

ADVISORY CIRCULAR

SUBJECT: APPEALS AND PETITIONS FOR RECONSIDERATION	DATE: 2016-06-15	AC NUMBER: 013-01	VERSION: 1.0
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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.

The purpose of this advisory circular is to provide information and instructions to persons seeking to appeal a decision of the President (or his delegated officials) or petition for reconsideration a decision of the President in relation to changes to manuals, programs, operations specifications, etc. as demanded by the President (or his delegated officials). This guidance material also represents an acceptable means of compliance with the application requirements prescribed in Subparts H and I respectively of GACAR Part 13.

1.2 Applicability.

This advisory circular is applicable to any person wishing to petition for reconsideration a decision of the President or wishing to appeal a decision of the President as provided in Subparts H and I respectively of GACAR Part 13.

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 Parts 13.

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.

CHAPTER 2 – APPEAL PROCEDURES

2.1 General.

This chapter summarizes essential information for appealing a decision of the President under Subpart I of GACAR Part 13. An appeal to reconsider a decision of the President, or his delegated officials, may be initiated by an affected party when they believe that the decision was made incorrectly, unfairly, or without the benefit of all available information. The GACA is prepared to hear appeals, subject to certain limitations, in order to ensure that the rights of all affected parties are respected while ensuring that the GACA carries out its regulatory obligations.

2.2 Availability of Appeal.

An appeal may be lodged by any person affected by a decision of the President, or his delegated officials, to deny a certificate/approval/authorization or to impose compliance enforcement actions. The appeal procedures described in this chapter DO NOT apply to decisions concerning punitive actions rendered by the Committee established under Article 174 of the Civil Aviation Law. Committee decisions may be appealed before the Board of Grievances within 60 days from the date of notification of the parties.

2.3 Submission and Timeliness of Appeal.

An appellant (i.e. the person lodging an appeal) who is the subject of a certificate/approval/authorization denial or compliance enforcement action must lodge his appeal in writing to the Assistant President, Safety, Security and Air Transport (SS&AT) Sector within 14 calendar days after receiving the certificate/approval/authorization denial or compliance enforcement notice. In its notice of appeal, the appellant must state the basis for the appeal outlining why they believe the decision was incorrect, unfair, or without the benefit of all relevant information. The appellant may submit written material with the notice of appeal or request a meeting with appropriate GACA representatives to provide the additional information that supports their appeal. At the meeting, the appellant may present a written or oral response to the GACA decision. If the appellant does not request a meeting with GACA representatives, the GACA will base its decision solely on the written material submitted with the notice of appeal.

2.4 Rejection of a Notice of Appeal.

The Assistant President, SS&AT Sector may reject outright any frivolous, repetitive, or dilatory appeals.

2.5 Appeal Panel.

An appeal panel chosen by the Assistant President, SS&AT Sector will consider the appeal. The appeal panel will consist of at least two senior management representatives and one technical

specialist who was not involved in the decision making that led to the notice of appeal.

NOTE: For the appeal of medical certification decisions the appeal panel may consist of one or more medical doctors specializing in aviation medicine.

2.6 Meeting with the Appellant.

In most cases, the appeal panel will wish to meet with the appellant to better understand the circumstances surrounding the decision that is being appealed. The procedures for the conduct of meetings with the appellant are as follows:

- (a) *Scheduling*. The appeal panel will normally schedule meetings with the appellant within 15 calendar days of receipt of the notice of appeal.
- (b) *Participants*. The appellant and his representatives may attend the meeting with the appeal panel. If the appellant chooses to have legal counsel attend the meeting, the appeal panel may arrange to have legal counsel from the GACA attend.
- (c) *Meeting Record*. The GACA will keep a record of the meeting and send a copy of the meeting record to the appellant within 15 working days of the meeting. The appellant may send comments or proposed revisions to the GACA for consideration.

2.7 Appeal Decision.

The appeal panel will consider the evidence provided by the appellant and the GACA's records related to the certification/approval/authorization denial or compliance enforcement decisions. The appeal panel will document its deliberations and rationale for its recommendations within 45 working days of the date of the notice of appeal. The Assistant President, SS&AT Sector will make the final decision of the appeal with consideration of the recommendations of the appeal panel. The GACA will notify the appellant by registered mail of the final decision within 15 working days after the Assistant President makes his decision. The notice of decision will contain the following:

- (a) *The Decision*. The decision may affirm, modify or reverse the original decision or action by the GACA. If the certification/approval/authorization denial or compliance enforcement decision is reversed or modified, the notice will state the effective date of the reversal and any actions required on the appellant's part to resume or commence the performance of privileges
- (b) *Reason for the Decision*. The notice will state the justification for the decision including a response to the arguments presented by the appellant.
- (c) *Right to Further Appeal*. The notice will state that the decision is final unless the appellant petitions the Board of Directors of the GACA in writing and the Board agrees to hear the appeal.

CHAPTER 3 – PROCEDURES FOR PETITIONING FOR RECONSIDERATION

3.1 General.

This chapter summarizes essential information for petitioning for reconsideration of the following as provided under Subpart H of GACAR Part 13:

- (a) A notice of change to a program or procedure;
- (b) An amendment to operations specifications or authorizing documents; and
- (c) A denial of an applied for amendment to operations specifications or authorizing documents.

The GACA is prepared to hear petitions for reconsideration, subject to certain limitations, in order to ensure that the rights of all affected parties are respected while ensuring that the GACA carries out its regulatory obligations.

3.2 Submission and Timeliness of a Petition for Reconsideration.

A petitioner must make his petition for reconsideration in writing to the Assistant President, Safety, Security and Air Transport (SS&AT) Sector within 14 calendar days after receiving the original decision from the GACA. In its petition, the petitioner must state the basis for the petition outlining why they believe the decision was incorrect, unfair, or without the benefit of all relevant information. The petitioner may submit written material or request a meeting with appropriate GACA representatives to provide the additional information that supports their petition. At the meeting, the petitioner may present a written or oral response to the GACA decision. If the petitioner does not request a meeting with GACA representatives, the GACA will base its decision solely on the written material submitted with the petition.

3.4 Rejection of a Notice of Petition.

The Assistant President, SS&AT Sector may reject outright any frivolous, repetitive, or dilatory petitions.

3.5 Review Panel.

A review panel chosen by the Assistant President, SS&AT Sector will consider the petition. The review panel will consist of at least two senior management representatives and one technical specialist who was not involved in the decision making that led to the petition.

3.6 Meeting with the Petitioner.

In most cases, the review panel will wish to meet with the petitioner to better understand the circumstances surrounding the decision that is being reviewed. The procedures for the conduct of

meetings with the petitioner are as follows:

- (a) *Scheduling*. The review panel will normally schedule meetings with the appellant within 15 calendar days of receipt of the petition.
- (b) *Participants*. The petitioner and his representatives may attend the meeting with the review panel.
- (c) *Meeting Record*. The GACA will keep a record of the meeting and send a copy of the meeting record to the petitioner within 15 working days of the meeting. The petitioner may send comments or proposed revisions to the GACA for consideration.

3.7 Decision.

The review panel will consider the information provided by the petitioner and the GACA's records related to the decision being petitioned for reconsideration. The review panel will document its deliberations and rationale for its recommendations within 45 working days of the date of the petition. The Assistant President, SS&AT Sector will make the final decision of the petition with consideration of the recommendations of the review panel. The GACA will notify the petitioner by registered mail of the final decision within 15 working days after the Assistant President makes his decision. The notice of decision will contain the following:

- (a) *The Decision*. The decision may affirm, modify or reverse the original decision or action by the GACA. If the original decision is reversed or modified, the notice will state the effective date of the reversal and any actions required on the petitioner's part to resume or commence the performance of privileges
- (b) *Reason for the Decision*. The notice will state the justification for the decision including a response to the arguments presented by the petitioner.

CHAPTER 4 – FOR FURTHER INFORMATION

4.1 Responsible Department(s).

The Legislation Department of the GACA Safety, Security and Air Transport Sector is the department responsible for the processes and procedures related to appeals and petitions for reconsideration under the provisions of GACAR Part 13.

4.2 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