



Civil Aviation Authority

CAR-11

Civil Aviation Regulation

Rulemaking Procedure

Effective 1st of September 2022

Approved by: H.E. Eng. Naif Ali Hamed Al-Abri

President of CAA

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Corrigendum of Amendments

Rev.	Date	Description
01	1 Jun 1999	Initial Issue (the very first issue).
02	2018	This regulation has been completely revised
03	26 Oct 2019	AMC CAR-11.045: The AMC has been inserted to explain in detail the methodology associated with the Rulemaking Procedure for amending regulations.
04	31 Dec 2019	Inclusion of Civil Aviation Notices, Directives and Instructions (CAR-11.060)
		Inclusion of Civil Aviation Notices Consultation & Approval (CAR-11.065) and (CAR-11.070)
		Inclusion of Repeals and Revocations (CAR-11.085)
		Inclusion of Review of CARs & CANs (CAR-11.90)
		Inclusion of AMC material associated with CAR-11.065 and CAR-11.085
		CAR-11.050 to 11.080 have been renumbered
05	26 Feb 2020	Updated section 5 Amendment to current regulation (outline the steps and timeline of each process) and added flow chart.
		Added Subpart C – Forms
06	01 Sep 2022	Reformation of the Regulation with the objective of having modular structure with dedicated subparts: ➤ Subpart A: general rulemaking requirements; ➤ Subpart B: specific requirements for CARs; ➤ Subpart C: specific requirements for Directives; ➤ Subpart D: specific requirements for compliance with CARs (AMCs); ➤ Subpart E: specific requirements for Guidance Materials (GMs).
		Segregating between the ‘requirements’ (what shall be done) and the ‘procedures’ (How to do the task) to make the content clearer. Shared/inter-discipline procedures moved into relevant AMCs of this regulation ¹ .
		Placing guidance materials into relevant GM;
		Introduction of Civil Aviation Regulatory Framework (first time);
		Introduction of some new definition and updating of some existing ones;
		Adding accountabilities and responsibilities for rulemaking process;
		Introduction of rulemaking groups;
		Title of CAR changed to “Rulemaking Procedure”;
		Phasing CANs out and introduction of CADs;
		Introduction of CAA Guidance Material publications such as GM, CAP and CASB;
		Adding a new appendix, Appendix I – Forms instead of “Subpart C – Forms”.

¹ Technical department’s procedure manual should contain relevant procedures at the level of the technical departments, related to the contents of this regulation.

Table of Contents

Table of Contents - CAR-11 – CIVIL AVIATION REGULATIONS RULEMAKING PROCEDURE	
Corrigendum of Amendments	2
Table of Contents	3
FOREWORD	6
SUBPART A — GENERAL	8
CAR-11.100 Scope and Applicability	8
CAR-11.105 Terminology.....	8
<i>GM to CAR-11.105 Glossary of Terms or Abbreviations.....</i>	<i>11</i>
CAR-11.110 Civil Aviation Legislative Framework and Responsibilities.....	12
CAR-11.120 Request for Amendment	13
<i>AMC to CAR-11.120(b) Request for Amendment.....</i>	<i>13</i>
<i>GM to CAR-11.120(b) Request for Amendment.....</i>	<i>13</i>
CAR-11.125 Document Control.....	13
<i>AMC to CAR-11.125 Document Control.....</i>	<i>13</i>
CAR-11.130 Impact on existing Documents.....	14
CAR-11.135 Electronic Publication of Documents.....	14
CAR-11.145 Effective implementation	15
CAR-11.150 Transition Period.....	15
CAR-11.155 Entry into Force.....	15
SUBPART B — CIVIL AVIATION REGULATIONS.....	16
CAR-11.200 Scope.....	16
CAR-11.205 Format and Structure of CAR	16
CAR-11.210 Setting up the priorities.....	16
<i>AMC to CAR-11.210 Setting up the priorities</i>	<i>17</i>
<i>GM to CAR-11.210 Setting up the priorities</i>	<i>17</i>
CAR-11.215 Initiation of rulemaking projects.....	19
<i>AMC1 to CAR-11.215 Initiation of rulemaking projects</i>	<i>20</i>
<i>AMC2 to CAR-11.215 Initiation of rulemaking projects</i>	<i>21</i>
CAR-11.220 Rulemaking Group.....	22
CAR-11.225 Drafting of CAR	22
<i>AMC to CAR-11.225 Drafting of CAR.....</i>	<i>23</i>
CAR-11.230 Notice of Proposed Amendment.....	23
<i>AMC to CAR-11.230 Notice of Proposed Amendment.....</i>	<i>24</i>
CAR-11.235 Consultation	24

<i>AMC to CAR-11.235</i>	<i>Consultation.....</i>	<i>25</i>
CAR-11.240	Review of Comments	25
<i>AMC to CAR-11.240</i>	<i>Review of Comments</i>	<i>26</i>
CAR-11.245	Entry into Force and Transitional Period	26
CAR-11.250	Publication of Regulations	27
<i>AMC1 to CAR-11.250(c)</i>	<i>Processing of ICAO State Letter(s) and Notification of Differences</i>	<i>27</i>
<i>GM1 to CAR-11.250(c)</i>	<i>Notification of Differences to the ICAO.....</i>	<i>28</i>
<i>GM2 to CAR-11.250(c)</i>	<i>ICAO Requirements applicable to AIP.....</i>	<i>29</i>
<i>AMC2 to CAR-11.250(c)</i>	<i>Publication of Significant Differences in the AIP.....</i>	<i>29</i>
CAR-11.255	Repeal of Regulations.....	30
<i>AMC to CAR-11.255 (b)</i>	<i>Notice of Repeal.....</i>	<i>31</i>
<i>GM to CAR-11.255</i>	<i>Repeal of Regulations.....</i>	<i>31</i>
CAR-11.260	Timeline for changes to the CAR(s)	32
<i>AMC to 11.260</i>	<i>Applicable Timeline and Process Flow Chart</i>	<i>32</i>
CAR-11.265	Retention of CAR(s) and related Documents	36
<i>GM to CAR-11.265</i>	<i>Retention of CAR(s) and related Documents</i>	<i>36</i>
CAR-11.270	Proposed changes to the Regulations.....	36
CAR-11.275	Efficiency and Effectivity of Rulemaking process	36
SUBPART C — CIVIL AVIATION DIRECTIVES		38
CAR-11.300	Scope.....	38
<i>GM to CAR-11.300</i>	<i>Scope.....</i>	<i>38</i>
CAR-11.305	Initiation of CAD.....	38
<i>AMC to CAR-11.305</i>	<i>Initiation of CAD.....</i>	<i>38</i>
<i>GM1 to CAR-11.305</i>	<i>Initiation of CAD.....</i>	<i>38</i>
<i>GM2 to CAR-11.305</i>	<i>Initiation of CAD.....</i>	<i>39</i>
CAR-11.310	Drafting of CAD	39
<i>AMC to CAR-11.310</i>	<i>Numbering of CAD</i>	<i>39</i>
CAR-11.315	Industry Feedback and Consultation	40
CAR-11.320	Publication of CAD	40
CAR-11.325	Review of CAD	40
CAR-11.330	Repeals of CADs	40
<i>AMC to CAR-11.330</i>	<i>Repeals of CADs</i>	<i>40</i>
<i>GM to CAR-11.330</i>	<i>Repeals of CADs</i>	<i>41</i>
CAR-11.335	Retention of CADs	41
<i>GM to CAR-11.335</i>	<i>Retention of CADs.....</i>	<i>41</i>

SUBPART D — COMPLIANCE WITH REGULATIONS	42
CAR-11.400 Compliance with CARs	42
CAR-11.405 Acceptable Means of Compliance (AMC)	42
CAR-11.410 Alternative Means of Compliance (AltMoC)	42
<i>GM to CAR-11.410 Alternative Means of Compliance (AltMoC)</i>	<i>42</i>
SUBPART E — GUIDANCE MATERIALS	43
CAR-11.500 General	43
<i>GM to CAR-11.500 CAPs and CASBs</i>	<i>43</i>
CAR-11.505 Initiation and Drafting of GM	43
CAR-11.510 Approval of GM	43
CAR-11.515 Review of GMs	44
CAR-11.520 Repeal of GMs	44
APPENDIX I — FORMS	45

FOREWORD

Royal Decree No. 76/2019 issuing the Civil Aviation Law of Oman (CAL) empowers Civil Aviation Authority (CAA) for issuance and publication of Regulations. Article (1) point (3) & (4) define Competent Authority and Regulations respectively as below:

Article (1)

In this Law the following terms and expressions shall have the meanings assigned to them, unless the text otherwise requires:

.....

(3) Competent Authority: The Public Authority for Civil Aviation or any other body entrusted with exercising its powers or authorities.

(4) Regulations: The Rules, Circulars, Instructions, Directives, Requirements, Policies, Orders and Decisions issued by the Head of the Competent Authority or his/her delegate.

in addition, Article (7) point (c) empowers the CAA with required powers for issuance and publication of the Regulations and the national programmes:

Article (7)

The Competent Authority shall be responsible for the implementation of the provisions of this Law, and shall have the following powers and competencies:

.....

(c) Issuance and publication of regulations as well as the National Civil Aviation Security Programme, National Air Transport Facilitation Programme, State Safety Programme and any other national programmes and monitoring of their implementation.

Considering the above and the organisational structure of the CAA, specific powers or authorities shall be transferred to the DGCAR (*through this Regulation in addition to other relevant administrative arrangements which may exists*) for the issuance and publication of the Regulations and the national programs as well as issuance of related supporting materials on behalf of President of the CAA.

For this purpose:

- (a) The requirements for Civil Aviation Regulation Rulemaking Procedure (CAR-11) have been issued by the CAA under the provisions of the CAL.
- (b) CAR-11 prescribes related requirements for:
 - (1) The Rulemaking process of the CAA which is the processes for introduction, amendment and repeal of the Civil Aviation Regulations (CAR) and other Regulatory materials (from initiation of the change until the publication of the final Regulation);
 - (2) The format, structure and publication procedures of
 - Civil Aviation Regulations (CAR), Civil Aviation Directives (CAD); and
 - Civil Aviation Publications (CAP) and Civil Aviation Safety Bulletins (CASB) issued in support of safety oversight and regulatory activities.

- (3) The Acceptable Means of Compliance (AMC) published with this Regulation, establishes common procedures to be implemented by relevant CAA personnel and departments while practicing compliance with this Regulation.

The AMC to CAR-11 generally contains procedures for the below subjects:

- (i) State Letters Management
- (ii) Filing of Differences
- (iii) Timeline applicable to amendments process
- (iv) Promulgation and Publication Process

CAA has published *“Procedures Manual for the Notification and Publication of Significant Differences In support of CAR-11”* pertaining to the AMCs applied to the *“Notification of Differences to the ICAO”*, CC/EFOD process and the *“Publication of Significant Differences in the AIP”*

- (c) CAA has established a designated Safety Regulations Department (SRD) to control the rulemaking process. To enable SRD to discharge its duty, relevant support and cooperation from the technical departments within DGCA and other related stakeholders should be ensured (see [AMC2 to CAR-11.215](#) for more details).
- (d) The editing practices used in this document are as follows:
- (1) **‘Shall’** is used to indicate a mandatory requirement within the contents of a Regulation.
 - (2) **‘Should’** is used to indicate a recommendation and normally is used in the contents of an AMC.
 - (3) **‘May’** is used to indicate discretion by the Authority, or the industry as appropriate.
 - (4) **‘Will’** indicates a mandatory requirement and is used to advise of action incumbent on the Authority.
 - (5) Amendments to the text are issued as a complete amendment of pages.

Note: The use of the male gender implies the female gender and vice versa.

SUBPART A — GENERAL

CAR-11.100 Scope and Applicability

- (a) This Regulation lays down detailed requirements for:
- (1) the introduction, amendment and repeal (or withdrawal) of any
 - (i) Civil Aviation Regulations (CAR);
 - (ii) Civil Aviation Directives (CAD);
 - (iii) Acceptable Means of Compliances (AMC) and Certification Specifications (CS);
 - (iv) Guidance Materials (GM).
 - (2) format, structure and publication procedures for items referred to in points (a)(1) above.
 - (3) management of ICAO SARPs amendments and notification of difference.
- (b) This Regulation is applicable to those Individuals, organizations and authorities involved in the rulemaking process related to point (a) above.
- (c) This Regulation shall not apply in respect of a particular case where the President finds compliance with any requirement prescribed in this regulation to be impractical, unnecessary or contrary to the public interest; and
- (d) No regulation, acceptable means of compliance or other binding regulatory material shall be invalid merely because a requirement in this Regulation has not been complied with.

CAR-11.105 Terminology

For the purpose of this Regulation, the following definitions shall apply:

Adapted: means that a foreign source Regulation (original Regulation) has been used as a basis for development or amendment of a Regulation. Adaption should be done only after ensuring that:

- the adapted Regulations have been updated to include the relevant ICAO SARPs;
- they are aligned with the aviation legislation and Regulations of the Sultanate, meaning that at all times, the overall consistency of the legal framework in place should be ensured and contradictions and/or inconsistencies between provisions contained in different regulations in force should be avoided;
- the differences between aviation environment of the Sultanate and that of the original State, have been appropriately considered and/or addressed.

Note: In case of adapted Regulations, it shall be noted that compliance with the original Regulation does not automatically ensure compliance with the adapted CAA Regulation. Service providers under the oversight of CAA shall ensure all time compliance with the (CAA) CARs.

Applicant: is an individual or organization willing to practice the privileges of a certificate issued by CAA. Applicant also refers to those individuals or organizations who applied for a certificate and shall comply with the related Regulation prior issuance of the certificate. For the purpose of this Regulation the terms, Permission Holder, Certificate Holder, Approval holder, Service Provider are used with the same meaning as applicant.

Acceptable Means of Compliance (AMC): An AMC is a non-binding material which contains standards and methods adopted and published by the CAA to illustrate means by which compliance with the Civil Aviation Law and Regulations is established.

Alternative Means of Compliance (AltMoC): An alternative proposed by an applicant to an existing acceptable means of compliance or means of establishing compliance with CAA regulation for which no associated acceptable means of compliance has been adopted by CAA.

CAA: means Civil Aviation Authority of the Sultanate of Oman.

Certificate: means any certificate, approval, licence, authorisation, attestation or other document issued as the result of a certification, attesting compliance with the applicable requirements;

Certification Specifications (CS): Are technical standards adopted by CAA indicating means to show compliance with the CARs and which can be used by organisations for the purpose of certification.

Civil Aviation Directives (CAD): are mandatory instructions or requirements which are enforceable, whereby non-compliance may compromise the level of aviation safety or introduction of unacceptable safety risk or may seriously affect the safe operation of aircraft. In the Civil aviation Legislation Framework of the Sultanate, Civil Aviation Directives are in the level of Regulations (ICAO CE-2).

Civil Aviation Publication (CAP): is a non-binding document published by the CAA which may:

- (1) support the compliance issues of a regulation;
- (2) be of general information pertaining to a particular subject;

Civil Aviation Regulations (CAR): are binding requirements in their entirety and used to specify a high and uniform level of safety and uniform conformity and compliance.

Note1: CAA issues CARs in accordance with the powers given by the Civil Aviation Law (CAL). CARs are the “Specific Operating Regulations” - as defined by ICAO Critical Element 2 (CE-2) - of the Civil Aviation of Oman.

Note2: when the word ‘Regulation’ is used in this document, it means ‘Civil Aviation Regulation’.

Civil Aviation Safety Bulletins (CASB): are materials raised by the CAA to promote safety awareness.

Comments Response Document (CRD): A document which consolidates the comments from the industry against an NPA together with CAA position regarding the comments.

Director General: Means the Director General of Civil Aviation Regulation.

DGCAR: means the Directorate General of Civil Aviation Regulation.

Document: for the purpose of this Regulation, document is any approved material containing Regulations, Directives, Procedures, Circulars, Standards or etc., related to Regulatory materials which shall be controlled by a formal control process and shall have approval from a managerial level of the CAA before being used or referred to.

Document Owner: is the CAA department or individual employed by the CAA, which is directly involved in the usage, oversight, implementation or updating a specific document.

Note: for any document which is owned by a CAA Department, the Director of the Department has the relevant accountability to ensure that those processes that are applicable to that Document, including the processes within this Regulation, are appropriately implemented. However, the Director

has the authority to nominate a qualified person who shall be the individual responsible for the implementation processes.

Entry into Force (EiF): The date from which, relevant stakeholders, shall implement the new or amended requirements of the Regulation.

Guidance Material (GM): is non-binding explanatory and interpretation material on how to achieve the requirements of the CARs and/or the AMCs. It contains information, including examples, to assist the relevant stakeholder in the interpretation and application of the CAA Regulation, and/or the AMCs.

Interested Parties: means those who (including representative of organisations whose members) are subject to provisions of Regulations.

Notice of Proposed Amendment (NPA): means a public notice issued by the CAA to the relevant stakeholders on proposed new regulations and/or amendments to existing regulations.

President: means the President of the Civil Aviation Authority of Oman.

Regulatory Impact Assessment (RIA): means an assessment of the benefits (in terms of safety, environmental, economy, public interest, level playing field² or proportionality/efficiency aspects) expected from the proposed rule as well as its implementation cost for national administrations and those subject to its provisions measured in relation to the option to not issue a rule. The aim of the RIA is to improve the quality of regulations by ensuring that well-substantiated decisions are made and by clarifying the positive and negative safety, economic, environmental, social or other non-safety-related impacts of a proposed rule.

Request for Amendment (RFA): (or request for change), is a formal request submitted by the document owner and is the first step for initiation and administration of a change to a document. This is to ensure that

- The required change is supported by appropriate justification;
- Amendments to the related ICAO SARPs including relevant ICAO State Letters have been considered;
- Rulemaking process could be performed in a timely manner; and
- Prior to the publication on the CAA portal (internal and external) approval has been granted by the adequate authority.

Note: In case of change to a Regulation (CARs and related AMCs) the document owner is the head of the department responsible for safety oversight and implementation of that Regulation.

Rulemaking Project: means the process in which a new Regulation will be developed or an existing Regulation will be amended.

Safety Regulations Department (SRD): Means the Department within CAA entrusted with necessary powers and tools, with the objective of controlling the rulemaking process.

² Level playing field: a state in which conditions in a competition or situation are fair for everyone.

Technical Departments: means those CAA Departments within the DGCAR, entrusted with the necessary powers and tools to oversight the implementation of the Law, Civil Aviation Regulations and any other relevant regulatory materials.

The Law: means Royal Decree No. 76/2019 issuing the Civil Aviation Law of Oman (CAL) and all its amendments thereof.

Transitional Period: Means the prescribed time-period during which a certificate holder may retain privileges of the certificate whilst becoming compliant with new or amended provisions published in a CAR.

GM to CAR-11.105 Glossary of Terms or Abbreviations

The following provides a list of acronyms used throughout this Regulation:

AIM	Aeronautical Information Management
AIP	Aeronautical Information Publications
AMC	Acceptable Means of Compliance
AltMoC	Alternative Acceptable Means of Compliance
CAA	Civil Aviation Authority of Oman
CAD	Civil Aviation Directive
CAN	Civil Aviation Notice
CAP	Civil Aviation Publication
CAR	Civil Aviation Regulation
CASB	Civil Aviation Safety Bulletin
CS	Certification Specifications
DSR	Director of Safety Regulations
EFOD	Electronic Filing of Differences
GM	Guidance Material
MC	Mean of Compliance
NPA	Notice of Proposed Amendment
OTSB	Oman Transport Safety Bureau
PL	Policy Lead
SLA	Service Level Agreement
SRD	Safety Regulations Department
TL	Technical Lead

CAR-11.110 Civil Aviation Legislative Framework and Responsibilities

- (a) Civil Aviation Legislation and Regulations of Oman comprises the below levels:
- (1) Civil Aviation Law and Executive Regulations;
 - (2) National Programs, CAA Policies and Strategies;
 - (3) Civil Aviation Regulations (CAR);
 - (4) Civil Aviation Directives (CAD), Civil Aviation Notices (CAN) and Civil Aviation Circulars (CAS)³;
 - (5) Acceptable Means of Compliances (AMC) and Certification Specifications (CS);
 - (6) Guidance Materials (GM);
- Note: Civil Aviation Advisory Circulars (CAAC) or Advisory Circulars (AC) in short form, Civil Aviation Publications (CAP) or Civil Aviation Advisory Publications (CAAP) and Civil Aviation Safety Bulletins (CASB) are considered as Guidance Materials (GM).
- (b) President of the CAA has the ultimate accountability in accordance with the Civil Aviation Law, to ensure that the Civil Aviation Legislative Framework specified in point (a) above, is appropriate for the Civil Aviation of Oman and in line with latest safety enhancements and best industry practices of Civil Aviation worldwide, to the best extent. In addition, any amendments to or introduction of ICAO SARPs and International treaties or conventions ratified by the Sultanate of Oman shall be reviewed and if applicable, shall be transposed to the relevant level of Oman Civil Aviation Legislative Framework, in a timely manner.
- (c) In accordance with point (b) above, general rulemaking responsibilities and authorities have been designated by the president of the CAA, for relevant CAA individuals and departments, as follows:
- (1) Legal department in coordination with DGCAR shall be responsible for monitoring and initiation of any change required for the Legislations as indicated by items (a)(1);
 - (2) DGCAR technical departments are responsible for monitoring and implementation of required changes to the regulatory materials indicated by items (a)(3) to (a)(6) related to their area of activity, in accordance with the established procedures.
 - (3) Changes to regulatory materials specified in items (a)(2) and (a)(3), shall be published under the approval of the President of CAA.
 - (4) Changes to regulatory materials specified in items (a)(4) to (a)(6), shall be published under the approval of the Director General.
 - (5) SRD is responsible for overall performance of the Rulemaking process and to ensure appropriate implementation of this Regulation.
 - (6) The CAA may publish additional binding regulatory material such as instructions, technical procedures, operational manuals, safety publications and other similar

³ CAA will utilize CADs to replace CANs and CASs in a timely approach.

material which it has found to be necessary for safety and the continuous improvement of the Oman civil aviation system.

CAR-11.120 Request for Amendment

Changes to the documents shall not be initiated if one of the below items are not met:

- (a) The Document Owner shall submit the “Request for Amendment” to SRD, as soon as possible once the need for the change become evident.
- (b) The request for amendment in point (a) above, shall be submitted in the form and manner set by SRD.
- (c) The need for change shall be supported by adequate justifications submitted along with the request specified in point (a) above.
- (d) The SRD shall review the above request and shall authorize the initiation of the requested change if full compliance with point (a) to (c) above, is determined.
- (e) The SRD shall notify the review outcomes to the Document Owner in a timely manner.

AMC to CAR-11.120(b) Request for Amendment

Request for Amendments, should be submitted to the SRD, using the forms in [Appendix I](#) to this Regulation.

GM to CAR-11.120(b) Request for Amendment

Forms are means to facilitate the control over the progress of amendment to the documents. Regarding amendments to the regulations having appropriate control over timely performance of rulemaking project, such as development (including any delays in timelines), amendments, consultation, approval and publication process, is key factor for compliance with this Regulation.

CAR-11.125 Document Control

- (a) For the purpose of having control over the changes to the CAA documents, a document control process and its requirements, including standards, procedures and integral control items inside the CAA documents, shall be established by an appropriate entity within the CAA.
- (b) The document control process shall establish common formatting and structure standards of CAA documents.
- (c) Compliance with the standards referred to in point (a) and (b) shall be verified before publication of CAA documents.
- (d) Document control entity shall consider inputs from relevant CAA departments, related to the process referred to in point (a) and (b) above, with the objective of having appropriate, efficient and effective process.

AMC to CAR-11.125 Document Control

- (a) The document control process should be implemented as per the requirements of this Regulation by a designated entity within the CAA.

- (b) CAA Documents should contain minimum common structural components as follows:
- (1) 'Foreword' which present a summary of the contents of the document. A foreword introduces the document and contains its history and executive information;
 - (2) 'Table of Contents';
 - (3) 'Corrigendum of Amendments' which should contains a list (or table) of all changes from the first issue up to the date and for each change should include:
 - amendment or revision reference;
 - date of change;
 - list of highlights of change;
 - (4) 'Version control mechanism', which is a means to identify the current (latest version of) document, such as a revision or amendment number; and
 - (5) Chapters, sections or any structural approach to organise the contents of document.
- (c) All CAA documents should be sent to Document Control Entity to be controlled before their publication.
- (d) Respect to the important role and extensive responsibilities of Director General on publications of CAA documents as specified by [CAR-11.110](#), it is understood that the Director General or SRD on his behalf should always be consulted for items related to establishment and implementation of document control process. This is equally understood that the objective of such consultation is to make sure that the Director General and its subsidiary departments have the required tools and resources to discharge their duties.

CAR-11.130 Impact on existing Documents

- (a) The impact of proposed changes to a document on other existing documents shall be appropriately analysed to eliminate any implication.
- (b) Regarding Regulations, contradiction with existing Regulations shall be prevented as far as practicable and if not, the issue shall be appropriately addressed taking into account highest possible degree of compliance with applicable ICAO SARPs.
- (c) SRD shall be duly notified on the related decisions and progress of action as per point (a) and (b) above.

CAR-11.135 Electronic Publication of Documents

- (a) Approved Civil Aviation Regulatory materials specified in [CAR-11.110](#), shall be published on the CAA website to be accessible for the public.
- (b) Documents other than those referred to in point (a) above, shall be published on the official CAA portal, if this publication has benefits for public interest.
- (c) CAA departments and employees involved in the publication process shall cooperate to the best extent to maximize the public access to the related documents in a uniform, effective, easy to use dynamic and high-quality digital platform.

CAR-11.145 Effective implementation

The Director General shall ensure that the requirements prescribed in this Regulation is appropriately applied to all the CAA's rulemaking and related publications activities.

CAR-11.150 Transition Period

Those Documents and regulatory materials which might not be in compliance with this Regulation at the date of its publication, shall become compliant with the requirement of this Regulation or be repealed before 1 Jan 2024.

CAR-11.155 Entry into Force

This Regulation shall enter into force on **01 September 2022**.

SUBPART B — CIVIL AVIATION REGULATIONS

CAR-11.200 Scope

This Subpart prescribes specific requirements in addition to the general requirements of Subpart A – GENERAL, for development of CARs, including:

- (1) The Format and Structure of CARs;
- (2) Establishment of rulemaking priorities;
- (3) Establishment of rulemaking groups;
- (4) The development of a new CAR and amendments to a CAR, until the publication;
- (5) Consultation with the aviation industry of Oman;
- (6) Establishing transitional periods for existing permission-holders to become compliant with new or amended CAR; and
- (7) Repeals of regulations.

CAR-11.205 Format and Structure of CAR

Notwithstanding [CAR-11.125 \(c\)](#):

- (a) each CAR shall consist of:
 - (1) A subpart or subparts which containing requirements related to the topic of subpart;
 - (2) A section or sections within each subpart to organise requirements of that subpart;
 - (3) Acceptable Means of Compliance (AMC) and Guidance Material (GM), if appropriate.
- (b) SRD shall propose standard formatting acceptable to the Director General to be used for formatting the CARs.

CAR-11.210 Setting up the priorities

- (a) SRD shall establish list of priorities for rulemaking projects after consultation with relevant CAA Departments.
- (b) When establishing the Rulemaking priorities, the following shall be taken into account:
 - (1) The objectives set out in the Civil Aviation Law;
 - (2) The criteria set out in Article (3) and the powers of CAA as per Article (7) of the Civil Aviation Law;
 - (3) The relevant developments in relevant international aviation law;
 - (4) The objective of harmonising Civil Aviation Regulations with the Sultanate's main partners and neighbouring countries as per applicable Oman Laws;
 - (5) the principles of performance-based regulations;

- (6) Identified safety hazards, risk assessment studies and other research activities undertaken by the CAA and other relevant organisations, including the action areas identified in the State Safety Program (SSP) and National Aviation Safety Plan (NASP);
 - (7) the need to monitor the effectiveness of aviation safety and environmental protection requirements and to address any severe implementation problem as they fall within the CAA's remit;
 - (8) The experience gained from the implementation and safety oversight process;
 - (9) The need to consider emerging air traffic enhancement programmes from competent authorities and the results of air accident investigations related to aviation safety requirements;
 - (10) technological and scientific progress, new business models and the need for corresponding changes to aviation safety and environmental protection requirements; and
 - (11) the regular review of the rules referred to in point (f) below.
- (c) The adopted list of priorities referred to in para (a) above, shall be made accessible to the related Technical Departments and interested parties.

AMC to CAR-11.210 Setting up the priorities

SRD should conduct periodic reviews on each rulemaking project and identify any changes or updates required. Outcomes of the reviews shall be indicated in the established matrix.

GM to CAR-11.210 Setting up the priorities

THE BETTER REGULATION POLICY

Objectives of the CAA's Better Regulation Policy are as follows:

- To have CAA actions based on evidence
- Making simpler and better Civil Aviation Regulations
- Involving citizens, businesses and stakeholders in the decision-making process

The CAA is responsible for planning, preparing and transposing Civil Aviation Regulations and Policies. In addition, amendments to the Civil Aviation Law are mainly planned and proposed by the CAA. The CAA is assessing the expected impact of proposed Regulations and also responsible for evaluating existing Regulations and proposing improvements where necessary. The CAA monitors the implementation and application of Regulations as well.

To foster Civil Aviation Development of the Sultanate, it is inevitable to reach the highest levels of efficiency of Regulations. Simplifying and reducing the regulatory burden of Regulations is a shared responsibility that can only be achieved through a close cooperation of the CAA with the other Authorities, Organizations and stakeholders.

Applying Better Regulation principles mean that efforts must aim at:

- a transparent and streamlined rulemaking process that is supported by an efficient stakeholder consultation;

- evidence-based policy decisions (through safety data analysis, impact assessment, monitoring and evaluation);
- a plain and easily understandable language also for non-native English speakers in all CAA documents;
- communication and IT platforms that give stakeholders easy access to deliverables, other regulatory material, including AMC/GM, safety promotion material, and research deliverables;
- a regulatory approach (which is inherently compliance based) that:
 - is performance-based where appropriate;
 - respects the principles of subsidiarity and proportionality;
 - contributes to the competitiveness of the industry, without compromising safety; and
- actors involved in the drafting of regulatory material that have been appropriately trained in drafting performance-based rules. (To that end, CAA should initiate appropriate training and workshops for the focal points and provide them with guidance on performance-based rule drafting.)

Modern, proportionate rules that are fit for purpose are essential in aviation safety to uphold high common standards and ensure the competitiveness of Oman's aviation industry. Regulations should be as efficient and performance-based as possible, and as prescriptive as necessary to provide legal certainty.

Regulating elements of aviation safety by describing the desired outcome is not new. This so-called performance-based approach is intended to make aviation safer, more efficient, and flexible. This approach promotes the principles of subsidiarity and proportionality by prescribing safety objectives instead of prescribing how to achieve them.

The expected benefits of performance-based regulations (PBRs) are:

- **Resilience:** the increased complexity in operations and aviation activities, the dynamics of aviation business models, and fast and proliferating technological advancements require a regulatory framework capable of anticipating changes (technology-neutral regulations).
- **Flexibility:** by focusing on safety outcomes, PBRs provide flexibility and encourage innovation by not restricting a priori the means to control specific risks.
- **Safety management:** by providing a flexible implementation framework and focusing on safety outcomes, PBRs allow organisations and CAA to foster risk management capability and to better allocate resources against risks identified under their SMS and SSP.

To meet Better Regulation Policy, CAA must ensure that its regulatory proposals and other SSP/NASP actions deliver maximum safety, economic, social and environmental benefits at minimum cost to citizens, businesses and workers, without creating an unnecessary regulatory burden for the Sultanate, the industry and CAA itself. To that end, CAA must prioritise and design the SSP/NASP actions through a transparent process and based on evidence, understandable by those who are affected and backed up by the views of stakeholders. Evidence is gathered ex-ante through a Best Intervention Strategy (BIS) at the programming stage, and Regulatory Impact Assessment (RIA) at the

rule development stage or ex-post through the evaluation process. Most of the SSP/NASP actions (Safety Enhancement Initiatives) take the form of rulemaking projects.

To be fully effective, Better Regulation must cover the entire regulatory cycle, i.e., the programming and planning phase, design of a proposal, adoption, implementation, application, evaluation and revision. In other words, the effort to equip the Sultanate with state-of-the-art aviation safety Regulations must start already in the planning and programming phase. Efficient planning and programming in the context of Better Regulation mean making well-informed decisions, which must be based on holistic risk management principles. Where there is no or limited data available, such as for innovative technologies or new ways of operating, decisions may have to rely on expert knowledge and/or the extrapolation of existing data from similar subjects.

STAKEHOLDER CONSULTATION

In line with the principles of Better Regulation, CAA engages with its stakeholders via different channels and for different purposes, such as:

- Inclusion of stakeholder experts and representatives in rulemaking groups;
- Consultation of NPAs;
- Targeted consultation to groups of stakeholders (e.g., questionnaire for evaluation of existing rules);
- Work with groups of experts (e.g., focus groups) to identify the aviation issues to be further assessed.

CAR-11.215 Initiation of rulemaking projects

- (a) Rulemaking projects shall be initiated in accordance with the priorities referred to in [CAR-11.210\(a\)](#).
- (b) The SRD and relevant Technical Department(s) shall draw up a Term of Reference (ToR) for each rulemaking project to be approved by Director General.

The ToR, shall include the following:

- (1) A clear definition of the project and its scope;
 - (2) The process to be followed for the development of the project and, if applicable, the estimated length of the consultation taking into account the assessment of the complexity and controversy of the project;
 - (3) The necessity to conduct a Regulatory Impact Assessment (RIA);
 - (4) A timetable for the completion of the project in accordance with [CAR-11.260](#);
 - (5) The deliverables expected; and
 - (6) In those cases, where a rulemaking group is set up, the ToRs shall also include details on the composition of the group, its working methods and reporting requirements.
- (c) Notwithstanding [CAR-11.120](#), the decision to initiate the rulemaking projects, shall be approved by the Director General based on rationale and justifications from the relevant Technical Departments and recommendation from SRD.

AMC1 to CAR-11.215 Initiation of rulemaking projects

The following steps should be followed for initiation of rulemaking projects:

(a) NOMINATION OF FOCAL POINTS

Director of Safety Regulations and Director of relevant Technical Department should nominate focal points responsible for each rulemaking project. Policy Lead (PL) is the nominated focal point from SRD and Technical Lead (TL) is the nominated focal point from the relevant Technical Department.

(b) REQUEST FOR AMENDMENT

In accordance with [CAR-11.120](#), TL should submit the Request for Amendment to SRD for review. The justification for any change in the Regulations, should be based on the rationale as follows:

(c) RATIONALE

The rationale for initiation of rulemaking project should be in accordance with one or combination of the following categories:

- (1) Any amendment of an Annex to the [Chicago Convention](#) or Documents and Manuals based thereon (ICAO Annexes, Documents and Manuals);
- (2) Any amendment to foreign source regulation which has been used as a basis for an Omani CAR;
- (3) Evidence indicating that the existing CAR may be inadequate or inappropriate to address a safety risk, such as:
 - (a) Outcomes of a safety risk management for new Hazards,
 - (b) Current safety risk controls are not adequately effective,
 - (c) Elimination of safety risks for which the Regulation was designed;
- (4) petitions from any interested party or requests from industry stakeholders; and
- (5) Any other reason to be specified by the Directorate General. These may include requests from the Royal Office, ministry or a government organisation.

(d) GAP-ANALYSIS

For complex rulemaking projects, a Gap-Analysis might be deemed necessary as per TL and PL assessment. The Gap-Analysis should be performed by PL and TL (or rulemaking group if appropriate) to determine the existing gaps and to propose the required actions and changes.

Having regards to [CAR-11.220 \(b\)](#), the Gap-analysis should be deemed necessary for those rulemaking projects which have interface with other existing Regulations or other rulemaking projects. In such cases, during the Gap-analysis, those interfaces should appropriately be reviewed and if necessary, the required updates to those Regulations or projects should be determined for planning and initiation.

Regulatory Impact Assessment (RIA) might be deemed necessary as per Gap-analysis outcome for those cases requiring a more in-depth analysis.

The Gap-Analysis (if any) and its outcomes, should be reflected in the ToR and should be used as the basis for creation of the ToR.

(e) TERMS OF REFERENCE (TOR)

- (1) The draft ToR should be prepared in accordance with [CAR-11.215\(b\)](#) for Director General review and approval.
- (2) Any updates to the ToR should be accepted/approved by Director General.

(f) SRD RECOMMENDATION

PL should ensure satisfactory performance of above steps then should recommend the initiation of rulemaking project to the DSR.

Based on PL recommendation, the DSR will recommend the initiation of rulemaking project for Director General acceptance.

DSR letter of recommendation should be attached with a copy of endorsed Request for Amendment and a copy of Final Draft of related ToR.

(g) DIRECTOR GENERAL ACCEPTANCE FOR RULEMAKING PROJECT

Director General may accept the initiation of a rulemaking project if it is in compliance with related requirements ([CAR-11.120](#) and [CAR-11.215](#)).

AMC2 to CAR-11.215 Initiation of rulemaking projects

- (a) CAA has established a designated Safety Regulations Department (SRD) to control the rulemaking process in which they are responsible for:

- (1) Defining the framework of rulemaking process and direct implementation to ensure that the system designed to establish Specific Operating Regulations (ICAO Critical Element 2 (CE-2) / Technical Regulations, etc.) and policies, is controlled, efficient and effective;
- (2) Developing Regulations and Policies in line with ICAO SARPs and the civil aviation best practices, in collaboration with the technical departments of DGCA and if necessary other internal or external stakeholders.
- (3) Ensuring that for any Rule-Making Task (RMT) or any change to the Regulations and Policies these items are satisfied:
 - (i) Rational is clear enough and communicated to the related stakeholders;
 - (ii) Consideration to the impact of change to the industry are given;
 - (iii) The timeline for entry into force is realistic;
 - (iv) For complex changes, that would mandate additional actions (training, amendment to procedures or oversight plan, etc.) to be performed, a clear implementation plan (if applicable in line with related ICAO state letters) will be developed;

- (b) To enable SRD to discharge its duty, the technical departments within DGCA and other related stakeholders should ensure that:

- (1) Any proposed RMT is notified to SRD as soon as “a need” is identified. (SRD will then make necessary changes in the related plan and programs and perform the necessary follow up and coordination with the responsible department);
- (2) No RMT shall be initiated or discussed with the industry without meeting the point (1) above otherwise it may lead to re-starting the full process;
- (3) Implementation plans associated with the RMTs are jointly accepted with SRD including the date of applicability of the new changes;
- (4) Any RMT promulgated shall be followed up, in accordance with point (a)(3)(iv) “implementation plan” above to ensure that related training, procedures, forms, services, AIP, etc. as applicable are delivered or updated accordingly.

CAR-11.220 Rulemaking Group

- (a) In those cases, where a rulemaking group is set up, the details on the composition of the group, its working methods and reporting requirements shall be appropriately documented;
- (b) The Director General shall determine rulemaking group final composition, which shall draw upon the technical expertise available among the CAA and, where necessary, interested parties, as well as service providers’ experts.
- (c) The CAA shall provide rulemaking groups with administrative and logistical support necessary to perform their tasks, including the provision of standard working procedures.
- (d) Rulemaking groups shall follow the working procedures adopted by the Director General, and in particular the following:
 - (1) elect a chairperson;
 - (2) reach consensus and resolve conflicts; and
 - (3) prepare the minutes.

CAR-11.225 Drafting of CAR

- (a) A new CAR or amendments to a CAR shall be drafted in accordance with the ToR of Director General’s decision referred to in [CAR-11.215\(b\)](#). The Director General may amend the terms of reference as appropriate in the light of the progress of a given rulemaking project.
- (b) For the drafting of rules, the following shall be taken into account:
 - (1) Civil Aviation Legislation, and in particular the objectives and requirements set out in the Civil Aviation Law and relevant Executive Regulations;
 - (2) ICAO Standards and Recommended Practices (SARPs);
 - (3) latest amendments to the ICAO SARPs;
 - (4) applicable arrangements with other aviation authorities and international organisations;
 - (5) the principles of performance-based regulations to be implemented as far as practicable;

- (6) relevant findings and recommendations of air accident investigations;
 - (7) existing industry standards;
 - (8) timely implementation of the Regulations, taking into account foreseeable delays;
 - (9) compatibility with existing rules and interfaces with other ongoing rulemaking projects;
 - (10) state of the art and best practices in aviation safety, environmental protection requirements and other rulemaking areas;
 - (11) risk assessments conducted and available data;
 - (12) relevant feedback from the oversight programme and the implementation of Regulations; and
 - (13) cross-domain issues stemming from strategic, scientific and technological developments;
- (c) Upon completion of the drafting of the proposed Regulation, the Director General shall verify that the draft Regulation satisfies the objectives of the terms of reference established for the rulemaking project.

AMC to CAR-11.225 Drafting of CAR

The process for conducting a review or drafting of a new CAR is as follows:

- (a) The review should be led and managed by the PL.
- (b) PL and TL or the Rulemaking Groups if applicable, should propose the draft text of the CAR, considering below items as minimum:
 - How other jurisdictions have addressed the deficiency. This is particularly relevant if the original rule under review was adapted from foreign source regulation which has subsequently been amended.
 - Costs and burdens to industry stakeholders resulting from the proposed change. Do less costly or burdensome options exist which appropriately address the deficiency?
 - How effectively the proposed change will address the existing or probable safety risk. Will residual risks still exist, and if so, are they acceptable?
 - How effectively the amendments to the ICAO SARPs will be transposed to this draft of CAR?
- (c) SRD should facilitate the review of Director General as per [CAR-11.225\(c\)](#).

CAR-11.230 Notice of Proposed Amendment

- (a) The Director General shall publish its intention to promulgate a new CAR or an Amendment to a CAR by:
 - (1) Placing on the CAA website a Notice of Proposed Amendment as applicable; or
 - (2) Communicating such intention directly to any affected stakeholders where applicable.

- (b) The Notice of Proposed Amendment, shall include the following information:
- (1) a reference number;
 - (2) an explanatory note describing:
 - The development process, including the type and the estimated length of the consultation period, which may differ from the one indicated in the ToRs, as well as a planned date for the publication of the related comment-response document (CRD) and the final Regulation;
 - A summary of the proposed changes and full details of significant, contentious or interface issues identified during the drafting process; and
 - Details of with respect to ICAO SARPs and harmonisation with other aviation authorities or international organisations;
 - (3) The proposed draft CAR;
 - (4) A Regulatory Impact Assessment (RIA), if applicable, as specified in the ToR;
 - (5) Any appropriate action, proposed to support implementation.
- (c) Where the Director General determines that a proposed amendment to a CAR shall have no significant impact on any operator, service provider or aviation personnel, it may publish such proposed amendment without publishing a Notice of Proposed Amendment on the CAA website.
- (d) Notwithstanding point (c) above, the relevant Technical Department shall take the necessary measures to inform relevant stakeholders on any proposed amendments.

AMC to CAR-11.230 Notice of Proposed Amendment

- (a) The Notice of Proposed Amendment (NPA) should be prepared by the Technical Lead (or the rulemaking group, if applicable) in accordance with [CAR-11.230\(b\)](#), including proposed text, plan and related timeframe.
- (b) For any NPA, SRD should:
- (1) facilitate its publication on the CAA website in accordance with [CAR-11.230\(a\)\(1\)](#); or
 - (2) should distribute it to the relevant stakeholder based on inputs from the Technical Lead in accordance with [CAR-11.230\(a\)\(2\)](#).

CAR-11.235 Consultation

- (a) Any person or organisation with an interest in or being affected by the draft proposed Regulation may submit their comment on the published NPA.
- (b) The public consultation period may vary from a minimum of 2 weeks to a maximum of 3 months.
- (c) During the public consultation period, the Director General may at the request of Technical Departments or interested parties extend, in exceptional and duly justified cases, the public consultation period specified in the NPA. Related parties shall be duly notified about such changes to the length of the public consultation period.

- (d) Comments shall be forwarded on to the SRD and shall contain the following, as minimum:
 - (1) identification of the commentator;
 - (2) NPA reference number;
 - (3) position of the commentator with regard to the proposal (including justification for the position taken); and
 - (4) any other items deemed necessary for review of comments.

AMC to CAR-11.235 Consultation

- (a) Consultation in order to elicit comments should be made through sharing of NPA with the related stakeholders.
- (b) Technical lead (or rulemaking group if appropriate) should identify:
 - (1) industry stakeholders; or
 - (2) other regulatory departments or Government entities;which would be substantially affected by or interested in, the proposed changes in the CARs for consultation.
- (c) NPA should provide for the stakeholders, a reasonable time-period to submit comments, taking into account the complexity of the proposed change and the urgency associated with addressing the deficiency.
- (d) SRD should publish the NPA on the CAA website, however, if technically not practicable, SRD should circulate the NPA together with cover letter signed by Director General to the stakeholders.

CAR-11.240 Review of Comments

- (a) With the objective to improve the quality of the CARs and to ensure fair and appropriate treatment of all the comments received, the Director General shall ensure that comments are reviewed appropriately by relevant experts from SRD and Technical Department or the rulemaking group tasked with the drafting of the rule in question.
- (b) Further consultation with consultees may be undertaken as necessary for the sole purpose of ensuring a better understanding of the comments received.
- (c) The SRD shall publish the outcome of the consultation on the CAA website. All Comments and responds to industry feedback shall be consolidated in the Comment Response Document (CRD) and shall include the following:
 - (1) a list of all parties who commented on the Regulation in question; and
 - (2) a summary of the comments received and the CAA's responses thereto.
- (d) If, based on the number or complexity of the comments received, the Director General is unable to publish the CRD within the timescale indicated in the NPA, amendments to the timescale shall be communicated to the relevant parties directly or to be published on the CAA website.

- (e) If the comments received during the consultation period indicate major objections to the proposed Regulation, or if the outcome of the review of the comments is that the revised text differs significantly from that presented at the beginning of the consultation process, the Director General shall consider further consultation with the stakeholders.
- (f) The results of the consultation shall be included in the CRD.

AMC to CAR-11.240 Review of Comments

- (a) In accordance with [CAR-11.240\(a\)](#), SRD should be involved in the review of received comments as an independent body.
- (b) SRD, to be equipped with the required expertise, may consult qualified expert(s) from the CAA or the industry, in the area(s) relevant to the comments, provided that the objectives of [CAR-11.240\(a\)](#) would not be compromised.
- (c) The review team formed in points (a) and (b) above, should review the comments and reflect into the CRD, detailed analysis regarding whether to incorporate or decline to incorporate the comments, in accordance with [CAR-11.240\(c\)](#).
- (d) In accordance with [CAR-11.240\(b\)](#) or [CAR-11.240\(e\)](#), if further consultation is deemed necessary, relevant changes should be reflected into the related NPA and CRD as appropriate.
- (e) SRD should publish the CRD on the CAA website, however, if technically not practicable, SRD should circulate the CRD to the recognised comment initiators.
- (f) The review team should revise the draft CAR based on those comments agreed to be incorporated in point (d) and (e) above.
- (g) SRD should submit the revised CAR to the Director General for approval process.

CAR-11.245 Entry into Force and Transitional Period

- (a) The Entry into Force date and any Transitional Period if applicable, shall be both clearly specified within the text of the new or amended CAR.
- (b) The Transitional Period(s) shall not be applied for initial certification. This shall be interpreted as the applicant shall comply with the new or amended CAR before granting the first issue of a certificate.
- (c) Notwithstanding [CAR-11.225](#), the Technical Lead or where appropriate the Rulemaking team, in coordination with the Policy Lead, shall assess the need for establishing any Transitional Period. The assessment shall either be supported by appropriate justifications or be based on the results of Regulatory Impact Assessment (RIA).
- (d) Any transitional period shall be first established in accordance with [CAR-11.235](#) and [CAR-11.240](#), in order to provide a reasonable period of time for all affected stakeholders to become compliant with the new or amended Regulation.
- (e) Transitional Period may be extended if the affected stakeholders are not able to comply during the designated period, due to reasons which are not under their control. In any case such extension shall be supported by appropriate impact assessment.

- (f) If the impact assessments referred to in point (e) above, indicates that the aviation safety might be compromised, an appropriate safety risk assessment to maintain equivalent level of safety shall be performed and resulting mitigation measures shall be implemented prior granting such extension to guarantee the maintenance of the same level of safety without compromise.

CAR-11.250 Publication of Regulations

- (a) Policy Lead shall submit the final version of the proposed new CAR or amendments to a CAR to the Director General to initiate the final approval process. Upon approval by the Director General, the proposal shall be submitted to the President of CAA for final approval.
- (b) The approved CAR shall be submitted to the SRD to be published on the CAA website.
- (c) If the published regulation differs from the relevant ICAO standard, ICAO shall be notified in accordance with the DGCAR established procedures.

AMC1 to CAR-11.250(c) Processing of ICAO State Letter(s) and Notification of Differences

The following procedures shall be used for processing of any ICAO State Letter related to ICAO Annex Amendment and the notification of differences as required:

- (a) DGCAR have officially assigned a focal point for every ICAO Annex. The Focal point is responsible to file any differences using the EFOD through the USOAP CMA Portal.

Note: The Director of Oman Transport Safety Bureau is responsible to file any difference between CAR-13 and ICAO Annex 13 using the same procedure.

- (b) The OIC Section is the identified Focal Point, which receives all ICAO State Letters including ICAO Annexes amendments. The OIC upon receipt of any ICAO Annex amendment (proposal or adoption) will forward that to DGCAR and SRD.
- (c) The SRD distribute the State Letters to the concerned Annex Focal Point(s) and the head of relevant Technical Department(s), requesting a response within the stated timeframe (2 weeks).
- (d) If the proposed changes in the Annex requires any filing of Differences, then the Focal point shall comply with the “*Procedures Manual for the Notification and Publication of Significant Differences In support of CAR-11*” in the timely manner as per contents of relevant ICAO State Letter.

Note: Any official response to ICAO shall be approved by the DGCAR and sent by the concerned Focal Point or the Department/ Section to the OIC section to be forwarded to ICAO, with the SRD copied in on all correspondence.

- (e) The SRD will update its State Letter Matrix to manage the progress of response to ICAO state letters.
- (f) When an amendment to the CAA Regulations is approved, the relevant Focal point(s) will review relevant differences as required and will notify ICAO on those addressed differences as per relevant procedures.

GM1 to CAR-11.250(c) Notification of Differences to the ICAO

The International Civil Aviation Organization (ICAO) adopts and amends from time to time, as may be necessary, international standards and recommended practices (SARPs) and procedures dealing with matters concerned with safety, regularity and efficiency of air navigation.

SARPs are adopted by the Council in accordance with Articles 37, 38 and 90 of the [Chicago Convention](#) and are designated, for convenience, as Annexes to the Convention.

Proposals to amend an ICAO Annex are notified by an ICAO State letter. Amendment to regulations is initiated as a result of amendments to ICAO Standards and Recommended Practices (SARPs) as described in this Regulation.

Article 38⁴ of the [Chicago Convention](#) requires that when a State finds it impracticable to comply in all respects with any international standards or procedures, or if a State otherwise takes a decision to differ from any international standards, the State is required to notify that difference to ICAO. Differences are published by ICAO in Supplements to the Annexes to the [Chicago Convention](#), and significant differences are published by Oman through the AIP.

While Article 38 sets out obligations for the notification of differences against standards only, it is recognized that knowledge of differences from Recommended Practices may also be important for the safety, regularity and efficiency of air navigation.

Means of Notifications

Differences would be notified to ICAO using the ICAO Form “*Notification of Compliance with or Differences*” which can be found in ICAO State Letters (paper-based process); or through the Electronic Filing of Differences (EFOD) system at www.icao.int/usoap. The EFOD is a web-based tool that allows Member States to provide Compliance/Differences Information and facilitates the sharing of information by ICAO.

Member States are encouraged to utilize the EFOD system in order to facilitate the dissemination of relevant details, as required in Article 38 of the [Chicago Convention](#).

Note – More details on the EFOD can be found in the “Procedures Manual for the Notification and Publication of Significant Differences In support of CAR-11”.

⁴ Article 38 of the Chicago Convention:

Any State which finds it impracticable to comply in all respects with any such international standard or procedure, or to bring its own regulations or practices into full accord with any international standard or procedure¹ after amendment of the latter, or which deems it necessary to adopt regulations or practices differing in any particular respect from those established by an international standard, shall give immediate notification to the International Civil Aviation Organization of the differences between its own practice and that established by the international standard. In the case of amendments to international standards, any State which does not make the appropriate amendments to its own regulations or practices shall give notice to the Council within sixty days of the adoption of the amendment to the international standard, or indicate the action which it proposes to take. In any such case, the Council shall make immediate notification to all other states of the difference which exists between one or more features of an international standard and the corresponding national practice of that State.

GM2 to CAR-11.250(c) ICAO Requirements applicable to AIP

ICAO Annex 15 (Aeronautical Information Services), requires that a Contracting State record in its AIP any significant differences between its national regulations, standards and practices against the related ICAO provisions.

It is intended that any such differences be included in Part 1 – General (GEN) of the AIP. This is to ensure that an AIP will provide up-to-date information on the status of implementation of Standards, Recommended Practices and Procedures (SARPs), particularly those concerned with aircraft operations and the provision of facilities and services.

A Service Level Agreement (SLA) has been established and approved by both parties, being the AIM Department under the Air Navigation Service Provider (ANSP) and the DGCAR as means of coordination between the regulator and the AIS Provider.

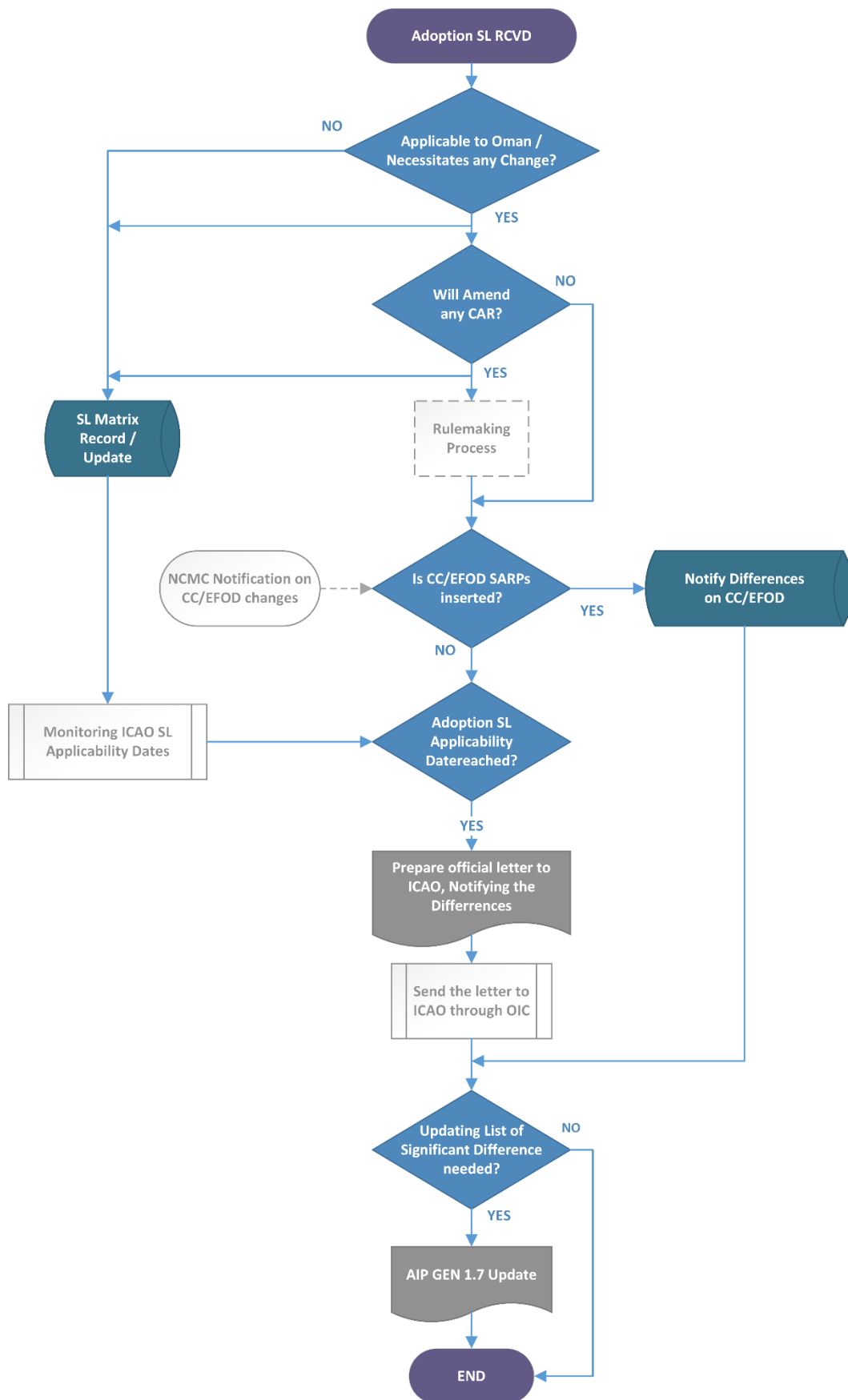
AMC2 to CAR-11.250(c) Publication of Significant Differences in the AIP.

- (a) All significant differences notified to ICAO should be included in the AIP in a format that will enable the user to differentiate easily between the national rules and practices of a State and the related ICAO provisions. They comprise differences from:
- (1) Any of the International Standards;
 - (2) Recommended Practices that are important for the safety of air navigation or, in the case of facilitation, for smooth handling and clearance through customs, immigration, etc. of aircraft and the loads they carry;
 - (3) Procedures for Air Navigation Services (PANS) that are important for the safety of air navigation; and
 - (4) Regional Supplementary Procedures (SUPPS) that are important for the safety of air navigation.

Procedure for publication of Significant Differences in AIP

- (b) the “*Procedures Manual for the Notification and Publication of Significant Differences In support of CAR-11*” contains a process for publication of Significant Differences in the Oman AIP which should be followed by relevant focal point(s), including the below steps but not limited to:
- (1) The SRD shall send a request to all concerned Inspectors and Departments requesting all significant differences and prepare an official list.
 - (2) The final list of differences shall be approved by DGCAR and sent to the Air Navigation Services – AIM Section for inclusion in Oman AIP. The list will include the following:
 - (i) provision affected (stating Annex number, edition number and paragraph etc.); and
 - (ii) difference in full text.

GM3 to CAR-11.250(c) The Process of Notification of Differences to ICAO



CAR-11.255 Repeal of Regulations

- (a) The below requirements shall be met when a CAR (new or amended requirement(s)) mandates repealing an existing CAR, its requirements or other binding materials:
- (1) Repeals shall be based on an appropriate justification and no new safety risks shall be introduced by repealing the CAR or its requirement(s). Any new or residual safety risk shall be addressed by an appropriate safety risk management.
 - (2) the new or amended CAR, shall contain an article or paragraph in which repealed requirements(s) are clearly listed.
 - (3) Repeals shall be consulted with affected service providers as per [CAR-11.235](#) and [CAR-11.240](#). This may perform within the rulemaking process of the CAR which repeals any requirement(s).
 - (4) Notwithstanding [CAR-11.245](#), adequate Transitional Period for affected Service Providers shall be considered.
- (b) In addition to point (a) above, Director General may publish a Notice of Repeal, to notify related Service Providers, stating cancellation of the certain Requirements within the affected CAR.

AMC to CAR-11.255 (b) Notice of Repeal

- (a) The Notice of Repeal should state the following:
- (1) New Regulation number;
 - (2) Subject matter of the new regulation;
 - (3) Old Regulation number containing same subject matter;
 - (4) Effective date of the new regulation;
 - (5) Transition period applicable to current permission holder's approvals; and
 - (6) Cancellation date of Notice of Repeal (if required).
- (b) This Notice of Repeal should be published on the CAA website (www.caa.gov.om).

GM to CAR-11.255 Repeal of Regulations

Parallel requirements might compromise the effectiveness of Aviation Safety or Security, Risk Controls as they might provide a means of implementing ineffective or out-dated risk controls by the service providers while they might be in compliance with Regulations. This condition would be a clear example of latent-condition which might be triggered with an active failure and lead to an aviation accident (James Reason Accident Causation).

In the event when, requirements of existing Regulations on specific subject matter are parallel to the draft requirements of new/amended Regulation, having parallel set of requirements shall be avoided and appropriate decision shall be made before approval of new Regulation. In most of the cases, paralleled existing CAR (or specific requirements within a CAR), should be repealed.

Legal Considerations

Repeal document should have appropriated legal powers for repealing (partially or fully) a Regulation, meaning that the Repeal should be in the same level of the Regulation. Thus, a Repeal should be approved in accordance with the applicable requirements of this regulation (i.e., approval of a CAR) and the decision to repeal a CAR should be made by the president of the CAA (the appropriate level of management which granted with the powers and the privileges to issue the Regulations by the Law).

Best Approach

As per relevant requirements of this Regulation and to simplify the process, Repeals should be approved alongside with a Repealing Regulation (new or amended CAR).

Sample cases of Repeals

Below is non-exclusive list of conditions in which the existing no-longer-considered-effective requirements should be repealed:

- (1) existing requirements are not effectively address the related Risks (safety or security), while new requirements do, consequently the old ineffective requirements, completely or partially, shall be repealed; or
- (2) existing requirements are not in full compliance of ICAO SARPs (amendment of SARPs introduced) while the new requirements are designed to be in higher level of compliance with those SARPs; or
- (3) Cost-benefit analysis reveals that the new Regulation has a better cost-benefit ration than the existing ones; and
- (4) amendment of the existing requirements of Regulations is address the issues (is the best solution).

Considerations shall be given to the difference between the amendment to the Regulations and the conditions in which repeal of Regulations are necessary. In the amendment, normally the requirements of the Regulations are revised to be more relevant to the current conditions, while the repeal normally become necessary when the existing Regulation cannot be amended to meet the current conditions, therefore, they shall be repealed through promulgation of new Regulation.

CAR-11.260 Timeline for changes to the CAR(s)

- (a) With the objective of having timely manner amendments to the CAR(s), the SRD shall establish an appropriate and practical timeline for implementation of requirements of this Regulation.
- (b) Technical Departments, CAA employees and relevant stakeholders shall adhere to the timeline mentioned in point (a) above.
- (c) Notwithstanding with point (a) and (b) above, if due to specific reason(s) the timeline in point (a) is not practical, a request for extension including relevant justification(s) shall be submitted to SRD to determine the required action(s).

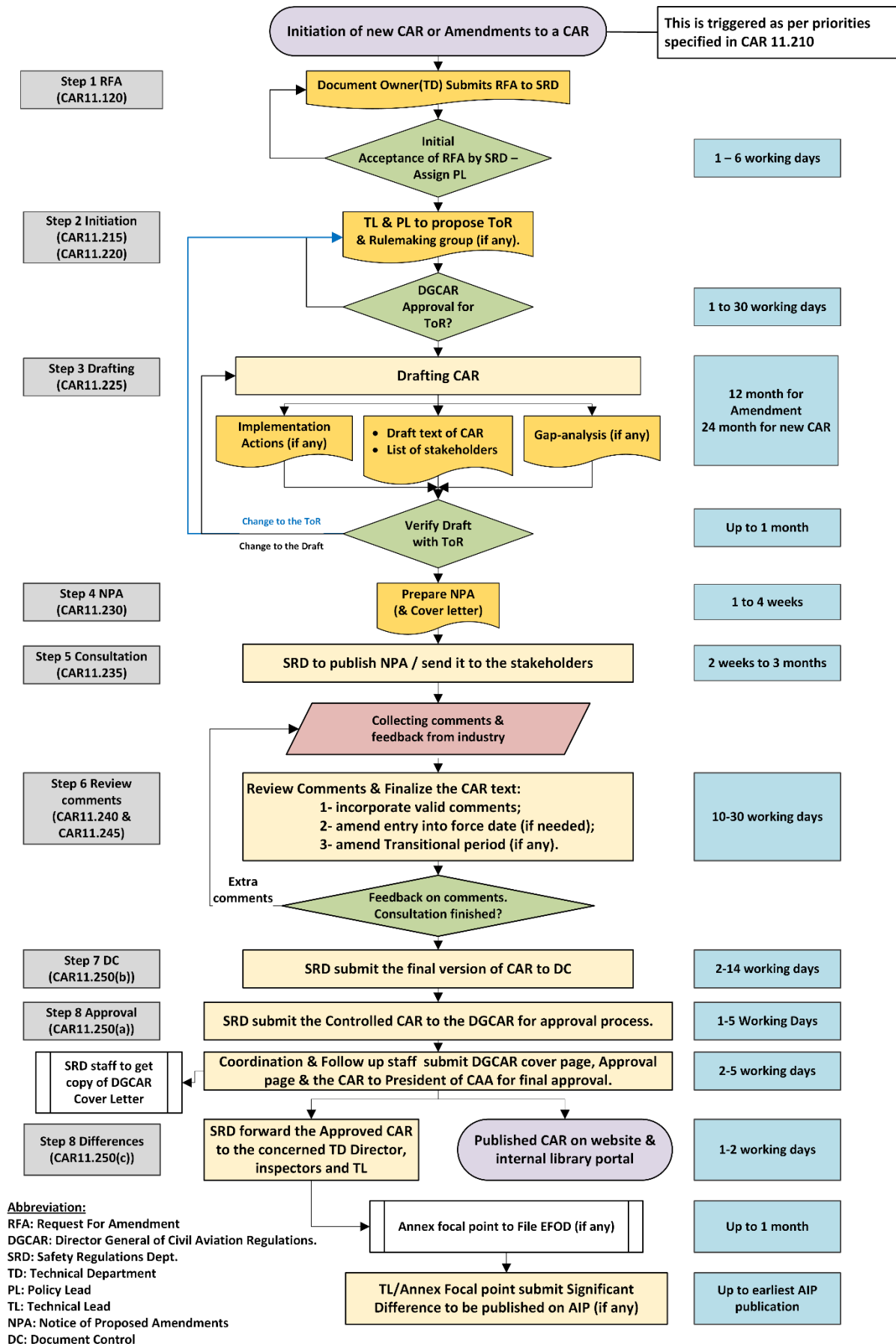
AMC to 11.260 Applicable Timeline and Process Flow Chart**Applicable Timeline**

The amendment process should follow the sequential steps and process timeline outlined in the below table:

No.	Process	Who is responsible	Outcome of the process	Process Timeline
1	Request for Amendment (CAR-11.120) Indicate the technical lead from specific Technical Department in DGCAR.	Document Owner	Submit RFA to SRD	Not Applicable
2	Indicate the Policy Lead from Safety Regulation Department in DGCAR.	SRD	Initial Acceptance of RFA	Up to 6 Working Days from reception
3	Initiation (CAR-11.215) and (CAR-11.220): Propose ToR (CAR-11.215 (b)) and if necessary, the Rulemaking group (CAR-11.220 (b))	Safety Regulation Department staff and Technical Department.	DGCAR Approval on the ToR and composition of Rulemaking Group	Up to 30 Working Days
4	Drafting (CAR-11.225): As per approved ToR: <ul style="list-style-type: none"> - Start the review, conduct gap analysis, and discussions. - Propose draft text. - Identify stakeholders. - Identify implementation actions. 	Technical Lead and Policy Lead Or Rulemaking group	Propose a draft of the new CAR or amended CAR.	CAR-11.215(b)(4) or up to 12 months for Amendments or up to 24 months for New CAR
Note: 1) If drafting process takes longer than the CAR-11.215(b)(4) the ToR should be amended and the changes should be accepted by the Director General, otherwise SRD may cancel the rulemaking project/task for the purpose of having control over timely delivery of rulemaking outcomes. (See note 2 below) 2) In the event of a cancellation to the drafting of amended or new regulations, the suspension date shall be recorded with an expected recommencement date and subsequent revised finalisation date. On resumption of drafting initiation of task shall be performed as per relevant requirements in this Regulation.				
5	Verification of Draft (CAR-11.225 (c)):	Director General & SRD	Verify Draft to be in accordance with the ToR	Up to 1 month
6	Notice of Proposed Amendment / Regulation (CAR-11.230): <ul style="list-style-type: none"> - Prepare NPA, attach items mentioned in CAR-11.230(b) and DGCAR cover Letter to the industry. 	SRD Staff	DGCAR Approval on cover letter and NPA	1 to 4 weeks

7	Consultation process (CAR-11.235): Send NPA, and its attachments officially through email to the identified stakeholders for consultation or publish them on the CAA website	SRD Staff	Receive comments and feedback from the industry.	2 weeks to 3 Months
8	Review of Comments (CAR-11.240) & Entry into Force and Transitional Period (CAR-11.245): After receiving the comments, form a committee or a focused group (if required) or conduct a meeting to review comments and feedback received from the industry.	Review team (CAR-11.240(a)) <i>Policy Lead, Technical Lead or rulemaking group and independent focal point</i>	Incorporate the comments (if applicable) and finalize the CAR. -CRD -Transitional Period -Entry into force date	10 - 30 Working Days
9	Document Control (CAR-11.250(b)): Submit the final version of the proposed new CAR or amendment to a CAR to the Document Control for formatting.	SRD Staff & Document Control unit	Control Document of Regulation	2 - 14 Working Days
10	Publication of Regulation (CAR-11.250(a)): Received the formatted CAR and prepare the SRD and DGCAR cover letters. (continued): Prepare approval page, attach the DGCAR Cover Letter and the CAR. Submit above to the President of CAA for approval. (continued): Publication of the Regulations on the CAA Website. The industry has been notified officially to monitor the CAA website continuously.	SRD Staff	Approval of DGCAR on cover Letter	1 – 5 Working Days
		DGCAR coordination and follow up Staff	President of CAA Approval	2 - 5 Working Days
		SRD Staff	Published Regulation on CAA website	1 - 2 Working Days
11	Notification and Publication of Differences (CAR-11.250(c)): Forward the approved CAR to the concerned Department Director, Technical Lead and concerned inspectors. (continued): Focal points should review CC/EFOD and update the status of Oman Difference with related SARPs. (continued): Any Significant Difference shall be notified to SRD to be published on AIP.	SRD Staff		1 - 2 Working Days
		Technical Department’s Focal Points	File the difference using EFOD (if any)	Up to 1 months
		Technical Department’s Focal points	DGCAR request form (AIM SLA) AIP GEN 1-7	Up to earliest AIP publication.
Note: The relevant focal point, should follow the steps indicated in the established Procedures for the Notification and Publication of Significant Differences.				

Amendment Process Flow Chart.



CAR-11.265 Retention of CAR(s) and related Documents

- (a) SRD shall ensure that the CAR(s) and their subsequent amendments are retained in an appropriately secured archive.
- (b) For each CAR(s) these items shall be retained as minimum:
 - (1) the formal request for the initiation of a rulemaking project;
 - (2) ToRs, including the group composition when the working method foresees a rulemaking group;
 - (3) the published NPA, including an explanatory note and an RIA where applicable;
 - (4) the CRD(s);
 - (5) minutes of rulemaking group meetings; and
 - (6) documents submitted to the rulemaking group.
- (c) SRD shall ensure that a full set of all published CAR(s) is retained for a period not less than 10 years from the date of publication.

GM to CAR-11.265 Retention of CAR(s) and related Documents

In respect of the CAA's rulemaking and related procedures, such documentation shall be retained to enable the CAA to provide justification for its decisions and to show that the appropriate procedures have been followed.

CAR-11.270 Proposed changes to the Regulations

- (a) Any person may propose the development of a new CAR or amendments to existing ones. The proposal shall be submitted to the CAA in a form and manner established by SRD.
- (b) Contents of the proposals shall include:
 - the identification of the proposer;
 - the proposed new/amended text; and
 - the justification for the proposal.
- (c) SRD shall establish required means for submission of such proposal in an effective and efficient manner.
- (d) SRD shall conduct schedule reviews on the received proposals and provide feedbacks to the proposers on the outcomes of the review not later than 3 months of the date of reception.
- (e) Those proposal that are deemed appropriate and acceptable as per results of the reviews shall be considered and to be added to the list of priorities referred to in [CAR-11.210](#).

CAR-11.275 Efficiency and Effectivity of Rulemaking process

- (a) SRD shall establish a detailed matrix to monitor timely progress of rulemaking projects.
- (b) SRD shall conduct regular or ad-hoc monitoring of:
 - the practicability of the CAR(s) for the aviation industry including CAA itself;

- transparency of the CAR(s) for the CAA inspectors, experts and the aviation industry;
- enforceability of the CAR(s) by monitoring existing enforcement actions including findings or other enforcements tools;
- the level of information and knowledge of aviation personnel on the existing CAR(s) and recent amendments;
- any other aspects related to the published CAR(s) which might affect the efficiency or effectivity of them;

of the published CAR(s) in coordination with relevant technical departments.

- (c) Notwithstanding with point (b) above, SRD may perform such monitoring activities in-line with safety oversight activities of technical departments. In such case, appropriate and bidirectional coordination is highly expected. To achieve expected outcomes of the coordinated activities:

- SRD experts shall comply with the technical department procedures and cooperate with the team leader during the oversight activities; and
- the technical department shall facilitate performance of SRD monitoring activities to the maximum possible extents to achieve the expected results of such monitoring activities.

SUBPART C — CIVIL AVIATION DIRECTIVES

CAR-11.300 Scope

- (a) This Subpart prescribes additional requirements, supplementary to the general requirements of [Subpart A](#), for the format, structure and the process for Initial issue, amendment, repeal or publication of a CAD.
- (b) When the urgency of a situation precludes amendments to the CAR(s) or to address an unsafe condition which require immediate action in the interest of safety, the publication of binding requirements will be by means of a CAD.
- (c) Instructions contained in CAD are to be observed by all concerned and where dates are given for compliance with such instructions, shall not be exceeded, except by written authorisation of the CAA.
- (d) Airworthiness Directives (AD) as described in CAR-39, shall be issued and published in accordance with that Regulation.

GM to CAR-11.300 Scope

Civil Aviation Directives (CAD) are means of circulating safety critical requirements, or essential information of an administrative or technical nature to the aviation industry of the Sultanate, foreign registered aircraft or foreign operators, operating within the territory of the Sultanate of Oman.

CAR-11.305 Initiation of CAD

Notwithstanding [CAR-11.120](#), the decision to initiate a change to CAD(s), shall be made by the Director General based on the request from the head of relevant Technical Department and related rationale and justifications.

AMC to CAR-11.305 Initiation of CAD

- (a) A CAD should be issued once one of the below conditions might apply:
 - (1) In special circumstances, when immediate reaction to a safety concern is necessary (any immediate safety related issue that requires an immediate change in procedures, operations, etc.);
 - (2) In a circumstance that a fast track for rulemaking process is required, provided that the CAD will be repealed by an amendment to the relevant Regulations, in accordance with this Regulation;

GM1 to CAR-11.305 Initiation of CAD

The fast track for rulemaking and its related conditions, supposed to be interpreted as below:

The CAA may issue a CAD for a specific period of time, in the interest of aviation safety and in order to effectively transpose latest amendments of ICAO SARPs to its CAR(s) in a timely manner, when:

- (1) the expected duration of amending a CAR would be longer than available time as per ICAO recommended establishment date; or

- (2) when a change incorporated within the ICAO SARPs requires an immediate change to the applicable CAR(s) or operational requirements pertaining to the operation of aircraft, aerodromes, airworthiness etc.

provided that relevant CAR(s) would incorporate and repeal that CAD on their first amendments.

GM2 to CAR-11.305 Initiation of CAD

Issuance of a CAD is not an everyday activity. CADs are (mainly) used to react to a safety concern in a timely manner and to avoid any delay that might compromise the safety or regularity of the aviation activities or operations.

CAR-11.310 Drafting of CAD

- (a) The drafting shall be led and managed by a 'Technical Lead' designated by the head of the relevant DGCA Department where the need for the issue of CAD is deemed necessary.
- (b) A 'Policy Lead' shall be designated by DSR to collaborate with the Technical Lead for the publication of CAD.
- (c) Technical Lead and Policy Lead shall propose the text (or a revision) of the CAD to appropriately address the identified deficiencies.
- (d) Notwithstanding point (a) and (c), in case where SRD initiated a CAD in accordance with the decision made by Director General or DSR, the roles of Policy Lead and Technical Lead as specified in point (a) and (c) might be designated to one person from SRD.

AMC to CAR-11.310 Numbering of CAD

CAD should be issued within the Six (6) sections of DGCA:

Section 1 – General

These subjects will be numbered No.1-01 and up, and will cover any subject which does not fit within Sections 2 through 6. These CADs are general content or not exclusively related to one of the below areas.

Section 2 – Flight Operations

These subjects will be numbered No. 2-01 and up, and will cover any subject exclusively aimed at Flight Operations.

Section 3 – Airworthiness

These subjects will be numbered No. 3-01 and up, and will cover any subject exclusively aimed at Airworthiness.

Section 4 – Licensing

These subjects will be numbered No. 4-01 and up, and will cover any subject exclusively aimed at Licensing of personnel.

Section 5 – Air Navigation Services

These subjects will be numbered No. 5-01 and up, and will cover any subject exclusively aimed at Air Navigation Services.

Section 6 – Aerodrome

These subjects will be numbered No. 6-01 and up, and will cover any subject exclusively aimed at Aerodrome Safety.

CAR-11.315 Industry Feedback and Consultation

- (a) The Director General shall ensure that feedback from industry on the implementation of any CAD is collected, reviewed, and if deemed appropriate, taken into account in the next amendment of the CAD.
- (b) The Director General may decide to consult relevant industry prior to publication of a CAD, provided that the CAD is not addressing an immediate safety concern.

CAR-11.320 Publication of CAD

CAD(s) approved by Director General, shall be forwarded to the SRD to be published on the CAA website.

CAR-11.325 Review of CAD

Head of each Technical Department shall ensure that:

- (a) A detailed matrix established to register all published Civil Aviation Directives (CAD) related to their area of safety oversight and records of matrix contain absolute necessary data pertinent to those CADs;
- (b) Registered CADs are continuously reviewed to be relevant and appropriate to the current civil aviation industry;
- (c) Eligible CADs are incorporated into relevant Regulations, at their earliest amendments or programmed review dates.

CAR-11.330 Repeals of CADs

- (a) A CAD shall be repealed either:
 - (1) in accordance with the decision made by Director General; or
 - (2) when a rulemaking project repeals a CAD, in accordance with [CAR-11.255](#), in which relevant details of the repealed CAD shall be reflected in that CAR.
- (b) Appropriate details shall be reflected on the CAA website in order to segregate active and repealed CADs.
- (c) Director General may decide to publish a Notice of Repeal, in order to ensure that critical safety information, reached affected Service Providers effectively.

AMC to CAR-11.330 Repeals of CADs

- (a) Any CAD issued as a supplement to a published CAR which contains transposed requirements of amendments to the ICAO SARPs should be integrated into the relevant Regulations in their earliest amendment process as per established programs and related plans.
- (b) Upon approval of the amended regulation referred to in point (a) any such CADs that have been incorporated within the amendment should be repealed accordingly.

GM to CAR-11.330 Repeals of CADs

A CAD might be repealed when, either newer requirements and standards mandate repealing of particular existing requirements or standards, or the CAD is no longer relevant. Other reasons might be applicable as well. In any case, the decision to repeal a CAD is made at an appropriate level of management which granted with the powers and the privileges to issue the CADs or CARs.

CAR-11.335 Retention of CADs

- (a) The Technical Departments shall ensure that for each CAD and its subsequent amendments, the following items are retained in an appropriately secured archive, for the period specified in point (b) below:
 - (1) The documents related to the initiation and drafting; and
 - (2) The approved version of CAD.
- (b) The documents mentioned in point (a), shall be retained for:
 - (1) An unlimited period as far as the CAD is in force; and
 - (2) Not less than five (5) years from the date of its repeal.

GM to CAR-11.335 Retention of CADs

In respect of the CAA's Rulemaking procedures, relevant documentation shall be retained to enable the CAA to provide justification for its decisions and to show that the appropriate procedures have been followed or to be referred to, once necessity exists.

SUBPART D — COMPLIANCE WITH REGULATIONS

CAR-11.400 Compliance with CARs

Applicants shall demonstrate compliance with the relevant requirements of CARs, applicable to the areas of activity in accordance with the privileges attached to their certificate.

CAR-11.405 Acceptable Means of Compliance (AMC)

- (a) CAA may publish Acceptable Means of Compliance (AMC) with the objective of facilitating industry compliance with a CAR. Each AMC provides appropriate details and relevant means to comply with specific requirement of a CAR.
- (b) AMCs are non-binding in their nature; however, an applicant may decide to demonstrate its compliance through CAA published AMC. In such case, the AMC becomes binding to that applicant and the implementation shall satisfy the CAA.

CAR-11.410 Alternative Means of Compliance (AltMoC)

- (a) AltMoC to the AMC published by the CAA may be used by an applicant to establish compliance with the related CAR.
- (b) When an applicant wishes to use an AltMoC, it shall, prior to implementing it, provide the CAA with a full description of the AltMoC. The description shall include any revisions to manuals or procedures that may be relevant, as well as an assessment demonstrating that the related CAR is met.
- (c) The applicant may implement these Alternative Means of Compliance subject to prior approval by the CAA and upon receipt of the notification of approval from the CAA.

GM to CAR-11.410 Alternative Means of Compliance (AltMoC)

Applicants may decide to propose Means of Compliance (MC), other than CAA published AMCs, to demonstrate compliance with the CARs.

They can utilize such means if they submit a request for an AltMoC to the CAA relevant safety oversight department(s) and obtain acceptance from Director General prior their implementation.

Those AltMoC(s) must be accompanied by evidence of their ability to meet the intent of the CAR.

However, use of an existing AMC gives the applicant the benefit of compliance with the CAR.

SUBPART E — GUIDANCE MATERIALS

CAR-11.500 General

This Subpart prescribes additional requirements, supplementary to the general requirements of [Subpart A](#), for the Format, Structure and the publication procedures for GMs including CAPs and CASBs as may be required to support aviation safety.

GM to CAR-11.500 CAPs and CASBs

CAPs and CASBs are issued in the interest of safety as supportive material to a regulation, or are an informative bulletin concerning aviation safety.

- (a) A CAP normally supports issues related to compliance with a regulation or may be an explanatory material on a particular aviation subject. CAPs provide an expanded and more specific explanation of:
 - (1) The intent of the Civil Aviation Regulations;
 - (2) Provide a source of information on a particular subject pertaining to the operation of aircraft;
 - (3) Explanation on new or additional administrative information/procedures.
- (b) CASBs are materials raised by the CAA to promote safety awareness. A CASB may be used as a means of conveying information in the interest aviation safety. CASBs may explain issues like:
 - (1) additional information that may not specifically covered in the CARs;
 - (2) best practices or developments in the aviation industry which has an impact on aviation safety;
 - (3) information regarding new provisions in the interest of safety.

Note: Safety Bulletins are mainly used as a communication tool within safety management systems (SMS) and state safety programme (SSP) domains.

CAR-11.505 Initiation and Drafting of GM

The process for drafting shall be led and managed by a delegated member of the relevant Technical Department (Technical Lead) where the need for the issue of GM, CAP or CASB is deemed necessary.

CAR-11.510 Approval of GM.

- (a) Technical Lead shall submit propose GM text (or a revision) to the Document Control for formatting.
- (b) The Document Owner shall forward the controlled document to the Director General for approval.
- (c) The Document Owner shall forward the Approved Document to the SRD to be published on the CAA website.

CAR-11.515 Review of GMs

- (a) Each DGCAR Department shall establish a detailed matrix of their approved GMs (for which the Department is considered as the Document Owner).
- (b) The Document Owner shall monitor those documents referred to in point (a) in the terms of currency, relevancy and appropriateness to the civil aviation safety.
- (c) If any GM in point (a) above is not complying with the point (b) the documents owner shall initiate an amendment to the GM or repeal it.

CAR-11.520 Repeal of GMs

- (a) The Document Owner shall initiate repeal process in coordination with the SRD.
- (b) The repeal of GMs shall be approved by the Director General.

APPENDIX I — FORMS

The following Forms are referred to in the [AMC to CAR-11.120\(b\)](#) and [AMC to CAR-11.215](#) and are available from the SRD or the Internal Technical Library Portal.

- (1) FR-SRD-01 (Request for Amendment)
- (2) FR-SRD-02 (Gap Analysis Form)