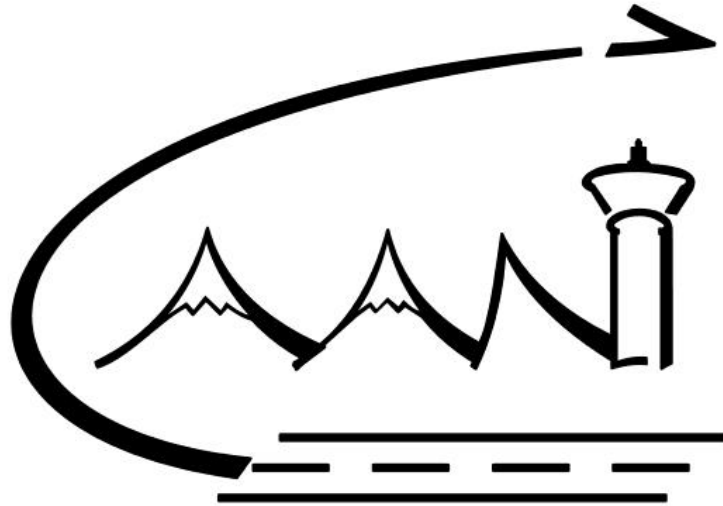


**CIVIL AVIATION AUTHORITY OF NEPAL**



**PROCEDURE FOR ISSUANCE OF EXEMPTION**

Second Edition

December 2016

# CIVIL AVIATION AUTHORITY OF NEPAL

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## LIST OF EFFECTIVE PAGES

Procedure for issuance of Exemption 2 <sup>nd</sup> Edition Amendment No. 01	Amendment Date: May 2017
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Replace or add the following pages

PARA NUMBER	PAGE REFERENCE NO.
Para 5.8	Page 3

# **CIVIL AVIATION AUTHORITY OF NEPAL**

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## **1. INTRODUCTION**

A certificate/license holder (air operator, maintenance organization, training organization, aerodrome operator and any other approval/certificate/license holder) of Civil Aviation Authority of Nepal are expected to comply with the provisions made on Civil Aviation Requirements (NCAR, FOR, ACOR, PELR, NFSR, DGHR and relevant requirements) enforced under the rule 82 of Civil Aviation Regulations 2058 B S (2002 AD) applicable amendments thereto.

There may be some circumstances where, due to unexpected temporary conditions or constraints an operator, a licence or certificate holder may not be able to comply with established requirement and may request an exemption to such requirement as provided for in rule 82 (a). Rule 82 (a) of the regulations has made provision to issue exemption 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 Regulations. This procedure provides the guidelines to the CAAN Inspectors to process an application requesting an exemption to regulatory provisions. as applicable.

## **2. PURPOSE**

The purpose of this procedure is to harmonize the procedure for recommendation or issuance of exemption in various activities of civil aviation operations providing an equivalent level of safety can be achieved. It is not the purpose of this procedure to be used to avoid or ease the compliances to the provision of Requirements for convenience purposes. It should be noted that granting exemptions must be serving public interest and be granted only for a limited period of time. Exemptions may be granted subject to specific conditions or restrictions as deemed appropriate by CAAN to ensure an equivalent level of safety.

## **3 SAFETY CONSIDERATIONS**

An applicant submitting a request for exemption, must submit evidence that measures will be implemented to ensure that an equivalent level of safety will be maintained throughout the entire exemption validity period. The required evidence may consist in detailed safety risk analysis, adequate prevention and mitigation measures or other element deemed necessary by CAAN.

## **4 APPLICATION FOR EXEMPTIONS**

4.1 Applications for exemptions must be submitted with all the required information as outlined in the form presented in Appendix 1.

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

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4.3 The application shall be supported with the adequate justification for requesting an exemption, n safety assessment reports, means of prevention and mitigation

## 5. PROCEDURE FOR ISSUING EXEMPTIONS

5.1 The related safety department will receive the application from the approval/license/certificate holder.

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

5.3 The inspector will review the request for exemption to determine whether the applicant would have other possibilities available and whether granting the exemption would:

- Serve public interest;
- Provide an equivalent level of safety; and
- Not constitute an unfair competitive advantage to the applicant.

5.4 The inspector will review the safety assessment and risk analysis to determine whether the proposed prevention and mitigation measures would be adequate to ensure an equivalent level of safety.

5.5 The inspector will assess the expected effectiveness of the proposed measures and recommend additional conditions or restrictions as appropriate.

5.6 The safety and risk assessments will be performed using the Safety Management safety and risk assessment procedures. The inspector will also evaluate whether there would be a need to develop additional contingency of back-up system or procedure to support the proposed prevention and mitigation measures.

5.7 After being satisfied of the equivalent level of safety, the inspector will recommend or issue the exemption/ along with the validity period. The period may be defined, as the case may require, in terms of calendar days, cycles, or flight hours.

5.8 CAA Nepal will notify to foreign States if an AOC holder does not comply with Annex 6 standards.

## 6 DENIAL OF EXEMPTION

The inspector may recommend denial of exemption if he or she is not satisfied that the safety risk assessment and or the proposed prevention and mitigation measures submitted by the applicant would provide an equivalent level of safety. .

Repeated request for the exemption of the same nature by the same applicant may lead to denial of exemption.

## 7 RECORDING OF EXEMPTION

Granted exemptions need to be filed in the appropriate document holder file.

The list of exemptions issued will be recorded by CAAN to enable review the pertinence and adequacy of regulatory provisions which are the object of repeated exemption requests.

## **8 NOTIFICATION OF EXEMPTION**

When an exemption is granted, the applicant will be notified in writing of the exemption, the applicable conditions and the validity period.

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## APPENDIX 1

### APPLICATION FOR SEEKING EXEMPTION (In duplicate)

#### 1. DETAILS OF APPLICANT

1.1 Name of certificate/license holder:

1.2 Address of certificate/license holder:

1.2 Number of certificate/license holder:

#### 2. DETAILS OF EXEMPTION SOUGHT

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

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

2.3 Period for which exemption is required:

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

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2.5 For the prevention and mitigation measures proposed to ensure safety. Complete safety and risk assessment report shall be enclosed:

2.6 Number of similar exemption obtained:

- a. in past 12 months .....
- b. total exemptions obtained till date.....

2.7 Number of other exemption obtained:

- a. in past 12 months .....
- b. total exemptions obtained till date.....

### **Declaration**

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.

SIGNATURE OF APPLICANT

DATE.....

NAME.....  
(in capital letters)

POSITION HELD.....  
(with official seal)

### **Caution!!**

- i) It is an offence to make any false representation with the intent to deceive, for the purpose of procuring exemption and enforcement actions will be taken as per procedure.
- ii) Application not completed in all respect and not accompanied with relevant enclosures is likely to be rejected.