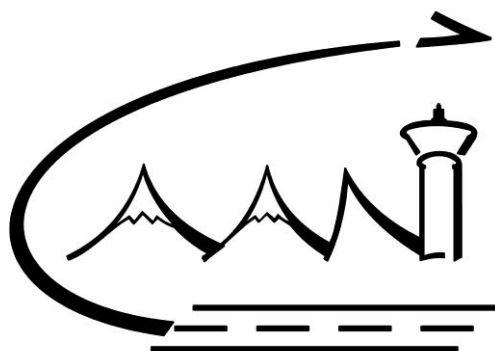


# **CIVIL AVIATION AUTHORITY OF NEPAL**



## **PROCEDURE FOR ISSUANCE OF EXEMPTION PROCEDURES**

November 2013  
First Edition

# Procedure for issuance of exemption

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## 1. INTRODUCTION

An approval holder (air operator, maintenance organization, training organization) are expected to comply with the provisions made on Civil Aviation Requirements (NCAR, FOR, ACOR, PELR, NFSR, DGHR etc) enforced under the rule 82 of Civil Aviation Regulations 2058 B S (2002) second amendment 2070 B S (2013). There may be some circumstances where compliance of requirement may not be feasible by the approval holder because of various constraints. To address such situations Rule 82 (a) of the regulation has made provision to issue exemption/exception/concession in a condition that equivalent level of safety is maintained all times.

This procedure has been issued to implement the provision made in the regulation under the power conferred by Rules 82 of the Civil Aviation Regulation. This procedure provides the guidelines to the CAAN Inspectors while recommending or issuing the exemption/exception/concession as applicable.

## 2. PURPOSE

The purpose of this procedure is to harmonize the procedure for recommendation or issuance of exemption/exception/concession in various activities of civil aviation operations. It is not the purpose of this procedure to avoid or ease the compliances to the provision of Requirements.

When non-compliances are present, the effects on safety need to be analyzed and compensatory measures and/or limitations on its use to mitigate any non-compliance have to be established. The harmonization of this aspect of the certification process is therefore important for ensuring safety.

## 3. POSSIBLE NON-COMPLIANCES

3.1 Non-compliances are primarily related to the following aspects of civil aviation operations that are governed by the respective requirements.

- a. Aircraft operations
- b. Airworthiness- maintenance organizations, maintenance training organizations,
- c. Personnel licensing- approved training organizations, personnel licenses/rating
- d. Air Navigation services- ATS, CNS, SAR, MET, AIS, PANS OPS, Cartography, maps and charts

### 3.2 Categories of Exemptions

Exemptions for non-compliance shall be:

i. **Short term:** where the non-compliance is expected to be removed within stipulated time frame as recommended by the manufacturer or competent authority of the Contacting States and inter operability is the predominant aspect of the requirement such exemptions will be considered as short term exemption. However in no case the exemption will be longer than six months.

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ii. **Long term:** where non-compliance is not reasonably, be removed and interoperability is not the predominant such exemption will be considered as long term exemptions. Such exemptions will be typically related with the unique operational context of Nepal and take longer time to resolve than time frame specified in i) above.

### 4 PROCEDURE FOR ISSUING EXEMPTIONS

4.1 The related safety department will receive the application from the approval/license/certificate holder a separate application for exemption/exception/concession for each non-compliance in the prescribed format. (Appendix 1)

4.2 The application should be signed by the individual or approved post holders or equivalent as may be the case.

4.3 The application shall be supported with the adequate justification for non-compliance, safety assessment reports, means of mitigation and indication as to when compliance can be expected.

4.4 The application along with the supporting documents will be processed by the assigned inspector.

4.5 Evaluation of the exemption application will be taken into account following factors:

- a. Recommendation of manufacturer or Contracting State.
- b. Redundancy of the systems in consideration.
- c. Adequate safety risk assessment and safety.
- d. Measure of safety risk mitigation to ensure the equivalent level of safety.

4.6 After being satisfied of the equivalent safety, the inspector will recommend or issue the exemption, as may be the case, with the validity in terms of calendar days, cycles, flight hours as applicable in the format attached in this procedure.

### 5 DENIAL OF EXEMPTION

The exemption may be denied if the inspector is not satisfied with the safety risk assessment provided by the approval/certificate/license holder on the ground of equivalent safety.

### 6 RECORDING OF EXEMPTION

The list of exemptions issued will be recorded at the concerned section/division of the related Safety Department.

### 7 NOTIFICATION OF EXEMPTION

The list of exemptions will be uploaded in the website for the notification to all concerned.

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## Appendix 1

### APPLICATION FOR SEEKING EXEMPTION (In duplicate)

#### 1. DETAILS OF APPLICANT

- 1.1 Name of Approval/certificate/license holder:
- 1.2 Address of Approval/certificate/license holder:
- 1.2 Number of Approval/certificate/license holder:

#### 2. DETAILS OF EXEMPTION SOUGHT

2.1 Relevant provisions of CAAN Requirements or procedure for which exemption is sought:

2.2 The category under which exemption sought (short term/long term):

2.3 Reasons why the exemption is needed (*The reasons provided should be detailed and self explanatory*):

2.4 Period for which exemption is required:

2.5 If the exemption will affect a particular kind of operation, the details thereof:

2.6 For short term exemption, the action plan for rectification and review of non-compliance, including the mitigation measures adopted for ensuring the safety during the exemption period:

2.7 For long term exemption, the mitigation measures adopted to ensure safety. Complete safety assessment report shall be enclosed:

I hereby certify that the forgoing information is correct in every respect and no relevant information has been withheld. I also undertake the responsibility for annually reviewing the conditions or mitigation measures and any other resultant non-compliance in particular when any significant changes in the aerodrome activity and development are proposed.

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SIGNATURE OF APPLICANT

DATE.....

NAME.....

(in capital letters)

POSITION HELD.....

(with official seal)

Note:

i) It is an offence to make any false representation with the intent to deceive, for the purpose of procuring exemption

ii) Application not completed in all respect and not accompanied with relevant enclosures is likely to be rejected.