



Advisory Circular CAA-AC-GEN017 November 2022

PROCEDURE FOR EVALUATION AND PROCESSING OF EXEMPTIONS

1.0 PURPOSE

This Advisory Circular (AC) is issued to provide information and guidance to the industry for fulfilment of regulatory requirements that relate to request for exemption from a specific requirement of the Uganda Civil Aviation Regulations (UCARs).

2.0 REFERENCES

- a. The Civil Aviation Regulations as amended.

3.0 GENERAL

Any applicant who intend to apply for an exemption for any provision for any provision of Civil Aviation Regulation, should apply in writing or by filling the application for Exemption, Exception, Prolonged extension and variation.

An exemption shall be granted for a period prescribed by the Authority and the applicant shall endeavour to comply with regulatory requirement at the end of such period unless it is otherwise prescribed.

An application for an exemption must contain the following:

- a. a citation of the specific requirement from which the applicant seeks exemption.
- b. an explanation why the exemption is needed.
- c. a description of the types of operations to be conducted under the proposed exemption;
- d. the proposed duration of the exemption;
- e. an explanation on how the exemption would affect significant population of the aviation community where applicable;
- f. a detailed description of alternative means by which the applicant will ensure a level of safety equivalent established by the regulation in question;
- g. a review of known safety concerns that arise from granting the proposed exemption.
- h. must be accompanied by safety risk assessment.
- i. where the applicant seeks to operate under the proposed exemption outside Uganda Airspace the applicant must indicate whether exemption would contravene any

provisions of the ICAO SARP's as well as the regulation pertaining to the airspace the operations will occur.

Where the applicant seeks emergency processing, the application must contain supporting facts and reasons that the application was not timely filed, and the reasons as to why it is an emergency.

4.0 APPLICABLE PROCEDURE FOR EVALUATING AND GRANTING EXEMPTIONS

4.1 Step 1. Application and Evaluation

The application will be made in the prescribed form AC-GEN015 or equivalent acceptable format containing all the relevant information required by the regulation. If the application package does not contain all the required documents and is not in the acceptable format; the application will be referred back to the applicant for relevant action before it can be resubmitted.

If the application is in the acceptable format and contains all the necessary documentation to enable its processing, it will be proceeding to the next step.

4.2 Step 2. Evaluation of Safety Implications

The applications will be evaluated for any safety concerns/implications that may arise from granting the exemption. If it is determined that by granting the exemption no safety concerns will arise, the evaluation process will proceed to Step 4 for legal evaluation.

If it is determined that by granting the exception there will be safety concerns the application will proceed to Step 3.

4.3 Step 3. Risk Analysis and Mitigation Measure Evaluation

Where it is determined that there will exist safety concerns if the application is granted a thorough evaluation of the applicant's risk analysis and mitigation measures will be conducted. If the risks are not tolerable and/or the mitigation measures inadequate for the identified risks, then the application will be rejected and the applicant notified of the decision.

If the risks are tolerable and/or the mitigation measures sufficient for the identified risks the application will proceed to Step 4.

4.4 Step 4. Legal evaluation

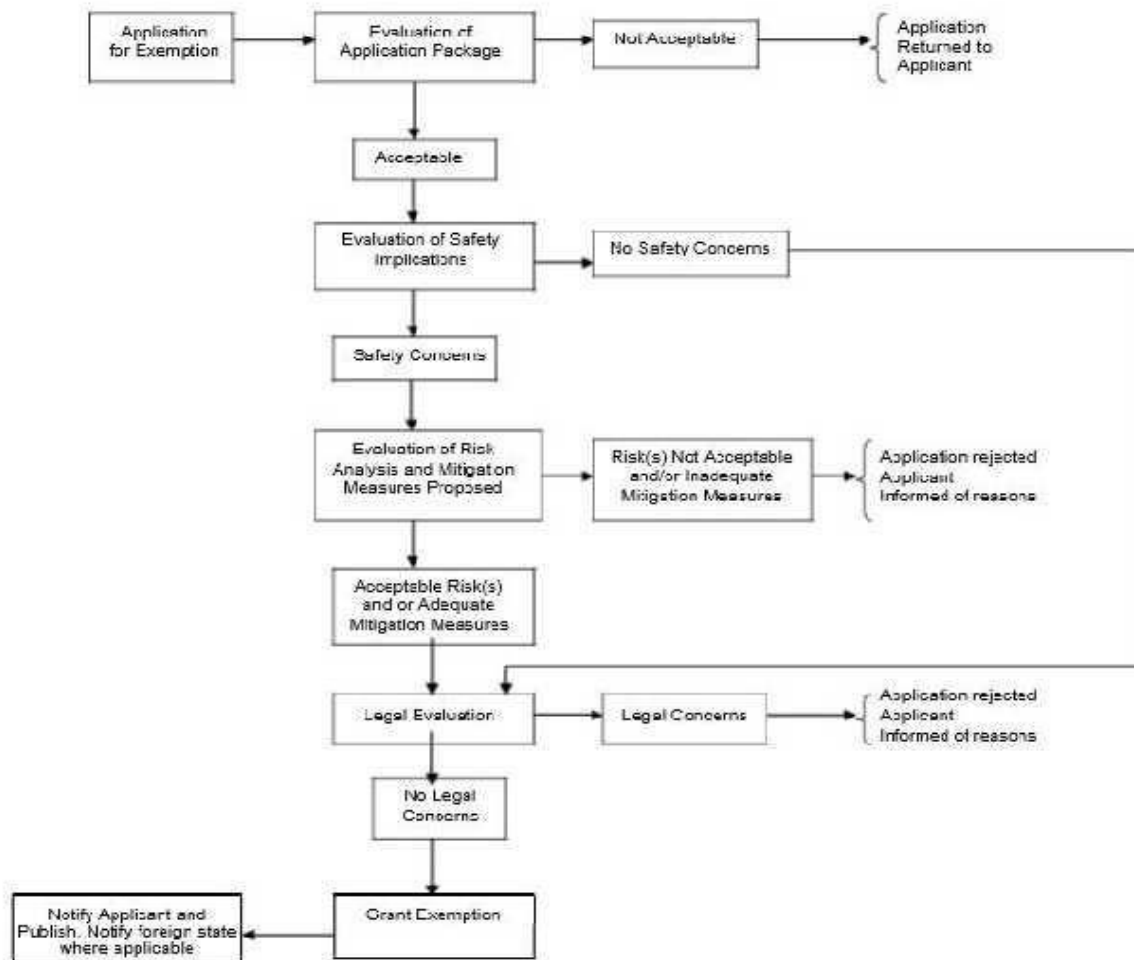
Where the applicant has satisfactorily demonstrated that the risks are tolerable and/or adequate mitigation has been provided the application will be assessed for legal implication and where necessary proceed for legal evaluation. The legal implications of granting the exemption will be evaluated by the authority legal section. Where there are legal grounds to reject the application then the application will be rejected and the applicant notified of the same. Where the legal evaluation reveals that there are no legal

implications to the Authority or State in granting the exemption then the exemption will be granted.

Where the exemption affects a significant population of the aviation community of the republic of Uganda the Authority shall publish the summary in Aeronautical Information Circular and Uganda Civil Aviation website.

Where the applicant operates under the granted exemption outside Uganda Airspace, the Authority shall notify states on whose airspace the operations will occur.

5.0 FLOW CHAT OF THE EXEMPTION EVALUATION AND APPROVAL PROCESS



[Signature]
Uganda Civil Aviation Authority

APPENDIX I- EXEMPTION REQUEST FORM

To be completed by the application accompanied by all relevant documents)

A. PARTICULARS OF THE APPLICANT:

Name of the Organization_____

Mailing Address_____

PhysicalAddress_____

Tel:_____ Email_____

Contact Person_____

Contactdetails_____

B. PARTICULARS OF REQUEST:

An explanation of why the exemption is needed

C. CIVIL AVITION REGULATIONS PROVISION(S):

Citation of specific requirement from which the applicant seeks exemption

D. TYPE OF OPERATIONS

A description of the type of operations to be conducted under the proposed exemption.

E. DURATION

The proposed duration of the exemption

F. PUBLIC INTEREST

(a) An explanation of how the exemption shall benefit the public.

(b) What factors were considered in the determination of Public Interest? Identify criteria:

E. AVIATION SAFETY

Detailed description of the alternative means to ensure a level of safety equivalent to that established by the regulation in question.

F. KNOWN SAFETY CONCERNS

A review and discussion of any known safety concern with the requirement, including information about any relevant accident or incidents of which the applicant is aware.

G. FILE ATTACHMENTS:

- i. Letter of Request;
- ii. All pertinent documents in support of the exemption application and
- iii. Proof of payment of fee prescribed by the authority

Name of Authorized person:

Signature:

Designation:

Date: