



## **GACA Circular No. R-17-2010**

30 November 2010

TO ALL GACA CERTIFICATE AND LICENSE HOLDERS

SUBJECT: GACA COMPLIANCE ENFORCEMENT POLICY

### **1. INTRODUCTION**

In accordance with the Civil Aviation Law of the Kingdom of Saudi Arabia (KSA) as approved by the Council of Ministers Resolution No. 185 dated 17/07/1426H and issued by the Royal Decree No. M/44 dated 18/07/1426H. (23/08/2005G), and based on the authority granted in Article 179 of the Civil Aviation Law, the following Compliance Enforcement Policy is issued under the authority of the President of General Authority of Civil Aviation (GACA), as a duly delegated representative of the GACA Board of Directors, in accordance with Order No.T-41, dated 30/12/1429H (28/12/2008G).

### **2. PRINCIPLES**

The GACA compliance enforcement program includes two general approaches to compliance. The first approach, termed the conventional compliance approach, has two broad aims and activity areas. It includes all those activities carried out by GACA to ensure that;

- (1) Certificate and license holders who have been identified to be in violation of an applicable regulation are brought back into full regulatory compliance without delay, and;
- (2) Certificate and license holders are deterred from committing violations by imposing appropriate punitive measures when circumstances warrant.

The second approach, voluntary disclosure reporting program is intended to improve safety compliance by forgoing a civil penalty when a certificate holder promptly discloses to the GACA an apparent violation and has taken prompt action satisfactory to the GACA to correct the violation and preclude its recurrence. This allows certain freedoms from punitive enforcement actions provided the certificate holder self-identifies and then takes proactive steps to correct any non-compliances and safety deficiencies in a timely manner and in addition take the necessary actions to prevent a reoccurrence.

### **3. SCOPE**

The principles underlying this enforcement policy statement and associated enforcement procedures apply to all GACA certificate and license holders operating in accordance with the Section 1 through Section 21 of the GACA regulations.



Within the context of this guidance the term “service provider” refers to any organization providing aviation services. The term includes aircraft operators, approved maintenance organizations, air traffic service providers and certified aerodromes, as applicable.

#### **4. GENERAL**

Breaches of aviation regulations may occur for many different reasons; from a genuine misunderstanding of the regulations, to willful disregard for aviation safety. GACA has a range of enforcement procedures in order to effectively address safety obligations in light of different circumstances.

##### **4.1 Conventional Compliance Enforcement**

The conventional compliance enforcement program commences whenever the GACA learns of a violation, or alleged violation, of the GACA regulations by way of one of the following means:

- Routine and non-routine surveillance
- Incident investigations
- Accident investigations
- Public complaints
- Law enforcement agencies
- Audits
- Evaluations
- Inspections
- Certification Review
- Self disclosure
- Any other means

No matter how GACA learns of a violation, if left unresolved, violations have the potential to adversely affect aviation safety and thus they must be rectified in a timely manner. For the GACA safety oversight programs to be effective, and for Saudi Arabia to meet its international obligations under ICAO, GACA must resolve all identified regulatory non-compliances in a timely and effective manner.

The GACA has published a policy on the resolution of safety concerns and non-compliances. This policy is stated below. GACA will follow this policy for the resolution of identified safety concerns and non-compliances that fall within their jurisdiction.

The conventional compliance enforcement program normally concludes when the certificate or license holder has been brought back into full compliance with the applicable regulations. If necessary, penalties may also be imposed on the violator as a means to deter repeat violations. The severity of the imposed penalty will be commensurate with the seriousness of the violation.





(1) For certificate holders who fail to meet the established deadlines or who fail to implement corrective actions to resolve the identified safety concern, the GACA will take actions against the certificate. These actions may involve suspending or revoking the certificate, rating, authorization, or other privileges.

(2) In certain circumstances, such as cases where there is evidence of a deliberate effort to conceal non-compliance or the certificate or license holder is a recurrent violator, the GACA will apply penalties such as fines, imprisonment or other punitive actions as determined by the Committee and specified in Article 174 of the Civil Aviation Law. Punitive actions can include the suspension or cancellation of certificates, licenses or authorizations held by the violator.

#### **4.2 Voluntary Disclosure Reporting Program**

The implementation of safety management systems (SMS) in accordance with GACAR Section 21 requires that GACA develop a flexible compliance enforcement approach to this evolving safety framework while at the same time carrying out enforcement functions in an equitable, practical and consistent manner.

GACA's voluntary disclosure reporting program is intended to improve safety compliance by forgoing a civil penalty when a certificate holder promptly discloses to the GACA an apparent violation and has taken prompt action satisfactory to the GACA to correct the violation and preclude its recurrence. The GACA regulates certificate holder's performance through setting regulatory standards, issuing guidance, and monitoring compliance through periodic inspections.

Certificate holder, which have the ultimate responsibility for compliance, have a superior vantage point for monitoring their own performance. Therefore, voluntary disclosure programs can serve an important role in achieving compliance and improving aviation safety.

**Criteria for Acceptance of Voluntary Disclosure.** The GACA may accept a voluntary disclosure of an apparent violation under the voluntary disclosure reporting program only if the following criteria are met:

- (1) The Certificate holder has notified the GACA of the apparent violation immediately after detecting it and before the GACA has learned of it by other means;
- (2) The Certificate holder does not disclose the apparent violation to the GACA during, or in anticipation of, an GACA investigation or inspection or in association with an accident or incident;
- (3) The apparent violation was inadvertent;
- (4) The apparent violation does not indicate a lack, or reasonable question of a lack, of qualification of the Certificate holder;
- (5) Immediate action, satisfactory to the GACA, was taken upon discovery to terminate the conduct that resulted in the apparent violation; and
- (6) The Certificate holder has developed or is developing a comprehensive fix and schedule of implementation satisfactory to the GACA. The comprehensive fix includes a follow-up self-audit to ensure the action taken corrects the noncompliance.



## **5. IMPARTIALITY OF ENFORCEMENT ACTIONS**

Enforcement decisions by GACA will not be influenced by:

- a) personal conflict between GACA employees and the certificate and license holder;
- b) considerations such as gender, race, religion, political views or affiliation; or
- c) personal, political or financial power of those involved.

## **6. PROPORTIONALITY OF RESPONSES**

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

- a) GACA will take action against those who consistently and deliberately operate outside the Civil Aviation Regulations of Saudi Arabia; and
- b) GACA will seek to educate and promote training or supervision of those who show commitment to resolving safety deficiencies.

## **7. NATURAL JUSTICE AND ACCOUNTABILITY**

Enforcement decisions will:

- 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 service provider when considering action;
- d) be consistent actions/decisions for like/similar circumstances; and
- e) be subject to appropriate internal and external review.

This Circular is published at the GACA official website: <http://www.gaca.gov.sa>

Any inquiries or feedback concerning GACA Regulations shall be addressed to VP, GACA-S&ER, Fax No. +966-2-6855284.

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