




ETHIOPIAN CIVIL AVIATION AUTHORITY

EXEMPTION PROCEDURE

APPROVAL PAGE


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ETHIOPIAN CIVIL AVIATION AUTHORITY



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EXEMPTION PROCEDURE

This Order addresses guidance and procedures for approving exemptions as described under the Civil Aviation Rules and Standards.

1. APPLICABILITY

Ethiopian Civil Aviation Rules and Standards (ECARAS) PART 1 prescribes procedures for the request, review, and denial or issuance of exemptions from the Ethiopian Civil Aviation Rules and Standards currently in force. In consonance with the above, all persons/organizations and aircraft are expected to comply with the rules stipulated in the ECARAS. Compliance with requirements is not optional. However, there may be situations wherein it may not be possible to comply with the Rules and Standards because of exceptional circumstances, physical constraints, non-availability of specified equipment etc. which may warrant exemption from the rules.

2. PROCEDURE FOR SEEKING EXEMPTIONS

No Air Operator may introduce procedures contrary to the one prescribed in the civil aviation rules and standards, unless needed and an equivalent safety case have been approved by the Authority.


Note: This procedure excludes application for extensions upon submission of reasonable reason. For the purpose of this procedure, extension means additional of time to/continuation of a certificate, license, approval, authorization or such other document for a/to a specified time.

An organization or a person may apply to the Authority for an exemption from any of the requirements of the Civil Aviation Rules and Standards.

A person/organization seeking exemption shall submit separate application for each exemption in the prescribed form. Only the Authority may issue exemptions, and no person may take or cause to be taken any action not in compliance with the Rules and Standards unless the Authority has issued an applicable exemption to the organization/person.

3. PROCEDURE FOR ISSUING EXEMPTIONS

3.1 The related Directorate twill 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)

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- 3.2 The application should be signed by the individual or approved post holders or equivalent as may be the case.
- 3.3 The application for exemption shall clearly state the reasons for seeking exemption and 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.
- 3.4 The application along with the supporting documents will be processed by the assigned inspector.
- 3.5 Evaluation of the exemption application will take following factors into account:
- 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.

Note: Furthermore, any exception should only be granted in extraordinary circumstances. Therefore, risk analysis or aeronautical study techniques should be developed, by the organization as part of a Safety Management System (SMS), at the appropriate level. In such exceptional cases, the responsibility for justifying, either qualitatively or quantitatively, an alternative means of compliance lies with the Operator or Service Provider, before approval is sought from the Authority.

4. 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.
- 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.

5. REQUIREMENTS FOR APPLICATION

Applications for an exemption should be submitted at least 60 days in advance of the proposed effective date, to obtain timely review.

The request must contain the applicant's:

- (1) Name
- (2) Physical address and mailing address, if different.
- (3) Telephone number


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- (4) Fax number if available.
- (5) Email address if available.


6 SUBSTANCE OF THE REQUEST FOR EXEMPTION

An application for exemption must contain the following:

- (1) A citation of the specific requirement from which the applicant seeks relief;
- (2) Description of the type of operations to be conducted under the proposed exemption;
- (3) The proposed duration of the exemption;
- (4) An explanation of how the exemption would be in the public interest, that is, benefit the public as a whole.
- (5) Whether the exemption will affect a particular kind of operation, the details thereof;
- (6) A detailed description of the alternative means by which the applicant will ensure a level of safety equivalent to that established by the regulation in question
- (7) The action plan for rectification and review of non-compliance for temporary exemption, including the mitigation measures adopted for ensuring the safety during the exemption period.
- (8) If a permanent exemption is sought, the applicant has to indicate the mitigation measures adopted to reduce the risk arising due to noncompliance after carrying out a safety assessment. Undertaking by the person/organization that he shall annually review the conditions or mitigation measures and any other resultant non-compliance in particular when any significant changes in the activity are proposed.
- (9) A review and discussion of any known safety concerns with the requirement, including information about any relevant accidents or incidents of which the applicant is aware.
- (10) If the applicant seeks to operate under the proposed exemption outside of Ethiopian airspace, the application must also indicate whether the exemption would contravene any provision of the Standards and Recommended Practices of the International Civil Aviation Organization (ICAO).
- (11) The applicant should provide adequate information for consideration for granting exemptions with supporting documents. Failure to provide adequate information may delay processing/ refusal of the application.
- (12) If the applicant seeks emergency processing, the application must contain supporting facts and reasons that the application was not timely filed, and the reasons it is an emergency. The Authority may deny an application if the Authority finds that the applicant has not justified the failure to apply in a timely fashion.

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REVIEW, PUBLICATION, AND ISSUE OR DENIAL OF THE EXEMPTION

7. INITIAL REVIEW BY THE AUTHORITY

The Authority shall review the application for accuracy and compliance with the requirements of ECARAS Part 1.4.3.

If the application appears on its face to satisfy the provisions of ECARAS Part 1.4.3 and the Authority determines that a review of its merits is justified, the Authority will publish a detailed summary of the application for comment and specify the date by which comments must be received by the Authority for consideration.

If the filing requirements of applicable Rules and Standards have not been met, the Authority will notify the applicant and take no further action until and unless the applicant corrects the application and re-files it in accordance with the civil aviation rules and standards.


If the request is for emergency relief, the Authority shall publish the application or the Authority's decision as soon as possible after processing the application.

7.1 EVALUATION OF THE REQUEST

After initial review, if the filing requirements have been satisfied, the Authority shall conduct an evaluation of the request to include:

- i. A determination of whether an exemption would be in the public interest;
- ii. A determination, after a technical evaluation, of whether the applicant's proposal would provide a level of safety equivalent to that established by the Regulation;
- iii. If it appears to the Authority that a technical evaluation of the request would impose a significant burden on the Authority's technical resources, the Authority may deny the exemption on that basis.
- iv. A determination, if the applicant seeks to operate under the exemption outside of Ethiopian airspace, of whether a grant of the exemption would contravene the applicable ICAO Standards and Recommended Practices.
- v. An evaluation of comments received from interested parties concerning the proposed exemption.
- vi. A recommendation, based on the preceding elements, of whether the request should be granted or denied, and of any conditions or limitations that should be part of the exemption.


7.2 GRANT OF EXEMPTION

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1. Exemptions under the Rules and Standards shall be granted by the Director General or any other officer specified or by officers delegated with such authority.

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2. The concerned directorate shall carry out a technical evaluation of the application for grant of exemption. The exemption, if granted, may contain conditions/ limitations for the person/organization to follow while operating under the exemption. In all cases, before granting exemption, it shall be ascertained that an equivalent level of safety is maintained.
3. Exemptions of ‘temporary’ nature shall be reviewed periodically by the person/ organization with respect to the conditions or mitigation measures.
4. On removal of the exemption the holder shall notify the same to the ECAA.
5. ECAA may refuse the requests for exemptions which do not have adequate justification for non-compliance.

7.3 NOTIFICATION OF DETERMINATION

The Authority shall notify the applicant by letter and publish a detailed summary of its evaluation and decision to grant or deny the request. If the Authority determines that an exemption should be granted, the Authority shall notify the applicant by letter and the summary shall specify the duration of the exemption and list any conditions or limitations to the exemption.

If the request is for emergency relief, the Authority will publish the application and/or the Authority’s decision as soon as possible after processing the application.


If the exemption affects a significant population of the aviation community of Ethiopia the Authority shall publish the summary in Aeronautical Information Publication (AIP)/aeronautical information circular. Any prolonged exemption will be considered as ‘Difference’ and will be published accordingly in the Aeronautical Information Publication (AIP)/aeronautical information circular.

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


8 RECORDING OF EXEMPTION

The list of exemptions issued will be recorded at the concerned Directorate.

Note: Any person conducting operations under this exemption shall conduct a safe operation and shall not pose a risk to aviation safety.

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Appendix 1

ETHIOPIAN CIVIL AVIATION AUTHORITY

APPLICATION FOR SEEKING EXEMPTION (In duplicate)



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Document No.
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ECAA-FORM-GEN005

1. Details of Applicant

Name of Organization

Physical Address

Postal Address

Contact person Details

Name

Designated Position

Telephone

Fax

Email

2. Details of Exemption

2.1 Relevant provisions of ECARAS for which exemption is sought State in full. E.g. ECARAS Part 5 Section 5.5.9.10.

2.2 The grounds for the exemption (ECARAS reference section)

The reasons why the exemption is needed.

State the reason you are not able to comply with the rule and the nature of the relief requested from it. (The reasons provided should be detailed and self explanatory)

2.3 Period for which exemption is required.



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2.4

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

2.5 Justification

Provide any information you can to support your petition and, in particular, evidence to confirm you meet the grounds on which the exemption is sought.

2.6 Comment on the safety issues that may arise if the exemption is granted .

Name of Applicant

Designated position

Signature

Date

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 reviewing the conditions or mitigation measures and any other resultant non-compliance in particular when any significant changes are proposed.

SIGNATURE OF APPLICANT.....

DATE.....NAME.....(in capital letters)

POSITION HELD.....

(official seal)


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