

Exemptions Procedure Manual

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Director General of Civil Aviation Regulation

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Glossary of Terms or Abbreviations

The following terms or acronyms may be used in this manual:

AIP	Aeronautical Information Publications
AMC	Acceptable Means of Compliance
CAN	Civil Aviation Notice
CAR	Civil Aviation Regulation
DGCAR	Director General of Civil Aviation Regulation
ICAO	International Civil Aviation Organization
PACA	Public Authority for Civil Aviation
SARPs	Standards and Recommended Practices
SRD	Safety Regulations Department

FOREWORD

Compliance with PACA's regulatory requirements is obligatory. However, on some occasions, there may be instances where full compliance is not feasible. In those instances, exemptions or exceptions may be helpful to the aviation industry until such time where full compliance become practicable. Such measures must be supported by appropriate, robust and documented safety risk assessments or aeronautical studies and imposition of limitations, conditions or mitigation measures, as appropriate.

CAR-10 "Exemptions" sets out the framework and the policy governing the issuance of exemptions from the regulatory requirements and provisions (Regulations, standards, directives and any other binding instruments) of the PACA Oman.

In addition, Under CAR-10.005 the DGCAR is empowered by the authority to grant exemption. In this regard the Safety Regulation Department has issued this manual for the implementation of the provision of CAR-10.

During the issuance of the manual considerations have been given to ICAO guidance materials (especially ICAO DOC.9734 Part-A Ch.3), International best practices and the inputs from DGCAR Technical departments and Aviation Stakeholders.

This manual outlines the associated procedures to be implemented by following DGCAR's Departments, when granting exemptions (see note below):

- Safety Regulations,
- Aerodrome Safety,
- Air Navigation Safety and
- Flight Safety Departments (Flight safety department includes Flight Operations, Personal Licensing and Airworthiness) as well as
- SECURITY AND FACILITATION and AIR TRANSPORT DEPARTMENTS.

All cases involving the granting of exemptions shall be fully documented and registered through formal communication between assigned Technical Departments to Safety Regulation Department and the final outcome will be published and recorded as appropriate.

Editorial note: Within context of this procedure manual the terms

- "Exemptions" also includes exceptions, deviations and prolonged extensions.
- "Conditions" will be used as an equivalent to "Terms, conditions and limitations" specified in CAR-10.025.

1. AUTHORITY EMPOWERED TO GRANT EXEMPTIONS (CAR-10.005)

Reference to CAR-10.005, the DGCAR is empowered to grant and approve exemptions from specific requirement(s) of PACA Regulations and such approval is subject to terms and conditions specified by the Authority. In some critical cases, the DGCAR may seek the advice and approval of the CEO or his subordinate delegate.

2. WHAT EXEMPTIONS CAN BE GRANTED UNDER CAR-10 “EXEMPTIONS”

- 2.1 An exemption may be sought or be granted from particular provisions contained in the published PACA binding instruments (hereinafter Requirements or Requirement in singular form), listed below:
- Regulations (CARs, CANs)
 - AMCs
 - Directives
 - Any other binding requirement published by PACA.
- 2.2 Notwithstanding with [point 2.1](#), exemptions from most of the requirements might be accepted for the review by PACA. However not all of the requirements could be exempted. In this regard, considerations shall be given to the fact that, compliance with some special requirements shall be achieved through very specific practices which are widely implemented and highly accepted by aviation industry. Moreover, PACA may consider other reasons to reject reviewing an Exemption.

3. MEANS OF GRANTING AN EXEMPTION

- 3.1 DGCAR can issue an exemption from requirement(s) in accordance with this procedure manual either on written application by the applicant or on its own initiative.

Note: When an exemption is issued at the initiative of DGCAR, this exemption normally applies to a class or group (i.e. all operators of a type of aircraft, or all holders of a class of rating) and rarely to an individual operator or person.

- 3.2 The application for exemption shall be submitted using the application form in [Attachment 1](#).
- 3.3 DGCAR may call for any supportive document(s) which are considered necessary for the determination of the application.
- 3.4 The application for exemption will be granted or denied using specific form in [Attachment 1](#).

4. REQUIRED PROCESSING TIME

- 4.1 Unless otherwise agreed by PACA, an application must be received at least three (3) months prior to when the exemption is required. PACA considers that, an exemption against the regulations, is a last resort and the intent of introducing a 3-month timeframe is to:
- Ensure that the exemption application is given proper consideration;
 - Encourage industry to adopt proper planning and management fall back strategies; and
 - Ensure that an exemption is absolutely necessary rather than a convenient method of complying with the regulations.
- 4.2 PACA is aware that there might be unforeseen circumstances when an exemption will be required within a very short time frame. In these circumstances PACA will consider a late application provided that, the applicant submits suitable justification as to why the application was not submitted three (3) months prior to when the exemption is required. PACA will not accept poor planning or commercial impact on business as suitable justification.
- 4.3 Notwithstanding with [point 4.1](#) and [4.2](#), in an emergency case, the application will be processed without delay when supporting evidence(s) (acceptable to the DGCA) has been submitted justifying emergency situation and no other means exist to comply with applicable requirement(s) in such emergency situation.
- 4.4 PACA will also need to determine if the reduced timeframe available (in accordance with [point 4.2](#) and/or [4.3](#)) will be adequate for proper assessment of the safety impact.
- 4.5 An application will be rejected if the submitted evidence(s) does not justify the failure to apply in a timely manner or being in an emergency situation.

5. WHERE TO APPLY FOR AN EXEMPTION

- 5.1 An application for an exemption must be submitted to the DGCA Directorate. The application must be in writing using the form in [Attachment 1](#) and can be submitted directly or by email.

6. FORM AND CONTENT OF APPLICATION (CAR-10.015 & 10.020)

- 6.1 An applicant shall provide (to the DGCA) the following information in writing, using the form in [Attachment 1](#) (guidance on preparation and review of the information is provided in [Appendix 1](#)):

(a) The applicant's name contact details and address;

- (b) Details of any relevant authorization/Certificate/Approval;
- (c) References to the Requirement(s) from which exemption(s) is sought;
- (d) Details of any person, aircraft or aeronautical product, or type of aircraft or aeronautical product, or material or kind of material, or service or kind of service to be affected by the exemption;
- (e) If the exemption will affect a particular kind of operation, details of such operation;
- (f) The reasons why the exemption is necessary and associated implication if such exemption is not granted;
- (g) Details of how the applicant proposes to ensure that an acceptable level of safety will be provided when operating in accordance with the exemption if granted;
- (h) The date on which the applicant requires the exemption to commence (i.e. Effective Date)
- (i) How long the applicant requires the exemption to remain in effect; and
- (j) If the applicant seeks to operate under the proposed exemption outside of Oman's airspace, the application shall also indicate whether the exemption would contravene any provision of the ICAO SARPs.

6.2 If the application is for a renewal of an existing exemption pursuant to CAR-10.025 (3), the application must include reasons why a further exemption is required. In addition, evidence of the applicant actions taken to meet the regulatory requirement and of reviewing the exemption conditions as well as monitoring of the risk assessment or aeronautical study may also be required prior to further processing.

6.3 To the extent that an application does not provide either information required by CAR-10.015 or CAR-10.020 or information which is necessary for proper consideration of the application, PACA may request further information (see [point 7](#) below) and if the requested information is not provided in a timely manner, then PACA may reject the application.

7. PACA CONSIDERATION OF APPLICATION

7.1 In considering an application, PACA regards air safety as the paramount consideration. With this in mind, PACA may ask the applicant to:

- provide further information;
- provide a copy of specific documents;
- undertake a test or tests of competence;
- come to a PACA office to be interviewed;
- carry out a demonstration.

- 7.2 Considerable research and investigation are often required before PACA can make a determination. Therefore, the application should be made at least three (3) months before the requested start date. Only in exceptional circumstances will PACA consider an application with a requested start date less than three (3) months after the date of application (see [point 4.3](#) above).
- 7.3 In processing each application, PACA will consider all the information provided as well as anything in its records concerning the applicant. If there is anything adverse to the applicant in its records which PACA intends to take into account, PACA will inform the applicant in writing that it intends to take this information into account and will invite the applicant to make a written submission about the matter within a reasonable period. If the applicant responds with a written submission within that time, then PACA will take the response into consideration.
- 7.4 If the applicant previously held an exemption that was revoked, PACA will take the reasons for the revocation into account as well as the evidence that the applicant submits about their capacity to carry out the functions necessary to gain the exemption.
- 7.5 Where a technical evaluation of the request imposes a significant burden on the DGCAR's technical resources, the request might be denied on that basis.

8. TECHNICAL EVALUATION

- 8.1 Prior to granting any exemption a technical evaluation shall be performed by authorized inspector(s) of the concerned department(s) within DGCAR, determining the technical aspects and required conditions of said exemption. To perform the technical review, the Inspector(s) will take into consideration:
- (a) whether the exemption is based on a robust rationale (see [point 8.2](#));
 - (b) whether the exemption would be in the public interest;
 - (c) whether granting the exemption would jeopardize aviation safety (see [point 8.3](#));
 - (d) whether the exemption would contravene the applicable ICAO SARPs (see [point 8.4](#)).
- 8.2 Exemption from any specified requirement shall be supported by a robust rationale which indicates the conditions in which:
- (a) The requirement has been substantially complied with and that further compliance is unnecessary; or
 - (b) The specified requirements are clearly unreasonable or inappropriate in the particular case; or

- (c) Events have occurred which make the requirement unnecessary or inappropriate in the particular case;

8.3 An exemption will not jeopardize aviation safety, once granted if the following conditions are met:

- (a) the foreseen achievable level of safety (after granting the exemption) is supported by an appropriate safety risk assessment or aeronautical study;
- (b) the applicant safety risk assessment or aeronautical study is performed in accordance with an acceptable methodology (PACA published methodology or applicant's methodology approved by PACA);
- (c) notwithstanding point (b), in exceptional circumstances where the said acceptable methodology does not cover the context of the requested exemption, the applicant can propose an equivalent methodology or study to be reviewed by DGCAR Inspector(s);
- (d) the exemption conditions (i.e. control/mitigation measures) proposed by the operator, are properly designed to achieve the same level of safety of the concerned Regulations.
- (e) notwithstanding point (d), the conditions sought by the applicant might be subject to change based on DGCAR Inspector(s) technical evaluation to provide a level of safety equivalent to that established by the concerned Regulations. In such case any additional or modified conditions shall also be implemented prior to application of the granted exemption;

8.4 If granting an exemption would contravene ICAO SARPs, the DGCAR Inspector will notify SRD who would initiate an inter-department meeting, including NCMC. The purpose of the meeting is to perform these actions:

- (a) determine if granting the exemption would be classified as a "significant difference" as per established procedures;
- (b) If required, prepare the details of the notification of difference to ICAO as per established procedure (SRD will follow up if the exemption would be granted);
- (c) determine additional conditions which applicant shall comply, while operating especially outside Oman Territorial airspace;
- (d) perform a cost-benefit analysis on which the exemption would be granted/denied;
- (e) documents the outcomes of the meeting in the provisions of the recommendation to the DGCAR (see [point 8.5](#)) and results of point (c) above into the notification of decision (see [point 9](#)).

- 8.5 Recommendations of the technical evaluation, shall be sent to DGCAR, as to whether the exemption should be granted or denied, and whether any condition not sought by the applicant should be part of the exemption.

9. NOTIFICATION OF DECISION TO THE APPLICANT

- 9.1 PACA will notify the applicant in writing of its decision stating the following particulars:

- (a) The reference number of the application;
- (b) The full name of the applicant;
- (c) A reference to the requirement for which exemption is granted;
- (d) The expiry date of the exemption;
- (e) conditions or limitations;
- (f) If PACA refuses to grant an exemption, or imposes conditions not sought by the applicant, then PACA will give reasons for its decision.

- 9.2 Where PACA is of the opinion that the grant of an exemption may affect other operators or service providers adversely, it may, as soon as practicable, notify the concerned bodies indicating the following;

- (a) a reference to the exemption;
- (b) the details of the applicant;
- (c) a reference to the requirement from which exemption was sought;
- (d) a brief description of the general nature of the exemption sought; and
- (e) the due date by which the representations referred to in [point 9.5](#) hereunder must be submitted to PACA.

- 9.3 SRD will maintain a register of the details and conditions of each exemption.

- 9.4 Details of all exemptions granted will be published on the PACA website (www.paca.gov.om).

- 9.5 Any person may, after the publication of the exemption, address in writing representations to PACA against or in favor of it, as soon as practicable.

10.TERMS, CONDITIONS AND LIMITATION OF AN EXEMPTION (CAR-10.025).

- 10.1 PACA may impose conditions on an exemption which are necessary in the interests of aviation safety. All conditions imposed by PACA will be in writing and set out in the instrument of exemption (signed by the DGCAR). PACA will provide reasons for imposing conditions which were not sought by the applicant (see previous paragraph).
- 10.2 PACA will typically impose a condition on an exemption that a copy of it be included in a relevant document in the possession of the exemption holder, for example, its operations manual, procedures manual, aircraft logbook, personal logbook, etc.
- 10.3 As an example, PACA may also impose conditions relating to the circumstances in which the exemption is operative, the procedures to be used by the holder of the exemption, or record-keeping by the holder of the exemption. PACA may also impose conditions on an exemption relating to an alternative means of compliance.
- 10.4 A breach of a condition is an offence under CAR-10 and Civil Aviation Law. Further, a person who does not comply with an exemption does not gain the benefit of the exemption, and hence may also be in breach of the provision of CAR from which the exemption has been granted.

11.EXEMPTIONS ARE NOT TRANSFERABLE (CAR 10.030)

- 11.1 An exemption is not transferable. They are not a property and cannot be handed from person to person. As exemptions are generally issued to specified legal entities, should another entity wish to take advantage of the exemption, it may apply for a similar exemption, detailing their own conditions. This includes exemptions which may be issued in relation to aircraft or facilities which, as property, can be transferred.
- 11.2 An aircraft or facilities which, as property can be transferred, shall not transfer any exemption issued to the previous operator/owner. The said exemption upon transfer will be ceased.

As example, if the exemption is granted to the owner of a particular aircraft and the owner sells the aircraft, the exemption will cease upon sale of the aircraft. If an exemption is granted in relation to an aerodrome and the person who was granted the exemption no longer operates the aerodrome, the exemption will also cease. The new operator/owner may require to operate under similar exemption, they would be required to apply for a similar exemption.

12. RENEWAL OF EXEMPTION (CAR 10.025)

12.1 The process for renewal (see note below) of an exemption pursuant to CAR-10.025 (3), is much the same as for its original issue (see [point 6](#) above). An applicant for renewal of an exemption must set out in writing the details of the exemption, but does not need to give PACA information or documents previously submitted and which have not changed since the previous exemption was issued.

Note: CAR-10.025 (3) used term “Extension” for the equivalent process. Past experience revealed that using term extension brings ambiguity in the applicability of some conditions of exemption, especially observance of the duration of extension. To prevent such confusion, here in contents of this manual the term “Renewal” is used for the same process as CAR-10.025 (3). Full consideration shall be given to the fact that exemptions shall not be applied to a period other than the period which has been granted to without prior approval of DGCA, and that also would be through this manual.

12.2 However, the applicant should be aware that a renewal application does not automatically entitle the person to the granting of a further exemption in the same or similar terms. Each application will be assessed on its merits at the time of the application.

12.3 The applicant shall include with the application a statement outlining in detail the reason(s) as to why the renewal of the exemption is necessary.

12.4 The above mention reason(s) shall additionally justify why the applicant still could not comply with the Requirement (Considering that the exemptions are given to the applicants to assist them with a flexibility period to be complied with the Requirement).

13. VALIDITY OF AN EXEMPTION

An exemption granted from the specified requirements under CAR-10 and as per this procedure manual shall cease as follows:

- (a) At the end of the date specified in the letter of exemption; or
- (b) At any time that the exemption has been Revoked or Suspended by PACA; or
- (c) In case where the applicant has cancelled the exemption, at the time PACA accepts the cancellation.

14. SUSPENSION OF EXEMPTIONS

- 14.1 DGCAR Inspectors may suspend an exemption, if continuation of the exemption may threaten aviation safety. Such suspension shall be notified to the holder of the exemption.
- 14.2 Suspension may lead to revocation of an exemption, if after DGCAR inspector(s) review revealed that continuation of exemption in any applicable condition would threaten the aviation safety.
- 14.3 However, if by imposing additional conditions aviation safety would no longer be compromised, the suspension may be removed and exemption reinstated.

15. REVOCATION OF AN EXEMPTION

- 15.1 PACA may at any time revoke an exemption in the interests of safety. This may occur as a result of the applicant not complying with the conditions of the exemption, or special circumstances arising and PACA becoming aware that continuation of the exemption may threaten air safety. Additionally, PACA may revoke an exemption on request by its holder (i.e. Cancellation).
- 15.2 If PACA decides to revoke an exemption other than on request, it will normally give the holder of the exemption reasonable notice of its intention to do so and provide them with the opportunity to respond. PACA will take the exemption holder's response into account in deciding whether or not to revoke the exemption. PACA may not provide prior notice of its intention to revoke an exemption in circumstances of serious and immediate risk to air safety, or where there is reasonable assurance (to the PACA) that the applicant is breaching a condition of the exemption or a related provision of the regulations.
- 15.3 Where PACA revokes an exemption, it will do so in writing and will state the reasons for the revocation.

16. EXEMPTIONS ISSUED ON PACA INITIATIVE

- 16.1 PACA may issue an exemption on its own initiative. This might occur if there is an obvious flaw in the regulations and the only means of addressing this in the short term would be by exemption. In that case, PACA would normally seek to amend the regulations through the normal process, with a view to revoking the exemption.
- 16.2 The department initiating the Exemptions issued on PACA initiative, is required to complete a safety risk assessment or aeronautical study as well as proposing acceptable controls and mitigations in the proposal submitted to DGCAR.

16.3 Exemptions issued on PACA's own initiative are legislative instruments, and are subject to the same provisions in relation to commencement, duration, revocation, publication, renewal and transferability as exemptions issued on application by a person.

17. EXEMPTIONS IN EXCEPTIONAL CIRCUMSTANCES

17.1 During exceptional circumstances such as a major disaster or a large-scale emergency requiring the use of air transport, PACA can grant an exemption on its own initiative or on an application from Government or industry.

Note: Earthquakes, Cyclones and Flash Floods are examples of exceptional circumstance. The Sultanate of Oman faced major flash floods due to Cyclones before ("Cyclone Gonu" in 2007 and "Cyclone Phet" in 2010). In such case, airline operators might be allowed to operate with excess loads to enable evacuation of the cities as rapidly as possible.

17.2 Under these types of circumstances, an application can be made in any way that is reasonable. This may be by phone, radio or any other communication method that is available at the time.

17.3 As time is critical in such circumstances, PACA may notify applicants or affected parties verbally of the granting of the exemption and will follow up with a written notice.

17.4 PACA will publish the details of the exemption on the PACA website.

17.5 Exemptions issued in exceptional circumstances have a maximum duration of twelve (12) months.

18. RETENTION OF RECORDS

18.1 The duration for which the record will be held is related to the granted time period for the exemption.

18.2 Any letters issued to ICAO and other States in relation to exemptions must be retained indefinitely on the appropriate file.

18.3 The technical department's authorized inspector which evaluates the exemption sought shall retain the records in the file of each individual or organization as per established procedures and the records should be available upon request of the authorized person or internal/external auditor.

19.EXEMPTION REGISTRY DATABASE

19.1 The Safety Regulation Department shall maintain an exemption Registry Database on all exemptions issued within DGCAR.

19.2 This database shall record the following information:

- Exemption Number
- Official Reference number given to application
- Applicability of Exemption
- Responsible Department
- Applicable CAR
- Description of Exemption
- Operator's Name
- Effective Date
- Validity Duration
- Expiry Date
- Remarks

Appendices and Attachments

Appendix 1 – Guidance on the contents of an Application for Exemption

The below list and details describes to the applicant, how to submit correct information inside an application to DGCAR. In addition, it is useful for the DGCAR inspectors on how to validate such information:

- (a) The applicant's name and address. [Reference to [6.1 \(a\)](#)] Where an exemption is being sought by an organisation, the application should also include the name and contact details of the primary point of contact for PACA in that organisation in relation to the application. As PACA will in most cases issue an exemption to a legal entity, if the applicant's trading name and entity name are different, the application should include the name of the legal entity to which PACA will issue the exemption. Further, if the exemption is in relation to a facility, the application should identify the location of the facility;
- (b) Details of any authorisation [Reference to [6.1 \(b\)](#)] held by the applicant which is relevant to the exemption. At minimum, this should include the authorisation which makes the applicant subject to the provision from which they wish to be exempt (e.g. their flight crew license if the provision applies to a pilot in command, or their AOC if the provision applies to an operator);
- (c) The relevant Requirement(s) [Reference to [6.1 \(c\)](#)] from which the exemption is sought. If an exemption is being sought from a binding instrument, e.g. a AMC, with which compliance is mandatory under a CAR, the applicant should also identify the relevant provision of the instrument;
- (d) Details of the aircraft or aeronautical product [Reference to [6.1 \(d\)](#)], if applicable – this may include type, model, serial number or registration;
- (e) The reasons why the applicant needs the exemption [Reference to [6.1 \(f\)](#)]. The reasons provided should be detailed and fulsome. Failure to provide adequate information will simply result in delay in the processing of the application while PACA seeks the information necessary for it to consider the application;
- (f) Details of how an acceptable level of safety will be provided [Reference to [6.1 \(g\)](#)]. Again, the application should be detailed and fulsome in this regard. A safety risk assessment(s) is considered an integral part of such details. The applicant's proposal to maintain the required level of safety shall be supported by proper safety risk assessment, performed in accordance with an acceptable methodology, detailing the hazards, risks and mitigations.
 - (1) In some specific areas PACA may accept safety analysis or aeronautical studies where safety risk assessment is not feasible or such analysis or studies would be more relevant. The said Safety risk assessment(s), analysis or Aeronautical studies might justify the application of the exemption as well as the continuing need for the exemption;

- (2) Moreover, the applicant shall submit a review and/or discussion of any known safety concerns with the requirement, including information about any relevant accidents or incidents of which the applicant is aware.
- (3) PACA might ask the applicant to re-submit the review if he determines any safety concern or any accident or incident relevant to the context of exemption sought which is not properly reviewed or assessed by the applicant.
- (g) The Effective Date [Reference to [6.1 \(h\)](#)] is the first day on which the applicant planned to start using the exemption.
- (h) The Duration of exemption [Reference to [6.1 \(i\)](#)] shall be specified clearly in number of calendar days, months or years (whichever is most relevant) for which the applicant requires the exemption to remain in effect. The required duration of the exemption cannot be more than 3 years.

Attachment 1 – Forms

The latest revision of DGCAR Application for Exemption and other related forms can be downloaded from the PACA website (www.paca.gov.om).