

Exemptions Procedure Manual

Effective: 9th November 2023

Approved by: Mr Mubarak Saleh Al-Ghelani

Acting Director General of Civil Aviation Regulation

Manual No: 1.0.3.

Issue Date: 09 November 2023

Revision Number: 05

Controlled Copy

Copyright © 2023 by the Civil Aviation Authority (CAA), Oman All rights reserved.
No part of this publication may be stored in a retrieval system, transmitted, or reproduced in any way,
including but not limited to photocopy, magnetic or other record, without the prior agreement and
written permission of the President, for CAA, Oman

Intentionally Left Blank



Directorate General for Civil Aviation Regulation (DGCAR)

Pursuant to ICAO Critical Element (5) “Technical Guidance, Tools and Provision of Safety Critical Information”, the Directorate General for Civil Aviation Regulation (DGCAR), hereby approves the

Exemption Procedure Manual

Effective on 09/11/2023

as a Procedure and Guidance for the Industry and to the DGCAR Directors, Inspectors and staff.

Mubarak Saleh Al Ghelani

Act. Director General Civil Aviation Regulations



Intentionally Left Blank

Corrigendum of Amendments

Rev	Effective Date	Description
01	22 Sep 19	This document describes the procedures applicable to CAR-10.
02	01 Jun 20	Inclusion of related forms developed for implementation of this procedure. Introduction of Exemption Registry Database. Enhancement to the details of procedures.
03	25 Jul 21	To have a realistic procedure for the Registration of Exemptions and in accordance with the experience gained from the implementation of Rev 02 of this procedure manual, the responsibility of holding a live registry of issued exemptions has been transferred from Safety Regulations Department to the Technical departments.
04	20 Aug 23	<ul style="list-style-type: none">• Para 12: The title “Renewal of Exemption” replaced with “Extension of an Exemption”. Maximum number of extensions limited to two (2) times.• Para 13: The maximum validity of an Exemption is reduced from 3 years to 12 months.• Editorial and grammatical alignment made in some other paragraphs.
05	09 Nov 23	Inclusion of a qualified procedure for the inspectors and the publication of the exemptions and the guidance for conduct of Risk assessment.

Intentionally Left Blank

Table of Contents

Corrigendum of Amendments	5
Table of Contents	7
Glossary of Terms or Abbreviations.....	9
FOREWORD	11
1. AUTHORITY EMPOWERED TO GRANT EXEMPTIONS (CAR-10.005)	13
2. WHAT EXEMPTIONS CAN BE GRANTED UNDER CAR-10.....	13
3. MEANS OF GRANTING AN EXEMPTION	13
4. REQUIRED PROCESSING TIME.....	13
5. WHERE TO APPLY FOR AN EXEMPTION	14
6. FORM AND CONTENT OF APPLICATION (CAR-10.015 & 10.020).....	14
7. CAA CONSIDERATION OF APPLICATION	15
8. TECHNICAL EVALUATION	16
9. NOTIFICATION OF DECISION TO THE APPLICANT	17
10. TERMS, CONDITIONS AND LIMITATIONS OF AN EXEMPTION (CAR-10.025).....	18
11. EXEMPTIONS ARE NOT TRANSFERABLE (CAR 10.030)	18
12. EXTENSION OF AN EXEMPTION (CAR 10.025(C)).....	19
13. VALIDITY OF AN EXEMPTION	19
14. SUSPENSION OF EXEMPTIONS.....	20
15. REVOCATION OF AN EXEMPTION	20
16. EXEMPTIONS ISSUED ON CAA INITIATIVE.....	20
17. EXEMPTIONS IN EXCEPTIONAL CIRCUMSTANCES	21
18. RETENTION OF RECORDS.....	21
19. PROCEDURE FOR REVIEWING THE APPLICATIONS FOR EXEMPTIONS IN DGCAR	22
20. EXEMPTION REGISTRY DATABASE	27
Appendix 1 – Guidance on the contents of an Application for Exemption	28
Appendix 2 – Flowchart for Exemption Procedure within DGCAR	30
Appendix 3 – Safety Risk Assessment Guidelines	32
Identify Hazards	32
Safety Risk Analysis	32
Safety risk assessment	34
Safety Risk Control	35

Safety Risk Acceptance	36
Attachment 1 – Forms	37

Glossary of Terms or Abbreviations

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

AMC	Acceptable Means of Compliance
CAA	Civil Aviation Authority
CAN	Civil Aviation Notice
CAR	Civil Aviation Regulation
DGCAR	Director General of Civil Aviation Regulation
ICAO	International Civil Aviation Organization
SARPs	Standards and Recommended Practices
SRD	Safety Regulations Department

Intentionally Left Blank

FOREWORD

Compliance with CAA'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 CAA Oman.

In addition, Under CAR-10.005 the DGCAR is empowered by the authority to grant exemptions. In this regard, the SRD 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 formally registered by the appropriate Technical Department. Approved exemptions finally will be published on the CAA website and recorded as appropriate.

Editorial note: Within the context of this procedure manual the terms

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

Intentionally Left Blank

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

In reference to CAR-10.005, the DGCAR is empowered to grant and approve exemptions from specific requirement(s) of CAA 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 President of CAA or his subordinate delegate.

2. WHAT EXEMPTIONS CAN BE GRANTED UNDER CAR-10

- 2.1 An exemption may be sought or be granted from particular provisions contained in the published CAA binding instruments (hereinafter Requirements or Requirement in singular form), listed below:
- Regulations (CARs, CANs)
 - AMCs
 - Directives
 - Any other binding requirement published by CAA.
- 2.2 Notwithstanding [point 2.1](#), exemptions from the CAA requirements might be accepted for the review by CAA. However, not all of the requirements could be exempted. In this regard, consideration 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 the aviation industry. Moreover, CAA may consider other reasons to reject reviewing or granting 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 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 the specific form in [Attachment 1](#).

4. REQUIRED PROCESSING TIME

- 4.1 Unless otherwise agreed by CAA, an application must be received at least three (3) months prior to when the exemption is required. CAA 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 the 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 CAA is aware that there might be unforeseen circumstances when an exemption will be required within a very short time frame. In these circumstances, CAA 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. CAA will not accept poor planning or commercial impact on business as suitable justification.
- 4.3 Notwithstanding [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 the emergency situation and no other means exist to comply with the applicable requirement(s) in such emergency situation.
- 4.4 CAA 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

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 (safety risk assessment) 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(c), 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, CAA may request further information (see [point 7](#) below) and if the requested information is not provided in a timely manner, then CAA may reject the application.

7. CAA CONSIDERATION OF APPLICATION

- 7.1 In considering an application, CAA regards air safety as the paramount consideration. With this in mind, CAA may ask the applicant to:
- provide further information;
 - provide a copy of specific documents;
 - undertake a test or tests of competence;
 - come to a CAA office to be interviewed;
 - carry out a demonstration.
- 7.2 Considerable research and investigation are often required before CAA 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 CAA 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, CAA 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 CAA intends to take into account, CAA 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 CAA will take the response into consideration.
- 7.4 If the applicant previously held an exemption that was revoked, CAA 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 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 (CAA published methodology or applicant's methodology approved by CAA);
 - (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 CAA 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 CAA refuses to grant an exemption, or imposes conditions not sought by the applicant, then CAA will give reasons for its decision.
- 9.2 Where CAA 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 CAA.

- 9.3 DGCAR Department Exemption Registry Database shall be updated with relevant details and conditions of each exemption.
- 9.4 Details of all exemptions granted will be published on the CAA website (<https://www.caa.gov.om/media-1/announcements-1/exemptions-page>).
- 9.5 Any person may, after the publication of the exemption, address in writing representations to CAA against or in favour of it, as soon as practicable.

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

- 10.1 CAA may impose conditions on an exemption which are necessary in the interests of aviation safety. All conditions imposed by CAA will be in writing and set out in the instrument of exemption (signed by the DGCAR). CAA will provide reasons for imposing conditions which were not sought by the applicant (see previous paragraph).
- 10.2 CAA 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, CAA 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. CAA 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 an 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. EXTENSION OF AN EXEMPTION (CAR 10.025(C))

12.1 The process for extension of an exemption pursuant to CAR-10.025(c), is equivalent to the issuance process (see [point 6](#) above). An applicant for extension of an exemption must set out in writing the details of the exemption. However, the applicant should be relieved from resubmission of those information or documents which have not changed since the initial exemption was issued.

Note: The term “Extension” used here and by CAR-10.025(c) should be segregated from ICAO term “Prolonged extension”.

12.2 Application for extension of an exemption does not entitle the applicant 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 extension of the exemption is necessary.

12.4 The above mentioned reason(s) shall additionally justify why the applicant still could not comply with the relevant Requirement.

12.5 In any case, a unique exemption shall not be extended more than two (2) times.

13. VALIDITY OF AN EXEMPTION

13.1 The validity (duration or life span) of the exemption cannot be more than twelve (12) months unless otherwise determined differently as per the discretion of the CAA based on the severity of the exceptional circumstance.

13.2 The validity of an extension to an exemption shall be half of the validity period as mentioned in [point 13.1](#).

13.3 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 its validity as specified in the approval letter of exemption; or
- (b) At any time that the exemption has been Revoked or Suspended by CAA; or
- (c) In case where the applicant has cancelled the exemption, at the time CAA 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 CAA 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 CAA becoming aware that continuation of the exemption may threaten air safety. Additionally, CAA may revoke an exemption on request by its holder (i.e. Cancellation).
- 15.2 If CAA 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. CAA will take the exemption holder's response into account in deciding whether or not to revoke the exemption. CAA 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 CAA) that the applicant is breaching a condition of the exemption or a related provision of the regulations.
- 15.3 Where CAA revokes an exemption, it will do so in writing and will state the reasons for the revocation.

16.EXEMPTIONS ISSUED ON CAA INITIATIVE

- 16.1 CAA 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, CAA 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 CAA 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 CAA'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, CAA 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, CAA may notify applicants or affected parties verbally of the granting of the exemption and will follow up with a written notice.

17.4 CAA will publish the appropriate details of the exemption on the CAA website.

17.5 Exemptions issued in exceptional circumstances shall have a maximum duration of twelve (12) months, unless otherwise determined differently as per the discretion of the CAA based on the severity of the exceptional circumstance.

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. PROCEDURE FOR REVIEWING THE APPLICATIONS FOR EXEMPTIONS IN DGCAR

19.1 General:

Compliance with the Oman Civil Aviation regulatory requirements is obligatory. However, on some occasions, there might be instances where full compliance is not feasible. In those instances, exemptions may be granted by the DGCAR. 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.

Exemptions should not be used to overcome an unpopular requirement or to suggest that compliance with a requirement is optional. The use of the exemption mechanisms needs to be the exception, not the norm.

Any exemption should only be granted on the basis of a robust rationale. Therefore, the issuance of exemptions that are not supported by safety risk assessments or aeronautical studies and by thorough reviews by the DGCAR Technical Departments and their inspectors is not acceptable. A safety risk assessment or aeronautical study should be developed by the service provider to demonstrate whether an equivalent level of safety or an alternative acceptable means of compliance can be achieved. Review and acceptance of such an assessment or study should be performed by the DGCAR Technical Departments and their inspectors before finally being granted by the DGCAR.

All cases involving the granting of exemptions should be fully documented and the outcome should be published on the CAA website. The publication should include references to relevant limitations, conditions or mitigation measures, as appropriate. Furthermore, the service provider needs to regularly review any exemptions with a view to removing the need for such exemptions, where possible, as well as check the validity and robustness of any mitigating measures in place.

The DGCAR inspectors also needs to assess, before granting an exemption, whether it would lead to differences from SARPs and, if so, ensure that the CAA notifies ICAO of the differences.

Note: The term “exemptions” also includes exceptions, deviations, variations and prolonged extensions.

19.2 Applicability:

This procedure and guidance should be followed by the DGCAR departments’ directors, chief sections and the inspectors who are involved in the reviewing of an application for exemption. This is inclusive of administrative actions, assessment and reviewing of safety and technical considerations of an Exemption application and the recommendation of issuance of the final exemption document by the department to the DGCAR. Following procedure guides the above-mentioned involved personnel (including the inspectors) in order to comply with CAR 10 requirement and this procedure manual.

19.3 (Pre-requisite) Actions by Applicant ([see Section 5](#)):

Application for Exemption (available on the CAA website) should be submitted to DGCAR by applicant, either directly or through the customer service department of the CAA and should be accompanied with a risk assessment and mitigation action, safety or aeronautical study as appropriate.

Note: The applicant might be or become familiar with the process through the related sections of this procedure manual which is available on the CAA website or receiving additional guidance from the relevant DGCAR technical department.

19.4 Assignment of the relevant DGCAR Technical Department:

- 1) The DGCAR is the first point which receives the Exemption Application. The DGCAR will decide that which technical department should review this applications case by case and will forward the application to the relevant department director to be processed.
- 2) The relevant DGCAR technical department could be any of the:
 - a) Flight Safety Department (FSD)
 - b) Air Navigation Safety Department (ANSO)
 - c) Aerodrome Safety Department (ASD)

19.5 Assignment of the Inspector for the review:

Technical Department Director will assign an inspector through the relevant chief of section for review the application and accompanied documents.

19.6 Inspector Procedure to be followed:

- 1) Assigned inspector reviews and verifies **Part A** of the Exemption Application. In case of any discrepancies, the inspector informs the applicant for correction or provide sufficient clarification, justification or additional relevant documents.
- 2) The inspector shall complete the **Part B1** of the Exemption Application and perform the required Technical Evaluation as appropriate for the case in hand. For this purpose, the inspector shall ensure that all associated hazards are identified and appropriately mitigated to the acceptable tolerability level by the applicant and the inspector will document his review/assessment in the relevant section of **Part B** of the Exemption Application. (Guideline for risk assessment is available in the [Appendix 3](#))

If the exemption is not justified enough or it has not supported by appropriate Risk Assessment, Safety or Aeronautical Study from the applicant, the inspector shall inform the Director to inform the applicant for rejection of their application. Otherwise, the inspector shall indicate the terms, conditions and limitations as appropriate for the case in the same section (there is a designated table for this items). These terms, conditions and limitation shall be based on the result of the Risk assessment and inspector review.

- 3) The inspector shall also prepare the draft of final Exemption Document. The draft shall include the terms, conditions and limitations as well as the relevant details of the exemption.
- 4) Then, the inspector shall submit the application, its attachments and the draft of Exemption Document to the chief section for review.

19.7 Technical Department Chief Section:

- 1) The chief section will review and assess the inspector's review/assessment (reflected in Part B1 in relation to Part A) and draft of the Exemption Document including the imposed limitations or conditions.
- 2) in case of any necessity to change the imposed limitations or conditions, the Chief section shall return the Application and inform the inspector for further review. Otherwise, the chief will forward the file to the department director for the final review.

19.8 Technical Department Director:

The Director reviews the application, and the draft of the Exemption Document. If it is acceptable, he will complete the first table of **Part B2** of the Application and submit them to the DGCAR for issuance of the Exemption document.

19.9 The DGCAR Final Review and Approval:

- 1) the DGCAR reviews the Application and the draft Exemption Document. If he finds them acceptable and complete, will fill the second table of **PART B2** of the application (reflects Granted or Denied in the first row of the table)
- 2) for Granting an Exemption, the Exemption Document (inclusive of the imposed limitations or conditions, the Validity of approval) will be approved. (not applicable to Denied Applications)
- 3) for Denying an Exemption, the denial official letter will be sent to the Applicant in response to his request. This letter will be drafted by the DGCAR office, however the Technical Department inspector who was assigned for the Application review, will submit technical reasoning behind the denial to be reflected in the denial letter.
- 4) The DGCAR office will inform the Applicant on the result (in case of approval the Exemption Document, or in case of rejection and official letter) using CAA's official communication channels. The related DGCAR Technical Department Director should be in copy for the above-mentioned communications.

19.10 Technical Department Documentation:

- 1) Once the formal final documentation received from the DGCAR Office by the Technical Department and its inspector, the inspector will update their exemption registry (which is normally available in their Shared-Folder) as specified in [section 20 of this manual](#).

- 2) The relevant documents (Application and its attachment, Exemption Document or Denial Letter and any other relevant document) shall be kept in the department archive system for the duration indicated in the [section 18 “Retention of Record”](#) of this manual.

19.11 Notification of Difference to ICAO (if any)

If the exemption raised any non-compliance with the ICAO SARPs which should be notified as a difference to ICAO, the Inspector will perform the necessary action as per relevant requirements and the established procedures within the CAA, and will update the CC/EFOD accordingly (ref: CAR-11 and the associated procedure).

19.12 Publication on the CAA website:

- 1) The inspector should send a pdf copy of the Approved Exemption Document to the SRD Director to be published on the CAA website.
- 2) The Director of SRD will forward the Document to the Authorized personnel within his department, who has the Admin access to the CAA website.

The Admin will publish the Exemption Document in the dedicated webpage, structures as below in the CAA portal

CAA website ---> Media ---> Announcements ---> Exemptions

Note: The exemption should be published on a table including the below details in a sequence based on their approval time in which the older comes first and newer goes last:

Exemption No.	Applicant title	Reviewed by	Regulation Reference	Title / Description	Expiry Date

19.13 The process flow chart: is available in the [Appendix 2](#) for further guidance.

19.14 Timelines:

The process timelines for the above procedure should be as per below table:

No.	Process	Who is responsible	Outcome of the process	Process Timeline
1	19.3 - Exemption Application Submission	Applicant	Submit application to DG CAR	at least three (3) months prior to when the exemption is required Except Emergency cases

2	19.4 - Assignment of the relevant DGCAR Technical Department	DGCAR	Technical department(s) engagement	Up to 3 Working Days from reception
3	19.5 - Assignment of the Inspector Technical Department Director will assign an inspector through the relevant chief of section for review the application and accompanied documents.	Technical Department Director	Inspector assigned on the task	Up to 2 Working Days
4	19.6.1 - TECHNICAL EVALUATION – Part A review and verify Part A of the Exemption Application	Inspector	Initial Acceptance or Rejection	Up to 3 Working Days
5	19.6.2- TECHNICAL EVALUATION – Part B1	Inspector	Rejected application	Up to 10 Working Days
6	19.6.3 & 4 – Draft Exemption Document & Submitting to the Director	Inspector	Filled Part B1 & Draft Exemption Document	Up to 3 Working Days
7	19.7 - Technical Department Chief Section's review	Relevant chief section	Verification of Chief section.	Up to 2 Working Days
8	19.8 Technical Department Director's review	The department director	Recommendation for DGCAR Approval or Denial	Up to 2 Working Days
9	19.9 The DGCAR Final Review Completing second table of Part B2 of the application	DGCAR	Completed Application; Approved Exemption Document or Denial Letter	Up to 5 Working Days
10	19.10 Technical Department Documentation	Inspector	Updated exemption registry; Submission to SRD	Up to 2 Working Days
11	19.11 Notification of Difference to ICAO (if any) If the exemption raised any non-compliance with the ICAO SARPs	Inspector	update the CC/EFOD accordingly (if needed).	Based on the CAR 11 time-table
12	19.12 Publication on the CAA website	Assigned SRD Staff	Publishing exemption on the CAA website	Up to 4 Working Days

20. EXEMPTION REGISTRY DATABASE

20.1 Each department within DGCAR shall maintain its own Exemption Registry Database on all exemptions that has been issued in their area of activity.

20.2 This database shall record the following information as minimum:

- Exemption Number (required)
- Official Reference number given to application (required)
- Applicability of Exemption (required)
- Applicable CAR (required)
- List the applicable regulation/standard (for ex: CAR-XXX.YYYY) (required)
- Applicant's Name and details (required)
- Effective Date (required)
- Expiry Date (required)

20.3 In addition to the above, depending to the nature and complexity of the department's activities, it might be required to record extra fields in its Exemptions Registry Database. Below items are a non-exclusive list of fields which can be recorded as well:

- Validity Duration (optional)
- Brief description of exemption (optional)
- Responsible Department (optional)
- Remarks (optional)

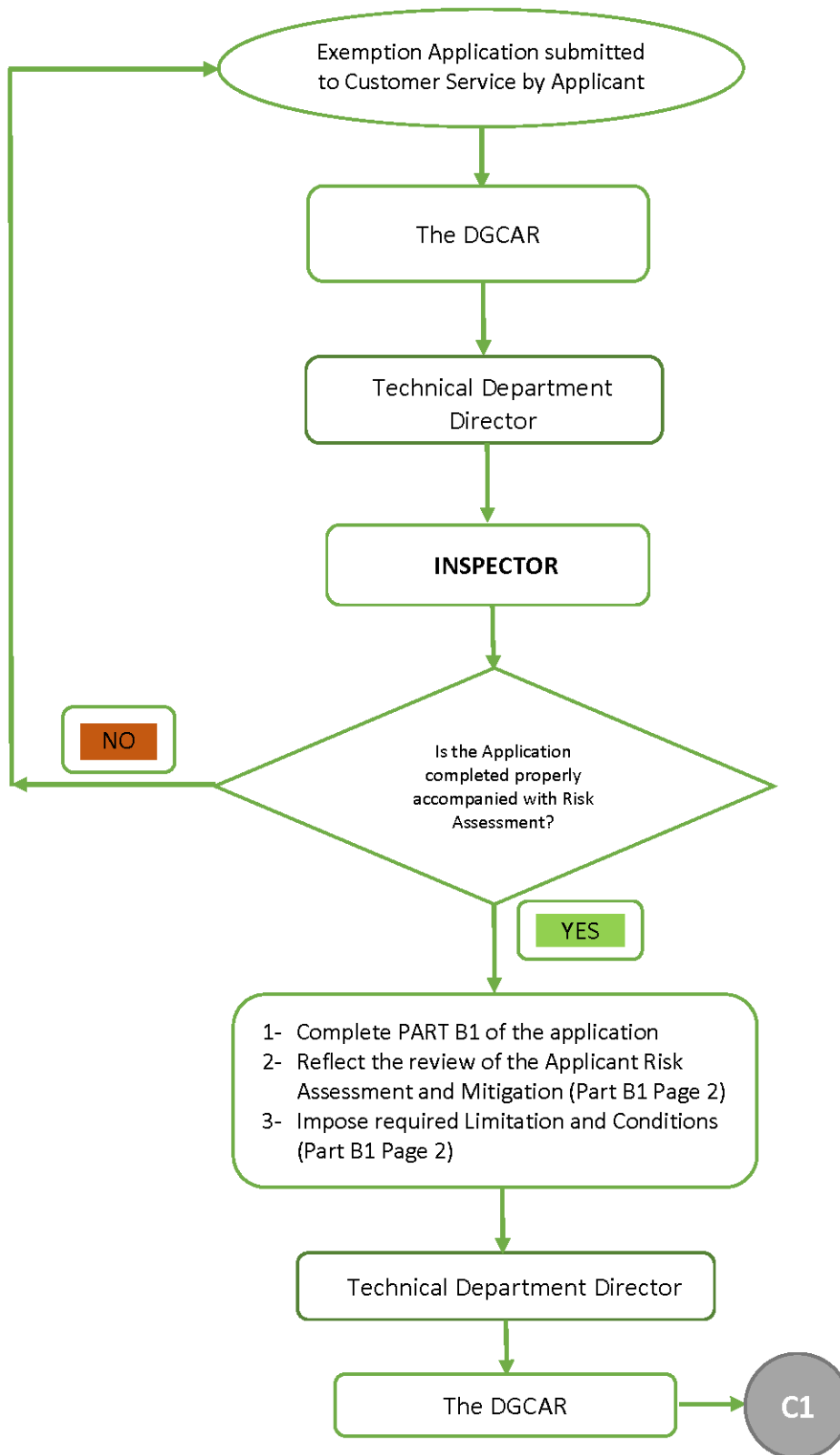
Appendix 1 – Guidance on the contents of an Application for Exemption

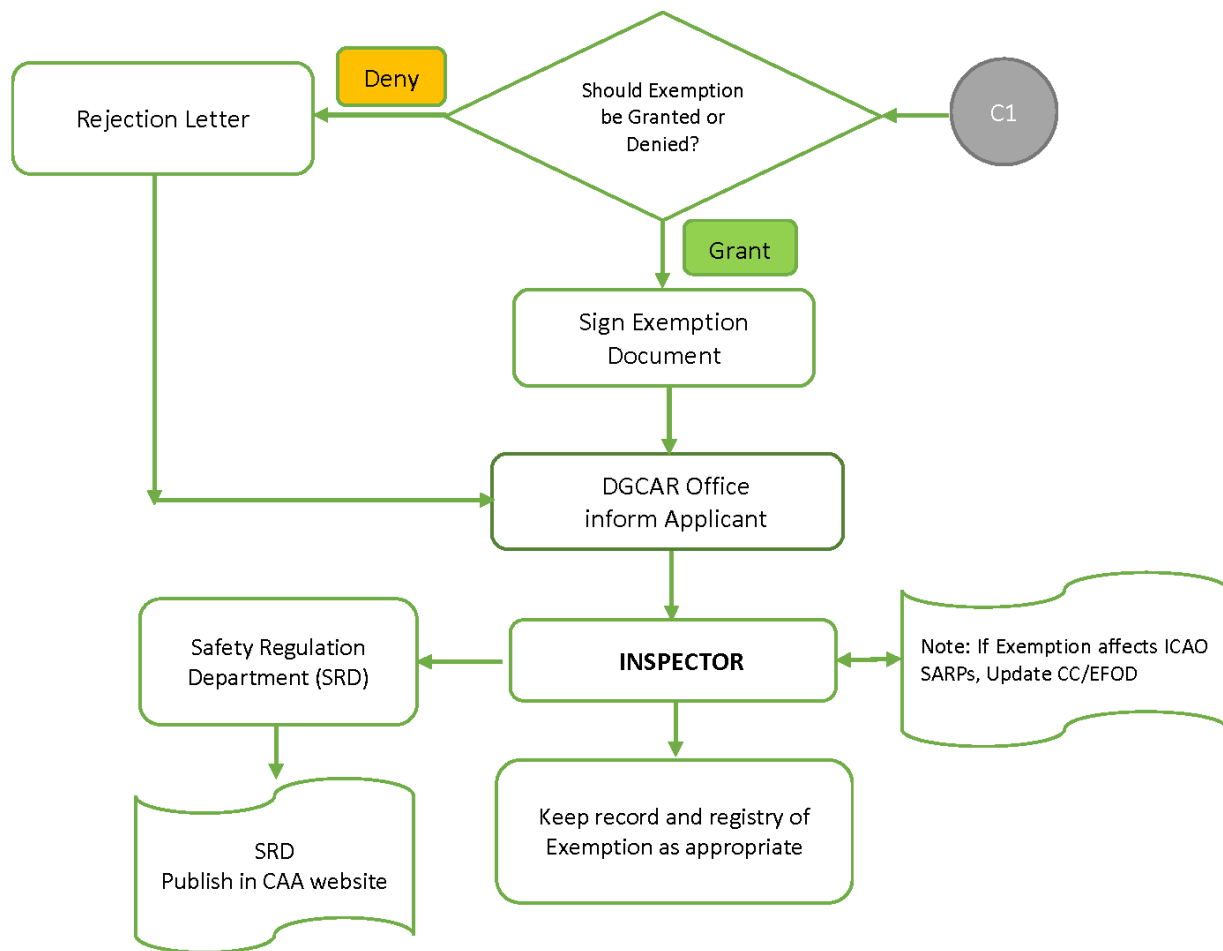
The below list and details describes to the applicant, how to submit correct information inside an application to DGCA. In addition, it is useful for the DGCA inspectors on how to validate such information:

- (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 CAA in that organisation in relation to the application. As CAA 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 CAA 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 CAA 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 CAA 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) CAA 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 or months (as relevant) for which the applicant requires the exemption to remain in effect.

Appendix 2 – Flowchart for Exemption Procedure within DGCA





Appendix 3 – Safety Risk Assessment Guidelines

Identify Hazards

When identifying hazards in this step, consider the system analysis. A hazard is a condition that could foreseeably cause or contribute to an aircraft accident. During the hazard identification step, hazards and each hazard's corresponding outcomes should specifically identified and documented. The hazard identification step considers all reasonably possible sources of hazards. Remember that elements in the system analysis may be sources of hazards. The primary hazard through the exemption procedure should be **“non-compliance with the applicable safety requirement which intended to be exempted”**

Safety Risk Analysis

The objective of this step is to determine the initial safety risk associated with the effects of each identified hazard. The safety risk associated with a hazard is the combination of the severity and the likelihood of the potential outcome(s) of the hazard. Where appropriate, existing controls are considered prior to safety risk determination. The safety risk of a hazard is the function of the severity and likelihood of the hazard's potential outcomes. The safety risk associated with the hazard must be determined and documented in terms of severity and likelihood. Regardless of which definitions/criteria are used, this step includes the following common characteristics:

- (a) **Likelihood** is the estimated probability or frequency, in quantitative or qualitative terms, of the outcome(s) associated with a hazard. It is an expression of how often an outcome of a hazard is predicted to occur in the future. When sufficient empirical data exists, statistical probabilities should be used. The likelihood levels are defined as illustrated in the table 1, classification of safety risk likelihood.

TABLE 1 - classification of safety risk likelihood

Likelihood	Meaning	Value
Frequent	Likely to occur many times (has occurred frequently)	5
Occasional	Likely to occur sometimes (has occurred infrequently)	4
Remote	Unlikely to occur, but possible (has occurred rarely)	3
Improbable	Very unlikely to occur (not known to have occurred)	2
Extremely improbable	Almost inconceivable that the event will occur	1

- (b) **Severity** is the potential consequence or impact of a hazard in terms of degree of loss or harm. It is a prediction of how bad the outcome of a hazard can be. There may be many outcomes associated with a given hazard, and the severity should be determined for each outcome.

TABLE 2 - classification of safety risk severity

Severity	Meaning	Value
Catastrophic	<p>Results in loss of life or destruction of equipment</p> <ul style="list-style-type: none"> • Necessitates a significant change to and/or revocation of portions of CAA program or system objectives • Equipment destroyed / multiple fatalities • Results in fatalities and/or loss of the system <p>Personnel: Fatal injuries to personnel or passengers. Public exposed to life threatening hazard.</p> <p>Operations: Operational delay grounding all operating certificates for the subject aircraft/ engine/ major component. Removal of the operating certificate for subject aircraft/engine/major component or airline.</p> <p>Equipment: Loss of aircraft.</p> <p>Environment: Large uncontained release that kills and threatens lives of humans and the habitat with irreversible effects lasting for more than 50 years.</p> <p>Media attention: Media attention having severe repercussion for the Minister, and/or public servants.</p> <p>Public confidence: Public demonstrations organized against the Crown.</p>	A
Major	<p>Results in serious injury to persons or major equipment damage</p> <ul style="list-style-type: none"> • Necessitates modifications to CAA program or system objectives • Major damages to equipment / Serious injuries / large reduction in safety margins / Physical distress or excessive workload such that the operation cannot be conducted safely, accurately or completely • Severe injury and/or major system damage <p>Personnel: Disability or severe injuries. Crew extended because of workload or environmental conditions.</p> <p>Operations: Operational delay grounding air operator's fleet. May result in a large reduction in safety margins.</p> <p>Equipment: Technical delay grounding aircraft fleet causing substantial costs and long delays to return the aircraft to service.</p> <p>Environment: Moderate uncontained release that kills and/or threatens lives of humans and the habitat with effects lasting up to 30 years.</p> <p>Media attention: Media attention that initiates legal action against the Crown and/or public servants, Parliamentary debate.</p> <p>Public confidence: Decreased; significant reduction in travelling public flying on a particular aircraft type or airline.</p>	B
Moderate	<p>Results in injury to persons or failure of significant operational processes or systems</p> <ul style="list-style-type: none"> • Significant questioning of CAA program or system objectives • Injuries to persons / Serious incident / Significant reduction in safety margins / Reduction in the capacity to cope with adverse operating conditions / Increase in workload <p>Personnel: Lost time injury or passenger injuries (i.e. broken bone), no disability. Difficult for crew to cope with adverse conditions.</p> <p>Operations: Operational delay requiring grounding of an aircraft and causing the</p>	C

	<p>operator substantial costs. May result in significant reduction in safety margins.</p> <p>Equipment: Technical delay requiring grounding of an aircraft and causing the operator relatively substantial costs.</p> <p>Environment: Small uncontained release that threatens lives of humans and the habitat with effects lasting up to 15 years</p> <p>Media attention: Media attention that elevates occurrence to High profile status requiring Minister's action and/or results in Parliamentary debates.</p> <p>Public confidence: Significantly lowered with high profile media coverage</p>	
Minor	<p>Affects normal operating procedures or performance</p> <ul style="list-style-type: none"> Minimal questioning of CAA program or system objectives Nuisance / Operating limitations / Use of emergency procedures / Minor incident Minor injury and/or Minor system damage <p>Personnel: First aid injury, no disability or lost time.</p> <p>Operations: May result in operating limitations, or emergency procedures; operational delay incurring relatively minimal costs.</p> <p>Equipment: Technical delay requiring grounding of aircraft and causing the operator to incur relatively minimal costs.</p> <p>Environment: Contained release that may reduce the quality of life of humans and the habitat. Full recovery period will be less than 5 years</p> <p>Media attention: Media attention that requires Briefing and/or Question Period notes and Minister's attention.</p> <p>Public confidence: May be lowered, but public accepts situation.</p>	D
Negligible	<p>No significant impact to operational safety</p> <ul style="list-style-type: none"> Little to no impact on CAA program or system objectives Less than minor injury and/or less than minor system damage <p>Personnel: No injuries.</p> <p>Operations: Minor operational delay with no immediate costs.</p> <p>Equipment: No damage or minor technical delay with no immediate costs.</p> <p>Environment: Minor contained release that does not significantly threaten the quality of life of humans and/or the habitat.</p> <p>Media attention: No media attention.</p> <p>Public confidence: No loss of public confidence.</p>	E

In general, the SRM Team or the CAA inspector(s) should limit assumptions as much as practical. If any assumptions are made, the assumptions and their rationale must be documented.

Any known limitations of the safety risk analysis should be described. Limitations may also include the margin of error of the analysis if it can be calculated.

Safety risk assessment

In this step, each hazard's associated safety risk is assessed against the risk acceptance criteria identified in the safety risk acceptance plan and plotted on a risk matrix based on the severity and likelihood of the outcome. The objective of this step is to determine the safety risk level acceptability. The safety risk matrix provides a visual depiction of the safety risk and enables prioritization in the control of the hazards. The table 3 provides risk matrices to be used in this step of the process in the state level, in other words, the tolerability of safety risks in an aggregate level, may be different in the service providers level.

If a hazard's associated safety risk and/or safety risk controls only affect the service providers activity, the expert(s) and/or the CAA inspector(s) can use the existing safety risk assessment methodology, and it does not have to translate its assessment into the risk matrix in this procedure. The safety risk associated with a hazard is the combination of the likelihood and the severity of the potential outcome(s) of the hazard. Where appropriate, existing controls should be considered prior to safety risk determination.

table 3 – safety risk tolerability matrix

Risk Probability	Risk Severity				
	Catastrophic A	Hazardous B	Major C	Minor D	Negligible E
Frequent (5)	5A	5B	5C	5D	5E
Occasional (4)	4A	4B	4C	4D	4E
Remote (3)	3A	3B	3C	3D	3E
Improbable (2)	2A	2B	2C	2D	2E
Extremely Improbable (1)	1A	1B	1C	1D	1E

Safety Risk Control

Additional safety risk controls (to reduce the safety risk to a level acceptable to the decision maker) may need to be designed/developed and evaluated by the team or individual conducting the assessment (CAA Inspectors).

The analysis is conducted to predict the residual safety risk as if the proposed controls had been put in place. The prediction of the residual safety risk is assessed to determine if the safety risk acceptance criteria are met. Based on the risk assessment, appropriate mitigation measures shall be taken to eliminate or reduce the level of risks associated with hazards to an acceptable level.

TABLE 4 - risk tolerability notes

Category	Tolerability	Explanation
High	Intolerable	The risk is unacceptable and operations should not take place until sufficient major risk mitigating measures have been implemented to reduce risk to an acceptable level.
Medium	Tolerable	The risk is of concern and risk mitigating measures should be put in place to reduce the level of risk to as low as reasonably practicable. Where further risk reduction / mitigation is not practicable or viable, the risk may be accepted, provided endorsement is given by the management.
Low	Acceptable	The risk is considered acceptable. No further action is required.

Typical risk mitigation measures include:

- (a) cancelling the operation or activity because the risks exceed the benefits of continuing;
- (b) reducing the frequency of the operation or activity; and
- (c) acting to reduce likelihood/ severity of the risk(s) by enhancing existing defences or introducing new defences.

Safety Risk Acceptance

Once the assessment is complete and the findings and alternatives/proposals for safety risk mitigations/controls are documented, the results are delivered to the appropriate management official within the service provider and/or the CAA. If multiple teams will accept the safety risk and these experts or inspectors cannot agree on which severity and likelihood definitions to use, the definitions and risk matrices documented in this procedure should be considered for use, as appropriate, or advice from the DGCAR should be sought to resolve differences.

When an individual or organization accepts safety risk, it does not mean that the safety risk is eliminated. Some safety risk remains; however, the individual or organization has determined that the prediction of the residual safety risk is acceptable. By accepting risk, the management official is deciding to authorize the operation without additional mitigation at the present time. Each service provider to which this procedure is applicable must establish the levels of management that can accept safety risk based on the severity and likelihood. In order for the operation to be implemented, when the responsibility for managing the safety risk spans across more than one area, the residual safety risk must be accepted by the appropriate management official in each affected area. Accepting risk is a management decision. This policy does not compel a management official to accept risk, nor does it require CAA to circumvent their existing risk acceptance criteria or safety standards.

Attachment 1 – Forms

The latest revision of the “DGCAR Application for Exemption” and other related forms can be downloaded from the CAA website (<https://www.caa.gov.om/regulations>).