

# ADVISORY CIRCULAR

SUBJECT:	DATE:	AC NUMBER:	VERSION:
PETITIONING FOR EXEMPTIONS	2016-05-01	011-01	1.0

**NOTE: THIS ADVISORY CIRCULAR IS PUBLISHED TO PROVIDE REGULATORY INFORMATION AND DESCRIBE ACCEPTABLE MEANS OF COMPLIANCE WITH THE GENERAL AUTHORITY OF CIVIL AVIATION REGULATIONS (GACAR).**

## CHAPTER 1 – INTRODUCTION

### 1.1 Purpose.

It has long been recognized that in certain situations governed by law, there may be occasions when a regulation cannot or ought not to apply. In such cases, it may be appropriate to issue an *exemption* which exempts compliance from all or part of a regulatory requirement. The purpose of this advisory circular is to provide information and instructions to the Kingdom of Saudi Arabian aviation industry on the requirements related to petitioning for exemptions to the General Authority of Civil Aviation Regulations (GACAR). This guidance material also represents an acceptable means of compliance with the petitioning for exemption requirements prescribed in GACAR Part 11.

### 1.2 Applicability.

This advisory circular is applicable to any person subject to the GACAR.

### 1.3 Cancellation.

This is the first official version of this advisory circular and it cancels no other advisory circulars.

### 1.4 Related Regulatory Provisions.

GACAR Part 11.

### 1.5 Related Reading Material.

None.

### 1.6 Definitions of Terms Used in this Advisory Circular.

This advisory circular does not introduce any new terms.

### 1.7 Approval.

This advisory circular has been approved for publication by the Assistant President, Safety, Security and Air Transport Sector of the General Authority of Civil Aviation.

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## CHAPTER 2 – PETITIONING PROCEDURES

### 2.1 General.

This chapter summarizes essential information for all petitioners for regulatory exemptions under GACAR Part 11. Petitioners are reminded that should GACA refuse to grant the exemption they may be eligible to appeal that decision in accordance with the appeal regulations prescribed in Subpart I of GACAR Part 13.

NOTE: All applicable forms and e-services may be accessed on the GACA website at [www.gaca.gov.sa](http://www.gaca.gov.sa).

### 2.2 Background.

The regulatory exemption process is a three phase process:

- Phase 1 - Petition for exemption
- Phase 2 - GACA review and analysis
- Phase 3 - Final decision (grant, partial grant, or denial)

Exemptions are granted by the President only in exceptional circumstances and only after a thorough analysis is conducted on the impact the granting the exemption may have on civil aviation in the Kingdom of Saudi Arabia. The test for assessing each petition for exemption is two-fold. In order to grant an exemption, the following two questions must be answered positively:

1. Have specific restrictions or conditions or other compensating factors been imposed that will provide for an acceptable level of safety to account for the regulatory requirements that are being exempted?
2. Is the exemption in the best interest of the Kingdom of Saudi Arabia?

The GACA analysis of each exemption request is undertaken by a group of experts within the Safety, Security and Air Transport Sector under the direction of the Assistant President. The petitioner is reminded that their petition should include as much information as possible to assist the GACA in completing a comprehensive and accurate analysis of the petition. The GACA analysis takes time to complete and petitioners must not assume that they will receive a decision on their petition immediately after submitting it.

The final decision and authority to grant an exemption rests with the Assistant President, Safety, Security and Air Transport Sector. The final decision will be; grant, partial grant, or deny. Many exemptions will be time limited and thus will contain a validity period. The final decision will be communicated to the petitioner by an official letter.

An exemption cannot be used to compel a petitioner to do something that the regulations themselves do not require. If, in the course of granting a petitioner relief from a regulation, the exemption process actually imposes more onerous conditions than the regulation itself, the petitioner always has the choice to not take advantage of the exemption. In this case, the petitioner is expected to comply fully with the existing regulations and standards. Note that if the petitioner does not comply with the conditions of an exemption, the exemption becomes null and void and the person must comply fully with the regulations.

NOTE: Petitioners for exemptions who are certificate holders that have operations specifications as part of their certificate must first apply for, and obtain, authorization to use a granted exemption prior to actually gaining the exemption's benefits. This authorization to use an exemption is normally recorded by the issuance of the A5 operations specification (e.g. OpSpec 121.A.005 for air carriers).

### 2.3 Petitioning Procedures.

Petitioners for exemptions must petition in writing using the Form 1001. Table 2.1 summarizes the important information related to petitioning for an exemption.

**Table 2.1 - Application for Petitioning for Exemption**

<b>Related rule(s):</b>	GACAR Part 11
<b>Form(s) to be used:</b>	Form 1001
<b>Availability of e-service:</b>	Yes
<b>How to fill in form(s):</b>	1. Fill in requested information. All blocks must be completed except entries in Block 13 are only required if the answer to Block 12 is YES. Use additional sheets if necessary. 2. Complete the form by signing and dating the form.
<b>Required supporting document(s):</b>	None
<b>Fee:</b>	None

<b>Where to submit:</b>	<p><i>In person:</i>          General Authority of Civil Aviation          Legislation Department          Safety, Security and Air Transport Sector Building          KAIA, Jeddah</p> <p><i>By mail:</i>          General Authority of Civil Aviation          Legislation Department          P.O. Box 887          Jeddah, 21421</p>
<b>Normal processing time:</b>	30 working days. NOTE: For complex cases the processing time may be longer.
<b>Means to be informed of the outcome:</b>	Letter
<b>Where to pick up:</b>	General Authority of Civil Aviation Legislation Department Safety, Security and Air Transport Sector Building KAIA, Jeddah
<b>Special notes:</b>	None

## CHAPTER 3 – FOR FURTHER INFORMATION

### 3.1 Responsible Department(s).

The Legislation Department of the GACA Safety, Security and Air Transport Sector is the department responsible for managing the exemption petition process. Other departments will likely also be involved in the technical assessment of the petition for exemption.

### 3.2 Contact Details.

The Legislation Department can be contacted at the following coordinates:

*In person:*

General Authority of Civil Aviation  
Legislation Department  
Safety, Security and Air Transport Sector Building  
KAIA, Jeddah

*By mail:*

General Authority of Civil Aviation  
Legislation Department  
Safety, Security and Air Transport Sector  
P.O. Box 887  
Jeddah, 21421