
EBOOK VOLUME 10. FOREIGN AIR OPERATORS – AUTHORIZATION &
ADMINISTRATION

TABLE OF CONTENTS

**VOLUME 10. FOREIGN AIR OPERATORS – AUTHORIZATION &
ADMINISTRATION**

CHAPTER 1. ICAO INFORMATION

Section 1. ICAO Overview	2
Section 2. ICAO Objectives	4
Section 3. ICAO Regional Plans and Aeronautical Information Publications	12

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

Section 1. Part 129 Authorization Process	14
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CHAPTER 3. TBD

Section 1. TBD	23
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EBOOK VOLUME 10. FOREIGN AIR OPERATORS – AUTHORIZATION &
ADMINISTRATION

**VOLUME 10. FOREIGN AIR OPERATORS – AUTHORIZATION &
ADMINISTRATION**

CHAPTER 1. ICAO INFORMATION

Section 1. ICAO Overview

10.1.1.1. GENERAL.

A. This chapter is an overview of the International Civil Aviation Organization (ICAO), including its objectives, responsibilities, and influence on international civil aviation. Additional information on this organization may be found in Volume 5, Chapter 1, as it relates specifically to air navigation.

B. The requirements to comply with international aviation rules are not always apparent. For example, operators conducting flights between the Kingdom of Saudi Arabia (KSA) and Oman and helicopter operators going to or from offshore helicopter platforms in international waters must comply with international aviation rules. Therefore, aviation safety inspectors (Inspectors) responsible for operators involved in international activity must be familiar with the content and details of ICAO Standards and Recommended Practices.

10.1.1.3. THE CHICAGO CONVENTION.

A. The Convention on International Civil Aviation, also known as the Chicago Convention, was signed at Chicago on 7 December 1944 and came into force on 4 April 1947. The Chicago Convention superseded the Conventions relating to the Regulation of Aerial Navigation (or Paris Convention) signed at Paris on 13 October 1919 and the Pan American Convention on Commercial Aviation (or Havana Convention), signed at Havana on 20 February 1928. It contained the basic principles and arrangements in order that international civil aviation could be developed in a safe and orderly manner, and that international air transport services would be established on the basis of equality of opportunity and operated soundly and economically. The Chicago Convention also established the ICAO.

B. Article 37 of the Chicago Convention requested that, in implementing the international standards and recommended practices and procedures adopted by ICAO, each Contracting State would undertake to collaborate in securing the highest practicable degree of uniformity

EBOOK VOLUME 10. FOREIGN AIR OPERATORS – AUTHORIZATION &
ADMINISTRATION

in regulations, standards, procedures, and organization in relation to aircraft, personnel, airways and auxiliary services in all matters in which such uniformity will facilitate and improve air navigation.

10.1.1.5. KINGDOM OF SAUDI ARABIA (KSA) PARTICIPATION. The Kingdom of Saudi Arabia signed on to the convention on 19 February 1962. As a very active member of ICAO, the KSA fully supports the organization’s goals. Through ICAO, the KSA works to achieve the highest practical, uniform air regulations, standards, and procedures for aircraft, personnel, airways, and aviation services throughout the world. At the same time, the KSA also depends upon ICAO to ensure that navigation facilities, aerodromes, meteorological services, and aeronautical telecommunication services provided by other nations meet international standards.

EBOOK VOLUME 10. FOREIGN AIR OPERATORS – AUTHORIZATION &
ADMINISTRATION

**VOLUME 10. FOREIGN AIR OPERATORS – AUTHORIZATION &
ADMINISTRATION**

CHAPTER 1. ICAO INFORMATION

Section 2. ICAO Objectives

10.1.2.1. ICAO OBJECTIVES. The objectives of the International Civil Aviation Organization (ICAO) are to develop the principles and techniques of international air navigation and to foster the continued development of international air transportation in the following ways:

- Promote safe and orderly growth of civil aviation throughout the world
- Foster the technical arts of aircraft design and operation for peaceful purposes
- Encourage the development of airways, airports, and air navigation facilities for international civil aviation
- Meet the needs of the people of the world for safe, regular, efficient, and economical air transportation
- Prevent economic waste caused by unreasonable competition
- Ensure that the rights of contracting states are fully respected and that every contracting state has an equal opportunity to operate international airlines
- Avoid discrimination among contracting states
- Promote the development of all aspects of international civil aeronautics

10.1.2.3. OBLIGATIONS OF ICAO MEMBER STATES. Ratifying the Convention obligated governments (States) to abide by “certain principles and arrangements in order that international civil aviation may be developed in a safe and orderly manner and that international air transport services may be established on the basis of equality of opportunity and operated soundly and economically.” Ninety-six articles, created and accepted at the Chicago Convention, established the privileges and obligations of member states. Some of these articles are summarized as follows:

EBOOK VOLUME 10. FOREIGN AIR OPERATORS – AUTHORIZATION &
ADMINISTRATION

- A.** Contracting states recognize that each state has complete and exclusive sovereignty over the airspace above its territory (*Article 1*).
- B.** The Convention, including the articles and annexes, applies only to civil aircraft, and each state will require their state aircraft to operate with “due regard” for the safety of navigation of civil aircraft (*Article 3*).
- C.** International air navigation laws and regulations of a contracting state relating to the operation and navigation of such aircraft while within its territory, shall apply to the aircraft of all contracting states without distinction to nationality. These laws and regulations shall be complied with by such aircraft while entering, within, or departing from the territory of that state (*Article 11*).
- D.** Each contracting state undertakes to adopt measures to ensure that every aircraft maneuvering over or within its territory, and every aircraft carrying its nationality mark, wherever it operates, shall comply with the rules and regulations of that country relating to the flight and maneuver of aircraft. This article also requires that over the high seas, the rules in force shall be those established under this convention. Each contracting state undertakes to ensure the prosecution of all persons violating the applicable regulations (*Article 12*).
- E.** Each contracting state undertakes not to discriminate in the availability of, or charges for, airports and other air navigation facilities (*Article 15*).
- F.** Each contracting state undertakes to provide in its territory, airports, radio services, meteorological services, and other air navigation facilities to facilitate international air navigation, in accordance with the standards and practices of ICAO (*Article 22*).
- G.** Contracting states undertake to adopt and put into operation appropriate standard systems of communication procedures, codes, markings, signals, lighting, and other operational practices and rules recommended or established by ICAO (*Article 28*).
- H.** Contracting states recognize the validity of Certificates of Airworthiness and Licenses of Competency issued by other contracting states, when issued under conditions which comply with ICAO Standards (*Article 33*).
- I.** Contracting states should collaborate in securing the highest practicable degree of uniformity in regulations, standards, procedures, and organization in relation to aircraft,

EBOOK VOLUME 10. FOREIGN AIR OPERATORS – AUTHORIZATION & ADMINISTRATION

personnel, airways, and auxiliary services in all matters when uniformity will facilitate and improve air navigation (*Article 37*).

J. Each contracting state undertakes to immediately notify ICAO of any differences between national regulations and any ICAO Standards (*Article 38*).

10.1.2.5. ORGANIZATIONAL STRUCTURE. ICAO is recognized by the United Nations as a specialized agency for international civil aviation. An agreement between these organizations is designed to ensure an efficient working relationship and a mutual recognition of their respective roles. ICAO is not subordinate to, and does not receive any line-of-command authority from, the United Nations.

A. Assembly. The Assembly is the sovereign body of ICAO. It meets every 3 years for a detailed review of the organization’s technical, economic, legal, and technical assistance programs, and offers guidance concerning the future work of other ICAO bodies. Each nation has one vote in the assembly and, unless the convention provides otherwise, a majority rules. In 2007, there were 190 ICAO member nations and, therefore, 190 assembly votes.

B. Council. The Council is composed of elected representatives from 33 member states. It investigates situations that might create obstacles to international air navigation, and takes action as necessary to protect global air safety and order. When required, it also serves as an arbiter between member states on aviation matters.

C. Air Navigation Commission. The Air Navigation Commission is composed of 15 individuals; each considered an expert in a technical field of aviation. This group is concerned with the development of ICAO Standards and Recommended Practices.

D. Air Transport Committee. The Air Transport Committee’s prime concern is for economic matters relating to airports, route facilities, and air carrier tariffs. This information is used to promote fair and equal opportunities for all international carriers.

E. Joint Support Committee. The Joint Support Committee provides for financial arrangements for certain air facilities or services when member states have inadequate resources. Most funding comes from direct user charges to air carriers. This committee studies air service problems and makes suitable arrangements between user and provider states.

F. Legal Committee. The Legal Committee interprets questions on the Chicago Convention

EBOOK VOLUME 10. FOREIGN AIR OPERATORS – AUTHORIZATION & ADMINISTRATION

and public and private law. Some of its main concerns include hijackings and other acts of air terrorism, air carrier liability, and jurisdiction over offenses on international flights.

G. Unlawful Interference with International Civil Aviation. The Committee on Unlawful Interference with International Civil Aviation and its Facilities assists and advises the council on all activities relating to aviation security.

H. Secretariat. The Secretariat headed by a council appointed Secretary General provides for ICAO’s daily administrative needs. The most demanding job is its foreign language service. Other areas include the preparation of documentation for meetings and special studies.

10.1.2.7. ICAO PUBLICATIONS.

A. The ICAO Bulletin. This document is published 12 times annually and contains a digest of ICAO meetings and activities for the previous period. Semiannually, it contains a table showing the status of all ICAO publications involving air navigation.

B. Final Reports of Meetings. The final reports of divisional, regional and panel meetings include the proceedings and recommendations of each meeting. These recommendations are not effective until reviewed by the Air Navigation Commission or another appropriate committee, and approved by the Council. Approved recommendations are separately referred to the affected states for implementation.

C. Annexes to the Convention. Standards and Recommended Practices of ICAO are designated as “Annexes” to the Convention and are published separately for each technical field after adoption by the Council.

D. Procedures for Air Navigation Services (PANS). The uniform application of certain operating procedures is necessary for safe and efficient air navigation. Operating procedures covering aircraft operations, construction of visual and instrument flight procedures, ICAO abbreviations and codes, rules of the air, and air traffic services have been adopted by ICAO. They are kept up to date by action at divisional and panel meetings. Some of these procedures, services, and rules are requirements that have been incorporated in the Annexes. Additional requirements will become a part of the Annexes as they mature.

E. Supplementary Procedures. Certain procedures apply only in specific regions and those are published as Supplementary Procedures. A Supplementary Procedure can explain and

EBOOK VOLUME 10. FOREIGN AIR OPERATORS – AUTHORIZATION &
ADMINISTRATION

amplify, but cannot conflict with international standards. For convenience, all Regional Supplementary Procedures have been included in a single document and similar procedures applicable to two or more regions are grouped together.

F. Field Manuals. These manuals have no formal status by themselves but derive their status from the International Standards, Recommended Practices, and PANS from which they are compiled. They are prepared primarily for the use of personnel engaged in operations in the field. The most extensive manual is on training.

G. ICAO Circulars. ICAO Circulars are issued by the Secretary General to make specialized information available to contracting states. They are not adopted or approved by the Council. They include studies of statistics, summaries of treaties or agreements, analyses of technical documents, and studies of technical subjects.

H. Publications. The publications discussed in this paragraph and other publications published and distributed by ICAO are available at the following address:

Public Information Office
International Civil Aviation Organization
1000 Sherbrooke Street West, Suite 400
Montreal, Quebec Canada H3A 2R2

10.1.2.9. ANNEXES TO THE CONVENTION.

A. Since ICAO was created, a main technical feature of the organization has been the achievement of standardization in the operation of safe, regular, and efficient air services. This has resulted in high levels of reliability in the many areas that collectively shape international civil aviation, particularly with respect to aircraft, the crews that operate them, and the ground-based facilities and services.

B. Standardization has been achieved through the creation, adoption, and amendment of Annexes to the Convention on International Civil Aviation, identified as International Standards and Recommended Practices. Standards are directives which ICAO members agree to follow. If a member has a standard different from an ICAO Standard, that member must notify ICAO of the difference. Recommended Practices are desirable practices but not essential. The basic criterion for deciding whether a particular issue should be a Standard is an affirmative

EBOOK VOLUME 10. FOREIGN AIR OPERATORS – AUTHORIZATION &
ADMINISTRATION

answer to the question, “Is uniform application by all contracting States essential?” The applicability of a Standard may be subject to certain conditions relating to such areas as terrain, traffic density, stages of flight, and climate. A Standard should, however, be applied equally by any contracting state where those specified conditions are encountered, unless the contracting state notifies ICAO of a difference.

C. ICAO Annexes contain the Standards and Recommended Practices that have been adopted through international agreement. The 18 Annexes are described as follows:

- 1) *Annex 1*, Personnel Licensing, provides information on licensing of flight crews, air traffic controllers, and aircraft maintenance personnel.
- 2) *Annex 2*, Rules of the Air, contains rules relating to conducting visual and instrument flight.
- 3) *Annex 3*, Meteorological Service for International Air Navigation, provides for meteorological services for international air navigation and reporting of meteorological observations from aircraft.
- 4) *Annex 4*, Aeronautical Charts, contains specifications for aeronautical charts used in international aviation.
- 5) *Annex 5*, Measurement Units Used in Air and Ground Operations, lists dimensional systems to be used in air and ground operations.
- 6) *Annex 6*, Operation of Aircraft, enumerates specifications which ensure a level of safety above a prescribed minimum in similar operations throughout the world. The three parts of this Annex are as follows:
 - Part I—International Commercial Air Transport-Airplanes
 - Part II—International General Aviation-Airplanes
 - Part III—International Operations-Helicopters
- 7) *Annex 7*, Aircraft Nationality and Registration Marks, specifies requirements for registration and identification of aircraft.

EBOOK VOLUME 10. FOREIGN AIR OPERATORS – AUTHORIZATION & ADMINISTRATION

8) *Annex 8*, Airworthiness of Aircraft, specifies uniform procedures for certification and inspection of aircraft.

9) *Annex 9*, Facilitation, provides for simplification of border-crossing formalities.

10) *Annex 10*, Aeronautical Telecommunications, Volume 1, provides for standardization of communications equipment and systems, and Volume 2 standardizes communications procedures.

11) *Annex 11*, Air Traffic Services, includes information on establishing and operating air traffic control, flight information, and alerting services.

12) *Annex 12*, Search and Rescue, provides information on organization and operation of facilities and services necessary for search and rescue.

13) *Annex 13*, Aircraft Accident Investigation, provides for uniformity in notification, investigation, and reporting on aircraft accidents.

14) *Annex 14*, Aerodromes, contains specifications for the design and equipment of aerodromes.

15) *Annex 15*, Aeronautical Information Services, includes methods for collecting and disseminating aeronautical information required for flight operations.

16) *Annex 16*, Environmental Protection, contains specifications for aircraft noise certification, noise monitoring, and noise exposure units for land-use planning (volume 1) and aircraft engine emissions (volume 2).

17) *Annex 17*, Security-Safeguarding International Civil Aviation Against Acts of Unlawful Interference, specifies methods for safeguarding international civil aviation against unlawful acts of interference.

18) *Annex 18*, The Safe Transport of Dangerous Goods by Air, contains specifications for labeling, packing, and shipping dangerous cargo.

19) *Annex 19*, Safety Management.

EBOOK VOLUME 10. FOREIGN AIR OPERATORS – AUTHORIZATION &
ADMINISTRATION

10.1.2.11. ICAO STANDARDS VERSUS ICAO RECOMMENDED PRACTICES.

A. As stated in paragraph 10.1.2.9 above, ICAO Annexes contain “Standards” and “Recommended Practices.” However, within the context of ICAO Annex’s 6, 8 & 18, and consistent with Kingdom of Saudi Arabia (KSA) international obligations found in Article 33 of the Chicago convention, only “Standards” can be enforced pursuant to General Authority of Civil Aviation Regulation (GACAR) § 129.3(d). The Annex makes it clear that “Recommended Practices” are desirable objectives to which States should endeavor (but are not required) to conform, while “Standards” are necessary and considered mandatory or required in the interest of safety. Standards are recognized as “necessary” for the safety of international air navigation to which States must conform.

B. International law also makes it clear that the KSA may only require foreign operators to meet the ICAO “Standards,” not the “Recommended Practices” of ICAO.

C. Inspector having surveillance responsibilities for GACAR Part 129 operators should ensure compliance with ICAO Standards rather than with the Recommended Practices. The Recommended Practices are identified within each ICAO Annex.

EBOOK VOLUME 10. FOREIGN AIR OPERATORS – AUTHORIZATION &
ADMINISTRATION

**VOLUME 10. FOREIGN AIR OPERATORS – AUTHORIZATION &
ADMINISTRATION**

CHAPTER 1. ICAO INFORMATION

Section 3. ICAO Regional Plans and Aeronautical Information Publications

10.1.3.1. REGIONAL PLANNING.

A. Although the International Civil Aviation Organization (ICAO) is basically involved with civil aviation on a worldwide scale, there are many subjects it considers on a regional basis. Regional air navigation meetings are held periodically to consider the requirements of air operations in specified areas. Facilities and services and the formulation of supplementary procedures necessary to support increases in traffic density, new air routes, and the introduction of new types of aircraft are considered.

B. These meetings result in the identification of the numerous facilities and services to be provided by States in the nine regions of ICAO. After review of the meeting recommendations by the Air Navigation Commission and approval by the Council, they are presented in Air Navigation Plan publications covering the nine regions.

10.1.3.3. AIR NAVIGATION PLANS. Air Navigation Plans provide details of facilities, services, and procedures required for international air navigation within specified areas. Each Air Navigation Plan also contains recommendations for the provision of air navigation facilities and services within a specific area. Affected governments can be assured that if the recommended facilities and services are furnished in accordance with the plan, they will form, with those furnished by other states, an integrated air navigation system adequate for the foreseeable future. The plans are amended periodically to reflect changes in requirements and in the status of the implementation of the facilities and services.

10.1.3.5. AERONAUTICAL INFORMATION PUBLICATIONS (AIP). Each state is responsible for developing an AIP which is intended to satisfy international requirements for the exchange of aeronautical information essential to air navigation. Each AIP contains information on air traffic, aerodromes, navigational aids (NAVAIDs), special use airspace, meteorological services, and other data vital to flight crews coming into or flying through the airspace of a particular state. Each AIP should provide information which is adequate, accurate, and timely, and when practical,

EBOOK VOLUME 10. FOREIGN AIR OPERATORS – AUTHORIZATION &
ADMINISTRATION

designed for use in flight. AIPs contain lists of significant differences between the national regulations and practices of the state, and the standards, recommended practices, and procedures of ICAO. Notices to Airmen (NOTAMs) are issued when information is temporary or cannot be made available quickly enough by an AIP amendment.

EBOOK VOLUME 10. FOREIGN AIR OPERATORS – AUTHORIZATION &
ADMINISTRATION

**VOLUME 10. FOREIGN AIR OPERATORS - AUTHORIZATION &
ADMINISTRATION**

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

EBOOK VOLUME 10. FOREIGN AIR OPERATORS – AUTHORIZATION &
ADMINISTRATION

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

EBOOK VOLUME 10. FOREIGN AIR OPERATORS – AUTHORIZATION &
ADMINISTRATION

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

EBOOK VOLUME 10. FOREIGN AIR OPERATORS – AUTHORIZATION &
ADMINISTRATION

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

EBOOK VOLUME 10. FOREIGN AIR OPERATORS – AUTHORIZATION &
ADMINISTRATION

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,

EBOOK VOLUME 10. FOREIGN AIR OPERATORS – AUTHORIZATION & ADMINISTRATION

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

EBOOK VOLUME 10. FOREIGN AIR OPERATORS – AUTHORIZATION &
ADMINISTRATION

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:

EBOOK VOLUME 10. FOREIGN AIR OPERATORS – AUTHORIZATION & ADMINISTRATION

- 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:

EBOOK VOLUME 10. FOREIGN AIR OPERATORS – AUTHORIZATION &
ADMINISTRATION

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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ADMINISTRATION**

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CHAPTER 3. TBD

Section 1. TBD

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