



ENFORCEMENT POLICY STATEMENT

This enforcement policy is promulgated under the authority granted in Article 179 of the Civil Aviation Law.

1. PURPOSE

- 1.1 The General Authority of Civil Aviation (GACA) enforcement policy is aimed at promoting compliance with aviation safety regulations and requirements through enforcement functions in an equitable manner.
- 1.2 The implementation of safety management principles requires GACA to have an equitable and discretionary enforcement approach in order to support the Kingdom's civil aviation safety management framework.
- 1.3 The GACA enforcement policies and procedures will allow certificate holders to deal with, and resolve, certain events involving safety deviations, internally, within the context of the certificate holder's safety management system (SMS), and to the satisfaction of the President. Intentional contraventions of the Civil Aviation Law and the General Authority of Civil Aviation Regulations will be investigated and may be subject to conventional enforcement action where appropriate.

2. POLICY

- 2.1 No information derived from safety data collection and processing systems (established by the GACA or under a certificate holder's SMS) relating to reports classified as confidential, voluntary or equivalent category shall be used as the basis for punitive enforcement action.
- 2.2 When a certificate holder operating under an SMS unintentionally contravenes Civil Aviation Law and the General Authority of Civil Aviation Regulations (GACARs), specific review procedures will be used. These procedures will allow the GACA inspector responsible for the oversight of the certificate holder the opportunity to engage in dialogue with the certificate holder. The objective of this dialogue is to agree on proposed corrective measures and an action plan that adequately addresses the deficiencies that led to the contravention and to afford the certificate holder a reasonable time to implement them. This approach aims to nurture and sustain effective safety reporting, whereby certificate holders' employees can report safety deficiencies and hazards without fear of punitive action. A certificate holder can therefore, without apportioning blame and without fear of punitive

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2.3 enforcement action, analyze the event and the organizational or individual factors that may have led to it, in order to incorporate remedial measures that will best help prevent recurrence.

2.4 The GACA, through the inspector responsible for the oversight of the certificate holder, will evaluate the corrective measures proposed by the certificate holder and/or the systems currently in place to address the event underlying the contravention. If the corrective measures proposed (including any appropriate internal disciplinary actions) are considered satisfactory and likely to prevent recurrence and foster future compliance, the review of the violation should then be concluded with no further punitive enforcement action. In cases where either the corrective measures or the systems in place are considered inappropriate, GACA will continue to interact with the certificate holder to find a satisfactory resolution. However, in cases where the certificate holder refuses to address the event and provide effective corrective measures, GACA will take appropriate remedial and punitive enforcement action.

2.5 Breaches of aviation regulations may occur for many different reasons, from a genuine misunderstanding of the regulations, to disregard for aviation safety. GACA has a range of enforcement procedures in order to effectively address safety obligations under the Civil Aviation Law in light of different circumstances. These procedures may result in a variety of actions such as:

- a) Counselling;
- b) Remedial training; or
- c) Amendment, suspension or cancellation of authorizations.

2.6 Enforcement decisions shall not be influenced by:

- a) Personal conflict;
- b) Personal gain;
- c) Considerations such as gender, race, religion, political views or affiliation;
- or
- d) Personal, political or financial power of those involved.

3. PROPORTIONALITY OF RESPONSES

Enforcement decisions shall be proportional to the identified breaches and the safety risks they underlie, based on three principles:

- a) GACA will take action against those who consistently and deliberately operate outside regulations;
- b) GACA will seek to educate and promote training or supervision of those who show commitment to resolving safety deficiencies; and

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- c) GACA will give due and equitable consideration to distinguish premeditated violations from unintentional errors or deviations.

4. NATURAL JUSTICE AND ACCOUNTABILITY

Enforcement decisions shall:

- a) Be fair and follow due process;
- b) Be transparent to those involved;
- c) Take into account the circumstances of the case and the attitude/actions of the certificate holder or individual when considering action;
- d) Be consistent actions/decisions for like/similar circumstances; and
- e) Be subject to appropriate internal and external review.

5. EXCEPTIONS

This policy is not applicable if:-

- 5.1 There is evidence of a deliberate effort to conceal noncompliance.
- 5.2 The certificate holder fails to maintain an acceptable SMS or its agreed safety performance.
- 5.3 The certificate holder is deemed by the President as a recurrent violator.

In the above circumstances, GACA may deal with such noncompliance or violations according to established enforcement procedures as deemed appropriate.

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