



ADVISORY CIRCULAR

CAA-AC- AGA205
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EXEMPTION PROCEDURE FOR NON-COMPLIANCES AT AERODROMES

1. INTRODUCTION

An Aerodrome operator is expected to comply with the requirements laid down in the Civil Aviation (Aerodromes) Regulations.

There may be some circumstances where compliance of requirement have not been followed at an existing aerodrome because of physical constraints and whereby some facilities had been provided as per the regulations but continued to be in operation.

Similarly there may be situation where compliance is not possible also for a new aerodrome due to physical constraints. These situations require regulatory authorities to have procedures for accepting cases for non-compliance in respect of an aerodrome being issued with a certificate/license.

This Advisory Circular (AC) is issued in accordance with the provisions contained in Part XVII of the Civil Aviation (Aerodromes) Regulations - EXEMPTIONS and stipulates the procedures for application and grant of exemptions for non-compliance of requirements.

2. PURPOSE

The purpose of this AC is to harmonise the procedure for certifying or licensing an aerodrome which do not conform to all the specifications contained in the Civil Aviation (Aerodromes) regulations and are required to be complied for certifying or licensing of aerodromes.

When non-compliances are present, the effects on safety need to be analysed and compensatory measures and/or limitations on its use to mitigate any non-compliances has to be established. The harmonisation of this aspect of the certification/licensing process is therefore important for ensuring safety. The need for an aeronautical study for granting exemptions is recognized by ICAO and contained in Annex 14 as well as in the Safety Management Manual as Safety Assessment Process.

The ultimate goal is to require the non-compliances to be corrected and to deal with the situations where this is not possible, either due to physical constraints like terrain etc.,

3. NON-COMPLIANCES

3.1 Non-compliances are primarily related to the following aspects at the aerodrome for which some examples are given below:

Facilities and equipment

- Visual and non-visual aids.
- Obstacles on the strip and the obstacle limitation surfaces i.e. approach, departure and transitional surfaces.
- Strip areas - dimensions and quality. Inadequate runway strip with, inadequate taxiway width and lack of fillets
- Runway End Safety Areas
- Inadequate runway – taxiway separation distances.
- Landing systems.
- Rescue and Fire-Fighting vehicles and equipment.
- Services and Operational Procedures
- Rescue and fire-fighting services

3.2 Categories of Exemptions

Exemptions for non-compliance shall be:

(i) **Temporary Exemptions:** where the non-compliance is expected to be removed and inter operability is the predominant aspect of the requirement, such as mandatory signs, availability of runway strip etc.

(ii) **Permanent Exemptions:** where non-compliance is not reasonably, be removed and interoperability is not the predominant aspect of the requirement, such as the infringement of high ground into an obstacle limitation surface etc.

4. PROCEDURES FOR SEEKING EXEMPTIONS

4.1 The aerodrome operator shall submit separate applications for each non-compliance on the prescribed form for seeking exemption (shown in Appendix I).

4.2 The application for exemption shall be supported with the reasons for noncompliance, safety assessment reports, means of mitigation and indication as to when compliance can be expected.

4.3 An application for a standard exemption includes:

- (i) the applicant's name and address. Name of aerodrome where exemption is being sought. (Aerodrome license/certificate number to be quoted if already issued)
- (ii) the relevant provisions of Civil Aviation (Aerodromes) Regulations and Manual of Aerodrome Standards for which the exemption is sought.

- (iii) the category under which exemption sought (temporary/ permanent) and justifiable reasons why the applicant needs the exemption. The reasons provided should be detailed and self-explanatory.
- (iv) the period for which the exemption is required.
- (v) whether the exemption will affect a particular kind of operation, the details thereof;
- (vi) 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.
- (vii) In case of permanent exemption is sought, the applicant has to indicate the mitigation measures adopted to reduce the risk arising due to non-compliance after carrying out a safety assessment.
- (viii) undertaking by the licensee 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 or aerodrome development is proposed

4.3 The applicant should provide adequate information in the prescribed proforma for consideration of granting exemptions with supporting documents. Failure to provide adequate information may delay processing/refusing of the application.

4.4 DSSER after examining the applications for exemptions may exempt, in writing, an aerodrome operator from complying with specific provisions of the regulations and may impose conditions for such exemptions to ensure the safety and regularity of aircraft operation.

4.5 On approval of the exemption, it shall be included in the aerodrome manual and in AIP.

4.6 On removal of the exemption the license or certificate holder shall notify the same to DSSER and after approval of DSSER, the same shall be deleted from aerodrome manual and the AIP.

4.7 The exemption granted shall be reviewed during renewal of the license or certificate.




Director Safety, Security and Economic Regulation

APPENDIX – I

APPLICATION FOR SEEKING EXEMPTION

(In duplicate)

1. DETAILS OF APPLICANT

1.1 Name of Aerodrome

1.2 License Number

1.3 Full name of applicant (in capital letters)

2. DETAILS OF EXEMPTION SOUGHT

2.1 Relevant provisions of the Aerodrome Regulation / procedures for which exemption is sought.....

2.2 The category under which exemption sought (TEMPORARY/ PERMANENT)

2.3 Reasons why the exemption is needed.
(The reasons provided should be detailed and self explanatory)

2.4 Period for which exemption is required.....

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

2.6 for temporary exemption, the action plan for rectification and review of noncompliance including the mitigation measures adopted for ensuring the safety during the exemption period.

2.7 for permanent exemption, the mitigation measures adopted to ensure safety of aircraft operation. Complete safety assessment report shall be enclosed.

I hereby certify that the forgoing information is correct in every respect and no relevant information has been withheld. I also undertake the responsibility for annually reviewing the conditions or mitigation measures and any other resultant non-compliance in particular when any significant changes in the aerodrome activity and development are proposed.

SIGNATURE OF APPLICANT

DATE.....

NAME.....

(in capital letters)

POSITION

HELD.....

(with official stamp)

Note: i) It is an offence to make any false representation with the intent to deceive, for the purpose of procuring exemption

ii) Application not completed in all respect and not accompanied with relevant enclosures is likely to be rejected.