



Public Authority for Civil Aviation

CAR-10

EXEMPTIONS

Effective 22nd September 2019

Approved by: HE Dr. Mohamed bin Nasser Al-Zaabi (CEO)

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FOREWORD

- (a) The Civil Aviation Requirements for Civil Aviation Regulation Exemptions have been issued by the Public Authority for Civil Aviation of Oman (hereinafter referred as PACA) under the provisions of the Civil Aviation Law of the Sultanate of Oman.
- (b) CAR-10 prescribes the;
 - (1) Authority or assigned person empowered to grant and approve the application of Exemptions.
 - (2) Conditions and measures applied by which an exemption can be granted by the Authority.
- (c) This regulation will be complementary to the Exemptions Procedure Manual developed and applied in Aerodromes Safety, Airworthiness, Personnel Licensing and Flight Operations.
- (d) The application for, and the granting of, an exemption from any requirement prescribed in PACA Regulations and the procedures adopted is outlined in the Exemption Procedure Manual.
- (e) The term ‘exemptions’ also includes exceptions, deviations, waivers and prolonged extensions.
- (d) The editing practices used in this document are as follows:
 - (1) ‘Shall’ is used to indicate a mandatory requirement and may appear in CARs.
 - (2) ‘Should’ is used to indicate a recommendation
 - (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.

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

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CAR 10.001 Compliance with Oman Civil Aviation Regulations

Compliance with the regulatory requirements and provisions of the Public Authority for Civil Aviation of Oman is mandatory unless an exemption has been granted by the Authority in accordance with the established procedures outlined in the Exemption Procedure Manual.

CAR 10.005 Authority Empowered to Grant Exemptions

- (a) The Director General of Civil Aviation Regulation (DGCAR) may grant exemptions from the specified requirements of PACA regulations upon receipt of an application to that effect or on its own initiative if, in its estimation, the circumstances so warrant and the safety of civil aviation is considered not to be compromised by such action, subject to such terms and conditions to be specified by the Authority.
- (b) Granting of Exemptions applies to any person, aircraft, aeronautical product, aerodrome, airline, flying training school or device, an organization engaged in engineering, manufacturing or repair work, aviation related facility and service from conforming to any of the civil aviation requirements specified in any Regulation, Rule, Implementing Standard or Directive which are hereinafter referred to as the “Specified requirements”.
- (c) An exemption must be in writing, it must be signed and approved by the Director General of the Civil Aviation Regulation (DGCAR). It may be granted subject to such conditions as the Authority deems pertinent. In critical cases, DGCAR may seek the advice or approval of the CEO or his designated delegate.

CAR 10.010 Non-Compliance without applicable Exemption

- (1) No person may take or cause to be taken any action not in compliance with the regulations unless the Authority has issued an applicable exemption to the person.
- (2) Any person, organization or entity, other than a person, organization or entity, conducting an operation in commercial air transport or international commercial air transport, who contravenes the provisions of this regulation commits an offence and upon conviction, shall be liable to a fine as stated in Article 135 of the Civil Aviation Law.
- (3) Any person, organization or entity, conducting an operation in commercial air transport or international commercial air transport who contravenes the provisions of this regulation commits an offence and upon conviction, shall be liable to a fine as stated in Article 135 of the Civil Aviation Law.

CAR 10.015 Conditions to Grant Exemption.

- (1) Any exemption shall only be granted on the basis of a robust rationale.
- (2) The request for issuance of exemptions that are not supported by safety risk assessments or aeronautical studies will not be accepted by the Authority.

- (3) A safety risk assessment or aeronautical study shall be developed by the service provider to demonstrate the application of an equivalent level of safety or an alternative acceptable means of compliance can be achieved.
- (4) Review and acceptance of such an assessment or study shall be performed by the Authority at the appropriate level.

CAR 10.020 Applying for Exemption

- (1) An applicant applying for an exemption from the specified requirements shall provide to the Director General of Civil Aviation Regulation all required information with supported data, analysis and assessments in writing.
- (2) Where an applicant seeks emergency processing, the application must contain supporting facts and reasons why the application was not filed in a timely manner, and the reasons it is an emergency.
- (3) An application may be rejected if the Authority finds that the applicant has not justified the failure to apply in a timely manner.

Note: Further details of the application content are outlined in the Exemption Procedure Manual.

CAR 10.025 Terms, Conditions and Limitations.

- (1) The Authority may in the interests of the Aviation safety impose or specify terms and conditions of compliance when granting an exemption from the specified requirements and such terms and conditions shall be set out in the instrument of exemption signed by DGCAR.
- (2) Exemptions shall only be granted for a specific period of time.
- (3) Extension of an exemption shall require submission of a new application accompanied by additional explanatory reasons for the continuance of the exemption.

CAR 10.030 Exemptions not transferable

An exemption granted to an applicant shall be in the name of that applicant and is not transferable.