revoked, or is in the process of being revoked, and that individual materially contributed to the circumstances causing revocation or causing the revocation process; or
- (4) An individual who will have control over or have a substantial ownership interest in the applicant, had the same or similar control or interest in a certificate holder whose certificate was revoked or is in the process of being revoked, and that individual materially contributed to the circumstances causing revocation or causing the revocation process.

§ 170.31 Amending a Certificate.

(a) The President may amend any certificate issued under this part if—

- (1) The President determines that aviation safety and the public interest require the amendment, or
- (2) The certificate holder applies for the amendment and the President determines that aviation safety and the public interest allow the amendment.

(b) When the President proposes to issue an order amending, suspending, or revoking all or part of any certificate, the procedure in GACAR § 13.19 applies.

(c) When the certificate holder applies for an amendment of its certificate, the following procedure applies:

- (1) The certificate holder must file an application to amend its certificate with the President at

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least 15 working days before the date proposed by the applicant for the amendment to become effective, unless the President approves filing within a shorter period.

(2) The application must be submitted in the form and manner prescribed by the President.

§ 170.33 Certificate Holder’s Duty To Maintain Operations Specifications.

(a) Each certificate holder must maintain a complete and separate set of its operations specifications at its principal base of operations.

(b) Each certificate holder must insert pertinent excerpts of, or references to, its operations specifications in its manual and must—

(1) Clearly identify each such excerpt as a part of its operations specifications and

(2) State that compliance with each operations specifications requirement is mandatory.

(c) Each certificate holder must keep each of its employees and other persons used in its operations informed of the provisions of its operations specifications that apply to that employee’s or person’s duties and responsibilities.

§ 170.35 Contents of Operations Specifications for Air Navigation Service Providers Operating under GACAR Part 171.

Each certificate holder providing air traffic services under GACAR Part 171 must obtain operations specifications containing all of the following:

(a) The specific location of the certificate holder’s principal base of operations and, if different, the address that will serve as the primary point of contact for correspondence between the GACA and the certificate holder and the business name and mailing address of the certificate holder’s agent for service.

(b) Reference to the security authorization issued by the President.

(c) A listing of the portions of the airspace and aerodromes where air traffic services will be provided, including the hours during which the service is normally available.

(d) A listing of all air traffic services units (ATSU) operated by the certificate holder.

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- (e) A listing of the certificate holder’s required management, technical, and designated personnel.
- (f) Reference to the certificate holder’s approved air traffic service procedures (ATSP) manual.
- (g) Reference to the certificate holder’s approved unit training programs and approved simulators.
- (h) An authorization permitting or prohibiting the designation and classification of airspace.
- (i) An authorization permitting or prohibiting the designation of routes, points and minimum altitudes.
- (j) An authorization permitting or prohibiting the use of data link communications.
- (k) A listing of aerodromes with authorized low visibility operations.
- (l) A description of authorized separation minima and methods.
- (m) A listing of each letter of agreement established under GACAR § 171.811.
- (n) Any authorized exemption or special authority granted from any requirement.
- (o) Any other item the President determines is necessary.

§ 170.37 Contents of Operations Specifications for Air Navigation Service Providers Operating under GACAR Part 172.

Each certificate holder providing instrument flight procedure services under GACAR Part 172 must obtain operations specifications containing all of the following:

- (a) The specific location of the certificate holder’s principal base of operations and, if different, the address that will serve as the primary point of contact for correspondence between the GACA and the certificate holder and the business name and mailing address of the certificate holder’s agent for service.
- (b) A listing of the certificate holder’s required management, technical, and designated personnel.
- (c) Reference to the certificate holder’s manual that has been accepted by the President.
- (d) A listing of acceptable design automation tools.

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- (e) An authorization permitting or prohibiting the provision of flight validation services.
- (f) Any authorized exemption or special authority granted from any requirement.
- (g) Any other item the President determines is necessary.

§ 170.39 Contents of Operations Specifications for Air Navigation Service Providers Operating under GACAR Part 173.

Each certificate holder providing aeronautical telecommunication services under GACAR Part 173 must obtain operations specifications containing all of the following:

- (a) The specific location of the certificate holder's principal base of operations and, if different, the address that will serve as the primary point of contact for correspondence between the GACA and the certificate holder and the business name and mailing address of the certificate holder's agent for service.
- (b) Reference to the security authorization issued by the President.
- (c) A listing of the certificate holder's required management, technical, and designated personnel.
- (d) Reference to the certificate holder's approved manual.
- (e) An authorization permitting or prohibiting the provision of flight inspection services.
- (f) For certificate holders providing aeronautical telecommunication services:
 - (1) A listing of all aeronautical telecommunication facilities operated by the certificate holder.
 - (2) A listing of each radio navigation aid and its allocated identification code that is operated and maintained by the certificate holder.
 - (3) A listing of each radio communication transmitter and its allocated call sign that is operated and maintained by the certificate holder.
- (g) For certificate holders providing flight inspection services:
 - (1) A listing of the flight inspection equipment fitted to each flight inspection aircraft that is

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operated and maintained by the certificate holder.

(2) A listing of each aeronautical telecommunications facility type that the certificate holder is authorized to inspect.

(3) An authorization permitting or prohibiting the provision of flight validation services.

(4) A listing of all flight inspection aircraft operated by the certificate holder.

(h) Any authorized exemption or special authority granted from any requirement.

(i) Any other item the President determines is necessary.

§ 170.41 Contents of Operations Specifications for Air Navigation Service Providers Operating under GACAR Part 175.

Each certificate holder providing aeronautical information services under GACAR Part 175 must obtain operations specifications containing all of the following:

(a) The specific location of the certificate holder's principal base of operations and, if different, the address that will serve as the primary point of contact for correspondence between the GACA and the certificate holder and the business name and mailing address of the certificate holder's agent for service.

(b) Reference to the security authorization issued by the President.

(c) A listing of the certificate holder's required management, technical, and designated personnel.

(d) Reference to the certificate holder's manual that has been accepted by the President.

(e) A listing of each element of the Integrated Aeronautical Information Package (IAIP) for which they have been authorized by the President to produce.

(f) A listing of each type of aeronautical chart for which they have been authorized by the President to produce.

(g) An authorization permitting or prohibiting the collection and management of electronic terrain and obstacle data.

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- (h) Reference to the service providers current fee schedule scheme.
- (i) Any authorized exemption or special authority granted from any requirement.
- (j) Any other item the President determines is necessary.

§ 170.43 Contents of Operations Specifications for Air Navigation Service Providers Operating under GACAR Part 179.

Each certificate holder providing meteorological services under GACAR Part 179 must obtain operations specifications containing all of the following:

- (a) The specific location of the certificate holder’s principal base of operations and, if different, the address that will serve as the primary point of contact for correspondence between the GACA and the certificate holder and the business name and mailing address of the certificate holder’s agent for service.
- (b) Reference to the security authorization issued by the President.
- (c) A listing of the certificate holder’s required management, technical, and designated personnel.
- (d) Reference to the certificate holder’s manual that has been accepted by the President.
- (e) A listing of each type of meteorological facility operated by the certificate holder.
- (f) A listing of each meteorological service provided by the certificate holder, including the hours during which the service is normally available.
- (g) Any authorized exemption or special authority granted from any requirement.
- (h) Any other item the President determines is necessary.

§ 170.45 Amending Operations Specifications.

- (a) The President may amend any operations specifications issued under this part if—
 - (1) The President determines that aviation safety and the public interest require the amendment; or

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(2) The certificate holder applies for the amendment, and the President determines that aviation safety and the public interest allow the amendment.

(b) Except as provided in paragraph (d) of this section, when the President initiates an amendment to a certificate holder’s operations specifications, the following procedure applies:

(1) The President notifies the certificate holder in writing of the proposed amendment.

(2) The President sets a reasonable period (but not less than 7 working days) within which the certificate holder may submit written information, views, and arguments on the amendment.

(3) After considering all material presented, the President notifies the certificate holder of—

(i) The adoption of the proposed amendment,

(ii) The partial adoption of the proposed amendment, or

(iii) The withdrawal of the proposed amendment.

(4) If the President issues an amendment to the operations specifications, it becomes effective not less than 30 working days after the certificate holder receives notice of it unless—

(i) The President finds under paragraph (d) of this section that there is an emergency requiring immediate action with respect to aviation safety, or

(ii) The certificate holder petitions for reconsideration of the amendment under GACAR Part 13.

(c) When the certificate holder applies for an amendment to its operations specifications, the following procedure applies:

(1) The certificate holder must file an application to amend its operations specifications—

(i) Unless a shorter time is approved, at least 90 working days before the date proposed by the applicant for the amendment to become effective, in cases of mergers; acquisitions of a certificate holder’s operational assets that require an additional showing of safety (such as proving tests); changes in the kind of air navigation service provided as defined in GACAR § 170.3; resumption of operations following a suspension of operations as a

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result of bankruptcy actions; or the initial introduction of new technology not before proven for use in providing air navigation services; and

(ii) At least 15 working days before the date proposed by the applicant for the amendment to become effective in all other cases.

(2) The application must be submitted in a form and manner prescribed by the President.

(3) After considering all material presented, the President notifies the certificate holder of—

(i) The adoption of the applied for amendment,

(ii) The partial adoption of the applied for amendment, or

(iii) The denial of the applied for amendment. The certificate holder may petition for reconsideration of a denial under GACAR Part 13.

(4) If the President approves the amendment, following coordination with the certificate holder regarding its implementation, the amendment is effective on the date the President approves it.

(d) If the President finds 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 President amends the operations specifications and makes the amendment effective on the day the certificate holder receives notice of it.

(2) In the notice to the certificate holder, the President explains the reasons for its finding that an emergency exists requiring immediate action with respect to aviation or that makes it impracticable or contrary to the public interest to fully apply the procedures of this section.

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**SUBPART C – OTHER REQUIREMENTS APPLICABLE TO ALL OPERATIONS
CONDUCTED UNDER GACAR PARTS 171, 172, 173, 175, AND 179**

§ 170.61 Maintaining a Principal Base of Operations; Change of Address.

(a) Each certificate holder must maintain a principal base of operations.

(b) At least 30 working days before a certificate holder proposes to establish or change the location of its principal base of operations, a certificate holder must provide written notification to the President.

§ 170.62 Changes to the Air Navigation Service Provider or its Systems.

(a) In order to enable the President to determine continued compliance with the applicable GACAR, each air navigation service provider certificated under this part must notify the President of any proposal to carry out any of the following changes, before such changes take place:

- (1) The name of the air navigation service provider;
- (2) The location of the principal base of operations of the air navigation service provider;
- (3) Additional locations of the air navigation service provider;
- (4) Any designated personnel; or
- (5) The facilities, procedures, systems, work scope and staff that could affect the approval.

(b) Each significant change to a system required under GACAR Parts 5, 7, 171, 172, 173, 175 or 179, as applicable, must be approved by the President prior to implementation. An application for approval must be submitted in writing to the President and the certificate holder must demonstrate to the President, on the basis of submission of proposed changes to the manual, and before implementation of the change, that it will continue to comply with all applicable parts of Chapter J during and after implementation. The President will establish the conditions under which an air navigation service provider certificated under this part may operate during such changes unless the President.

§ 170.63 Obtaining Special Authority to Perform an Emergency Operation.

(a) In emergency conditions, the President may grant special authority to deviate from the

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applicable requirements of this part or GACAR Part 171, 172, 173, 175, and 179 if—

(1) Those conditions necessitate the transportation of persons or supplies for the protection of life or property, and

(2) The President finds that special authority is necessary for the expeditious conduct of the operations.

(b) When the President grants special authority for operations under emergency conditions—

(1) The President will issue an appropriate amendment to the certificate holder's operations specifications.

(2) If the nature of the emergency does not permit timely amendment of the operations specifications—

(i) The President may grant special authority orally, and

(ii) The certificate holder must provide documentation describing the nature of the emergency to the President within 24 hours after completing the operation.

§ 170.64 Contracted Activities.

(a) Contracted activities include all activities within the certificate holder's authorized activities that are performed by another organization either itself certificated under this part to carry out such activity or if not certificated, working under the certificate holder's authorization. The certificate holder must ensure that when contracting or purchasing any part of its activity, the contracted or purchased service or product conforms to the applicable requirements.

(b) When the certificate holder contracts any part of its activity to an organization that is not itself certificated in accordance with this part to carry out such activity, the contracted organisation must work under the approval of the certificate holder. The certificate holder must ensure that the President is given access to the contracted organization, to determine continued compliance with the applicable requirements.

(c) All contracting arrangements under this section must be authorized by the President in the certificate holder's operations specifications.

§ 170.65 Conducting Tests and Inspections.

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(a) At any time or place, the President may conduct an inspection or test to determine whether the holder of a certificate issued under this part is complying with applicable regulations, the certificate, or the certificate holder's operations specifications.

(b) The certificate holder must—

(1) Make available to the President at the certificate holder's principal base of operations—

(i) The certificate holder's ANSC and the certificate holder's operations specifications;
and

(ii) A current listing that must include the location and persons responsible for each record, document, and report required to be kept by the certificate holder applicable to the operation of the certificate holder.

(2) Allow the President to make any test or inspection to determine compliance respecting any matter stated in paragraph (a) of this section.

(c) Each employee of, or person used by, the certificate holder who is responsible for maintaining the certificate holder's records must make those records available to the President.

(d) The President may determine a certificate holder's continued eligibility to hold its certificate and/or operations specifications on any grounds listed in paragraph (a) of this section, or any other appropriate grounds.

(e) Failure by any certificate holder to make available to the President upon request, the certificate, operations specifications, or any required record, document, or report is grounds for suspension of all or any part of the certificate holder's certificate and operations specifications.

§ 170.67 Duration and Surrender of Certificate and Operations Specifications.

(a) An ANSC issued under this part is effective until—

(1) The certificate holder surrenders it to the President; or

(2) The President suspends, revokes, or otherwise terminates the certificate.

(b) Operations specifications issued under this part for operations under GACAR 171, 172, 173,

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175, and 179 are effective unless—

- (1) The President suspends, revokes, or otherwise terminates the certificate;
- (2) The operations specifications are amended as provided in GACAR § 170.45; or
- (3) The President suspends or revokes the operations specifications for a kind of operation.

(c) Within 30 working days after a certificate holder terminates operations under GACAR Part 171, 172, 173, 175, and 179, the ANSC and operations specifications must be surrendered by the certificate holder to the President.

§ 170.69 Discontinuing or Changing the Levels of an Air Navigation Service.

(a) Except as provided in (b), a certificate holder must not discontinue or change the levels of service of an air navigation service that it provides, unless it has given the President at least 30 days written notice that the service is to be discontinued or changed.

(b) Paragraph (a) does not apply if, having regard to the certificate holder's circumstances:

- (1) It was not reasonably practicable for the certificate holder to give at least 30 days' notice; and
- (2) The certificate holder gives the notice as soon as reasonably practicable before, on or after the day when the service is discontinued or changed.

§ 170.71 Renewal of Certificate.

(a) A person applying to the President for the renewal of an ANSC issued under this part 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 the application for renewal to the President before the application renewal date specified in the certificate or, if no such date is specified, not less than 30 days before the certificate expires.