

## PART 11

### General Rule Making

This part of Jordanian Civil Aviation Regulations is hereby adopted under the authority and provisions of the Civil Aviation Law No. (41) of 2007



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## SUBPART- A General

### 11.1 Applicability.

This part applies to the issuance, amendment, and repeal of any regulation under Jordan Civil Aviation Law.

### 11.3 Terminology

Throughout all Jordan Civil Aviation Regulations the following word usage applies unless the context requires otherwise:

- (1) Shall is used in an imperative sense and indicates a mandatory requirement;
- (2) Should is used to indicate recommended practices and normally appears in Acceptable Means of Compliance (AMCs) and Interpretative/Explanatory Material (IEMs).
- (3) May is used in a permissive sense to state CARC or permission to do the act prescribed and indicates that discretion can be used when performing an act described in a regulation.
- (4) "no person may" or "a person may not " mean that no person is required, authorized, or permitted to do the act prescribed.
- (5) 'Will' indicates a mandatory requirement and is used to advise service providers and operators of action incumbent on CARC.
- (6) Includes: means "includes but is not limited to".
- (7) Approved means accepted by CARC as suitable for a particular purpose. Unless used with reference to another person, the Chief Commissioner/CEO has reviewed the method, procedure, or policy in question and issued a formal written approval.

(8) Acceptable means not objected to by CARC as suitable for the purpose intended. CARC has reviewed the method, procedure, or policy; and it has neither objected to nor approved its proposed use or implementation.

(9) Month is used to indicate 30 days, meanwhile calendar month is used to indicate the period of duration from specified date in one month the date numerically correspond to that date in the following month, minus one.

(10) CARC means Jordan Civil Aviation Regulatory Commission.

(11) CEO means Chief Executive Officer.

(12) Chicago Convention means Convention on International Civil Aviation signed at Chicago, on 7 December 1944 and related annexes.

(13) Rule means a specific part of a Law, Regulation, Standard or instruction prescribed by CARC in order for observance of actions and implementation.

### **11.5 Organization of Regulations**

(a) Jordan Civil Aviation Regulations (JCARs) shall be subdivided into five hierarchical categories:

(1) Part refers to the primary subject area.

(2) Subpart refers to any subdivision of a Part.

(3) Section refers to any subdivision of a Subpart and refers to the title of a regulation.

(4) Paragraph refers to the text describing the regulations and can be a subdivision of a Section and may describe the regulations

(5) Subparagraph refers to the text describing the regulation. All paragraphs are outlined alphanumerically in the following hierarchical order: (a), (1), (i), (A).

### **11.7 Definitions, Abbreviations, Scope and Applicability.**

(a) Definitions shall be registered and appear at the beginning of the related Part where the rule is as well as JCAR Part (1). All definitions shall be clearly explained and detailed.

(b) Symbols and/or abbreviations shall be clearly explained and detailed and shall include the introduction of the full meaning of the abbreviation when it is first used in the text of the Part

(c) A note in the text of JCARs is explanatory.

(d) Scope shall define the subject of the rule and the aspects covered, and indicate any limits of applicability of the rule or particular parts of it.

(e) Applicability shall define the provision intended to apply to a limited class of things or categories (persons, aircraft, organizations etc); or things that occur after a certain date.

(f) ICA Provisions. International Civil Aviation Provisions that consist of the Standards and Recommended Practices contained in the Annexes to the Chicago Convention on Civil Aviation and related Documents

### **11.9 Differences between ICA Provisions and JCARs**

(a) A rule shall be developed such that it maintains adherence to relevant existing ICA provisions in the annexes to the Chicago Convention and related Documents, as well as international best practices and any amendments to the Annexes to the Chicago Convention to the widest extent possible;

(b) Non adherence to relevant existing ICA Provisions and their amendments in any Part shall be notified to the International Civil Aviation Organization (ICAO) specifying the differences between that Part and those related ICA provisions.

(c) Significant differences of any Part of the JCARs from the ICA Provisions and any amendments thereof shall be published in the Jordanian Aeronautical Information Publication (AIP).

(d) Whenever there is any inconsistency between a standard prescribed in ICA Provisions and national regulations, the provision in the national regulations shall prevail to the extent of the inconsistency.

### **11.11 CARC Documents other than Regulations**

(a) In addition to the Regulations, CARC may issue other Documents and publications such as but not limited to:

(1) Advisory Circulars (ACs): Informative documents which contain explanation, interpretation or acceptable means of compliance in order to clarify and to provide guidance for the application of Regulations.

(2) Acceptable Means of Compliance (AMCs): Non-binding standards of non legislative nature, issued by the CARC to illustrate the means but not necessarily the only possible means, to establish compliance with JCAR and its Implementing Rules by regulated entities who may decide to show compliance with the applicable requirements using other means.

(3) Interpretative/Explanatory Material (IEM): Material established by CARC to illustrate the meaning of a requirement.

(4) Chief Commissioner/CEO Orders: Are orders and/or instructions intended to set out CARC's technical standards, procedural matters, directions and instructions in relation to detailed matters of Regulations.

(5) Directives: Mandatory requirement to be complied with, by all operators and service providers concerned and involved in international civil aviation air and ground operations in Jordan. It is published for purposes of immediate promulgation of local standards and recommended practices in response to, but not limited to, amendments to the Annexes to the Chicago Convention. The Safety Directives will be incorporated into subsequent amendment(s) of the regulations.

(6) Information Circular: Circulars published by CARC for purposes of bringing to attention educational material related to aviation safety. It may be initiated as a result of ICAO State letters not requiring immediate changes to local regulations, new safety initiatives or international best practices.

(7) Guidance Material (GM): Leaflets or documents provided by CARC to assist the service provider and operator in complying with an Implementing Rule, where this material does not form part of the regulations or associated Acceptable Means Of Compliance (AMCs).

**11.13-11.19 Reserved.**

**SUBPART- B**  
**Roles and responsibilities**

**11.21 Authority to issue, amend, or delete any rule or part of a rule.**

(a) The Civil Aviation Regulatory Commission is the responsible entity under The Civil Aviation Law No. (41) of 2007, for developing and promulgating appropriate, clear and concise aviation safety regulations.

(b) The Commissioners' Council of the Civil Aviation Regulatory Commission is given the authority by the Jordan Civil Aviation Law No. (41) of 2007, to issue, amend, and/or delete Civil Aviation Regulations, as well as any rule or part of a rule needed for the implementation of the Regulations.

**11.23. CARC based decisions.**

In making its decision, regarding petitions for Rule Making or exemption from a rule, CARC will ensure that granting the petition will not adversely affect aviation safety and security.

**11.25 Application/Implementation of Amendments to Annexes to the Chicago Convention**

(a) Whenever ICAO notifies CARC of an amendment to ICA provisions the Aviation Regulations Directorate shall:

(1) Be responsible for the follow up of acceptance, developing and /or amending the regulations and its promulgation, and

(2) Implement the provision(s) and intent of the amendment and include the amendments appropriately into the JCARs as necessary, or initiate action to notify a difference should that be the case.

**11.27. Terms and Definitions**

When the following relating rulemaking terms are used in this part, they have the following defined actions:

(a) Proposals: are written comments on an appropriate scope of the rules or on a specific topic, and it may or may not include the text of potential amendments to a regulation.

(b) Notices of proposed rulemaking (NRPM): are any proposal of regulatory amendments for written public comments. The notice may or may not include the text of potential amendments to a regulation

(c) Petition for rulemaking: is a request to CARC by an individual or entity to adopt, amend or repeal a regulation or rule.

(d) Petition for exemption: is request to CARC by an individual or entity for relief from the requirement of a current regulation.

**11.29 reserved**

**SUBPART C  
Rule Making**

**11.31 Initiating rulemaking.**

CARC will establish appropriate procedures for the initiation of rule making, which shall include provisions for processing recommendations of other agencies as well as the petitions of other interested persons

**11.33 Petitions for rulemaking.**

(a) Any person, in addition to CARC relevant entities, may petition CARC for the issuance, amendment, or repealing of a rule or any part of a rule issued by CARC.

(b) Each petition under this section shall be made in a form and a manner established by CARC to clearly identify:

- (1) Name, mailing address and other means of contact such as telephone number, fax number, or email address.
- (2) References to the relevant provisions of the relevant Regulations.
- (3) The text or substance of the rule or amendment proposed.
- (4) The Justification for the petition and interests of the petitioner in the action requested.

(5) Any specific facts or circumstances, views, information and arguments that support the petition, including relevant technical and scientific data available to the petitioner.

(6) An explanation of why the proposed action would be in the public interest.

**11.35 Action on petitions for rule making.**

(a) A public Notices of Proposed Rulemaking (NRPM) will be published on CARC’s official website for a period of 30 days to allow interested persons to submit comments to CARC.

(b) CARC will consider all comments pertinent to the proposed rule making when they are submitted in a prescribed manner and within established time limits.

**11.37-11.39 Reserved.**

**SUBPART- D  
Exemptions of Particular Regulations**

**11.41 Petitions for exemptions.**

(a) Under this subpart, a person may apply to CARC for an exemption from any rules issued by CARC.

(b) All exemptions shall be temporary and limited to specific requirements, and specify the period upon which compliance with the relevant exempted rule or an Acceptable Means Of Compliance (AMCs) is required.

(c) The petition for exemption shall be submitted to CARC at least 30 days before the proposed effective date of the exemption and shall be made in a form and a manner established by CARC .

(d) In cases of emergency or when CARC agrees otherwise and good cause is shown in the petition, the exemption may be submitted immediately.

(e) The petition for exemption shall clearly identify:

- (1) The applicant's name and mailing address and other means of contact such as telephone number, fax number, or email address;
  - (2) Details of any relevant authorisation;
  - (3) References to the relevant provisions of these Regulations;
  - (4) Details of any aircraft or aeronautical product, or type of aircraft or operator or aeronautical product, or material or kind of material, or service or kind of service, to be affected by the exemption;
  - (5) If the exemption will affect a particular kind of operation, the kind of operation; and
  - (6) The reasons why the exemption is necessary;
  - (7) Include any information, views, or arguments available to the petitioner to support the action sought, the reasons why the granting of the request would be in the public interest;
  - (8) The reason why the exemption would not adversely affect safety;
  - (9) Details of how the applicant proposes to ensure that an acceptable level of safety will be provided when operating in accordance with the exemption at least equal to that provided by the rule from which the exemption is sought; and
  - (10) The date on which the applicant requires the exemption to commence; and
  - (11) The period for which the applicant requires the exemption to remain in effect.
- (f) The petition for exemption shall set forth the text of the rule or statute Regulation from which the exemption is sought, or specify the rule that the petitioner seeks to have repealed, as the case may be;
- (g) The petition for exemption shall explain the interests of the petitioner in the action requested including the nature and extent of the relief sought to be covered by the exemption;

(h)The petition for exemption shall detail all related safety risk management studies and analysis including hazard identification and risk mitigation.

**11.43 Action on petitions for exemptions**

(a) To ensure that a high level of aviation safety is maintained, CARC will conduct and document a safety risk assessment prior to considering the granting of any exemption,

(b) The exemption may be granted if CARC determines that a petition is in the public interest and that the exemption does not adversely affect safety, does not lead to differences from Standards and Recommended Practices (SARPs), which subsequently would requires CARC to notify differences to ICAO.

(c) The exemption shall be in the form and a manner established by CARC to clearly identify, and shall include:

- (1) Name of petitioner.
- (2) The citation to the rule or rules from which the petitioner requests relief.
- (3) A brief description of the general nature of the relief granted.
- (4) Nature of the petition.
- (5) Date and duration of the exemption.
- (6) Any conditions and limitations on the exemption.

(e) Exemptions will be issued on a short term basis only not exceeding 12 months, and they will be based on a case to case basis.

(f) If CARC determines that a petition for exemption cannot be justified, CARC will notify the petitioner in writing of the decision specifying the reasons for that decision.

(g) CARC will regularly review granted exemptions including limiting conditions or compensatory measures.

(h) The petitioner shall regularly revise the exemption with a view to removing the need for that exemption where possible, as well as checking the validity and robustness of the mitigating measures in place.

(i) The validity for any exemption ceases at the end of the day specified in that granted exemption.

(j) Granted exemption under this Subpart shall not be transferable.

**11.45 Extension of exemptions under this Subpart**

(a) In cases of extreme need, the holder of an exemption may petition CARC for an extension of an exemption shall be made in a form and a manner established by CARC and detailing the reasons why the extension of the exemption is necessary.

(b) In making its decision, CARC will take into account the reasons given by the applicant for the extension of the exemption and the fact that the applicant has previously been granted a similar exemption; and

(c) Any extension to an exemption shall not be granted more than once and shall not exceed 3 months based on a case to case basis.

(d) The validity for any extension to an exemption ceases at the end of the day specified in that extension.

**11.47 Conditions.**

(a) CARC may impose, on an exemption granted under this Subpart, any condition necessary in the interests of aviation safety.

(b) If a condition of an exemption under this Subpart imposes an obligation on a person, the person shall comply with the obligation.