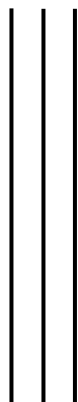




CIVIL AVIATION AUTHORITY OF NEPAL
ANS SAFETY STANDARDS DEPARTMENT



PROCEDURE FOR PROCESSING OF EXEMPTIONS
BY ANSSSD, CAAN

MARCH 2022

Record of amendments and corrigenda


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FOREWORD

This Procedure for Processing of Exemptions by ANSSSD, CAAN, first Edition, March 2022 has been issued by the Director General, Civil Aviation Authority of Nepal, using his authority vested in him pursuant to Rule 82 of Civil Aviation Regulation, 2058 BS (2002 AD).

This Procedure contains the guidelines for the inspectors under different Inspectorates of ANSSSD to process applications for exemptions using a consistent and standardized methods. It is not the purpose of this procedure to be used to avoid or ease the compliances to the provision of Requirements for convenience purposes. It shall be noted that granting exemptions shall be applicable for a limited period of time. Exemptions may be granted subject to specific conditions or restrictions as deemed appropriate by CAAN to ensure an equivalent level of safety.

This is a controlled document and is subject to periodic review. Air Navigation Services Safety Standards Department shall maintain this document as complete, accurate and updated as possible. Comments and recommendations for revision/amendment action to this publication should be forwarded to the Director of ANS Safety Standards Department.


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Er. Pradeep Adhikari
Director General
Civil Aviation Authority of Nepal

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CHAPTER 1 INTRODUCTION

1.1 Purpose

The procedures described herein provide guidelines for use by ANSSSD inspectors when processing applications for exemptions. The procedures describe the processes to be used for processing and granting of applications using a consistent and standardized method which ensures exemptions from regulatory requirements when granted, do not result in safety being compromised.

1.2 General procedure

- 1.2.1 Before the granting of an exemption by the Director General, the formal process of evaluation and adjudication of the application shall be carried out in accordance with these procedures.
- 1.2.2 ANSSSD inspectors, when processing an application from an ANS provider, shall ensure that an alternative means of compliance with the ANS-related safety requirements has been established by the applicant through a risk management process that provides for necessary mitigations.
- 1.2.3 An exemption issued to an ANS provider shall continue to be valid until its expiry date. However, when circumstances so demand (e.g. new civil aviation standards and/or systems such as introduction of new CNS/ATM systems), the exemption may be reviewed as necessary.
- 1.2.4 Where an exemption has been granted, the concerned service provider shall endeavour to comply with the regulatory requirements prior to the expiry of the exemption. ANSSSD shall therefore, monitor to ensure that the ANS provider, is putting the necessary systems and processes in place towards achieving full compliance.

CHAPTER 2 PROCEDURES FOR PROCESSING AND GRANTING OF EXEMPTIONS

2.1 Step 1: Application and initial evaluation

- 2.1.1 An application for an exemption from an ANS-related requirements shall be made using a form as prescribed Appendix B- Part I. The applicant shall complete the form as prescribed in Appendix B, Part I and shall provide all the relevant information.
- 2.1.2 An evaluation of the application shall be carried out using form prescribed by CAAN. The officer conducting an initial evaluation of the application shall complete the form as prescribed in Appendix B, Part II, Section 2.1, Step 1.
- 2.1.3 If an application does not contain all the required information, or if it is not submitted in the prescribed format, ANSSSD shall refer the application back to the applicant with instructions on the relevant action required before the application can be re-submitted.
- 2.1.4 If the application contains all the required information and is submitted in the prescribed format, ANSSSD shall accept the application for evaluation under Step 2 of Appendix B, Part II, and Section 2.1.

2.2 Step 2: Evaluation of Risk analysis and mitigation measures

- 2.2.1 Where ANSSSD has determined that by granting the exemptions there shall be safety implications and/or concerns, a thorough evaluation of the applicant's risk analysis and the proposed mitigation measures shall be conducted. The officer conducting the evaluation of the applicants risk analysis and proposed mitigations shall complete prescribed form of Appendix B Part II, Section 2.2, Step 2.
- 2.2.2 If the results of the analysis show that the identified risks are not tolerable and/or the proposed mitigation measures are inadequate, the application shall be rejected and the applicant shall be notified of the decision.
- 2.2.3 If the results of the analysis show that the identified risks are tolerable and/or the proposed mitigation measures adequately address the risks, the application shall proceed to Step 3 Appendix B, Part II, Section 2.7 for legal evaluation.

2.3 Step 3: Legal evaluation

- 2.3.1 Where the applicant has satisfactorily demonstrated that the risks are tolerable and/or the proposed mitigation measures are adequate, legal evaluation of the application shall be undertaken. The Legal officer conducting legal evaluation shall complete the prescribed form as mentioned in Appendix B Part-II, Section 2.7, Step 3.
- 2.3.2 During this step, the legal implications of granting the exemption shall be evaluated by the CAAN Legal department. Where there are legal grounds to reject the application, the application shall be rejected and the applicant shall be notified giving reasons for the rejection.
- 2.3.3 Where the results of the legal evaluation show that by granting the exemption, there shall be no legal implications to either the CAAN or to the State, a recommendation shall be given for the exemption to be granted.

2.4 Recommendations

- 2.4.1 The officer assigned by the ANSSSD Director shall following completions of the Steps 1 to 3 of Appendix B Part-II, make appropriate recommendations by completing the prescribed form of Appendix B Part II Section 2.3 and submit the completed Form to the ANSSSD Director.
- 2.4.2 The ANSSSD Director, shall following receipt of the form, ensure that Appendix B, Part II of the form has been duly completed during the evaluation and approval processes as outlined in this document. The Director shall thereafter, make appropriate recommendations by completing Appendix B, Part II, Section 2.4 of the Form and shall submit the Form to the Director General through the Deputy Director General of Aviation Safety and Security Regulation Directorate for consideration.

2.5 Grant/Refusal of an application for exemption

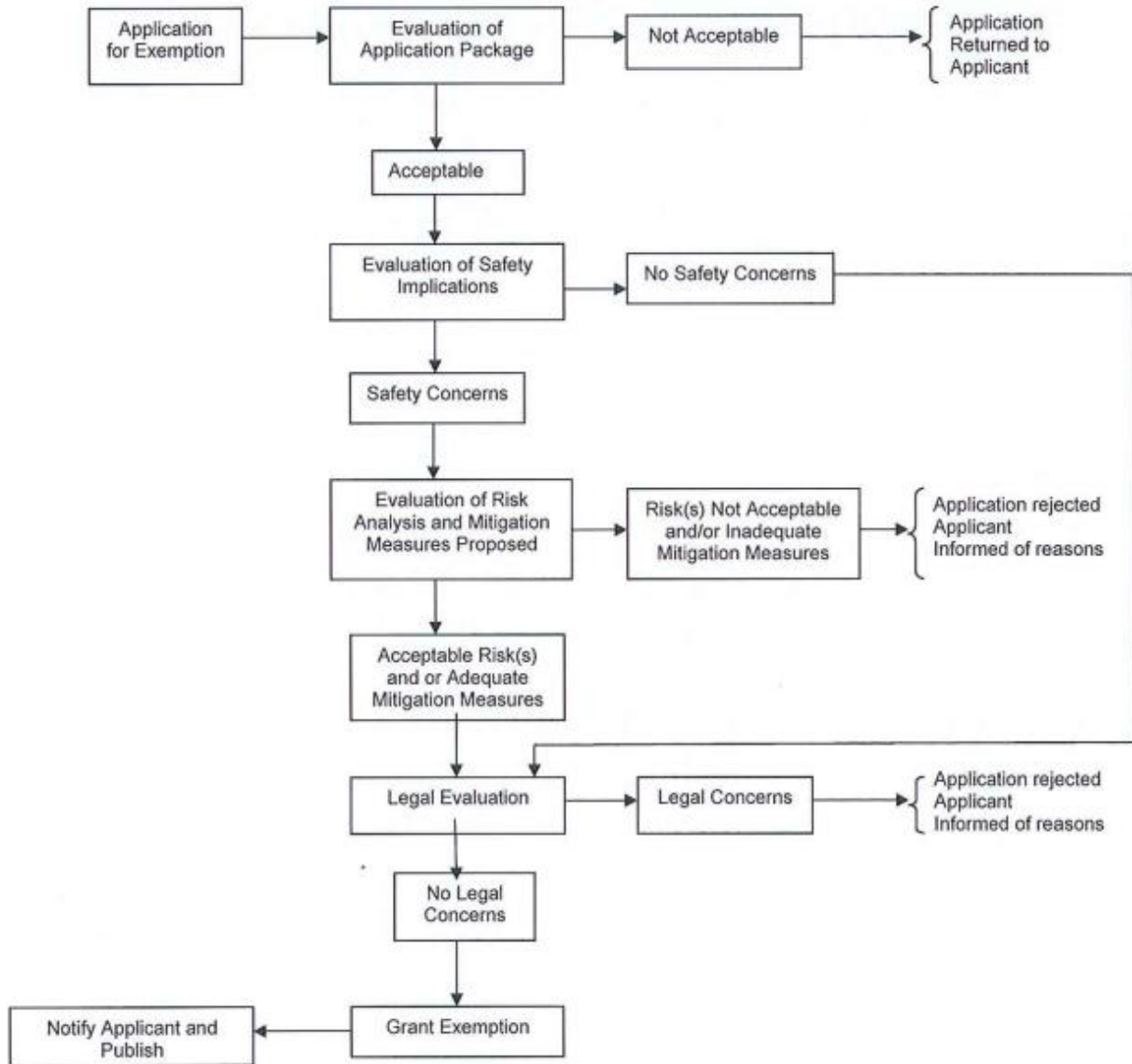
The Director General shall grant an exemption following the successful completion of Steps 1 to 3 of Appendix B based on the recommendations received. The Director General shall complete and sign Appendix B, Part II, Section 2.6 of the prescribed form accordingly. Where the application has been denied, the applicant shall be informed giving reasons for the denial.

2.6 Publishing of the exemption

Where the application is granted, the Director General shall ensure the exemption, is published as appropriate through an Aeronautical Information Circular, and where applicable, endorse such exemption in the service provider's certificate or approval.

APPENDIX A- Flow Chart for Approval of Exemptions

The flow chart describing the evaluation and approval process is described below.



APPENDIX B FORM FOR APPLICATION, EVALUATION AND APPROVAL OF EXEMPTION

PART I (TO BE COMPLETED BY THE APPLICANT)

1. PARTICULARS OF THE APPLICANT

1.1 Request made by :

1.2 Organization/Service Provider:

1.3 Telephone number :

1.4 E-mail address :

2. PARTICULARS OF THE REQUESTED EXEMPTION

Details of regulatory requirement (CAR/MOS)		Details of Request (include reasons for the request and duration of the Exemption)	Safety Risk Assessment Done		Alternative means of compliance / mitigations proposed	
Reference No	Details of regulation		Yes (Attach report)	No	YES	NO

3. SAFETY FACTORS CONSIDERED

- a.....
- b.....
- c.....

4. DETAILS OF PROPOSED ALTERNATIVE MEANS OF COMPLIANCE/MITIGATIONS

- 1)
- 2)
- 3)

5. DOCUMENTS ATTACHED

- 1)
- 2)
- 3)

6. DECLARATION BY THE APPLICANT

The applicant hereby declares that the information provided in this application is correct and that no relevant information has been withheld.

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Signature:

Date:

PART II: (FOR USE BY THE ANSSSD)

1. TO BE COMPLETED BY THE DIRECTOR, ANSSSD

Received by (Name):	Signature:	Date:
Inspector assigned for assessment:		
Remarks by the Director ANSSSD:		

2. EXEMPTION APPROVAL CHECKLIST(TO BE COMPLETED BY EVALUATING OFFICERS)

<p>Assessment Code:</p> <p>S – Satisfactory</p> <p>N/S- Not Satisfactory</p> <p>N/A – Not Applicable</p>

2.1 STEP 1: INITIAL EVALUATION OF APPLICATION (To be completed by inspector assigned by the Director ANSSSD)

No	Compliance Question	S	N/S	N/A	Remarks
1.	Has the application been submitted using the prescribed Form?				
2.	Has the applicant completed all the relevant Sections in Part A?				

3.	Has the applicant specified the specific regulations/standards from which the exemption is sought?				
4.	Has the applicant clearly specified the details of the exemption sought?				
5.	Do the details include the reasons why the exemption is sought?				
6.	Do the details include the duration of the exemption?				
7.	Has the applicant clearly indicated the factors considered in making the request?				
8.	Do the factors include safety consideration?				
9.	Has the applicant proposed alternative means of compliance with regulatory requirements including mitigation measures to ensure safety is not compromised?				
10.	Has the applicant submitted all relevant documents to support the application?				

PROCEDURE FOR PROCESSING OF EXEMPTIONS

11.	Is the application for exemption submitted as part of an application of an approval?				
12.	Are there any known safety concerns that are yet to be addressed by the applicant?				

Recommendations:

.....

Evaluated by:

Date:

Signature:

2.2 STEP 2: EVALUATION OF RISK ASSESSMENT AND PROPOSED MITIGATIONS(To be completed by the assigned inspector)

No	Compliance Question	S	N/S	N/A	Remarks
1.	Has the risk assessment been done using appropriate risk management tools?				
2.	Is the risk assessment done by the applicant adequate for all the risks identified for this exemption application?				
3.	Are the proposed alternative means of compliance, including the proposed mitigations appropriate for the management of the risks assessed?				
<p>Recommendations:</p> <p>.....</p> <p>.....</p> <p>.....</p> <p>.....</p> <p>.....</p> <p>.....</p>					
<p>Evaluated by:</p>					

No	Compliance Question	S	N/S	N/A	Remarks
<p>Date:</p> <p>Signature:</p>					

2.3 RECOMMENDATIONS BY ASSIGNED INSPECTOR

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2.4 RECOMMENDATION BY ANSSSD DIRECTOR

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2.5 RECOMMENDATION BY DEPUTY DIRECTOR GENERAL, AVIATION SAFETY AND SECURITY REGULATION DIRECTORATE

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2.6 EXEMPTION APPROVAL/REJECTION BY THE DIRECTOR GENERAL

Exemption Granted/Denied:

Name:

Designation:

Date granted:/...../20....

Date of Expiry:/...../20....

Signature:

2.7 STEP 3: LEGAL EVALUATION (To be completed by the Legal Office)

No	Compliance Question	S	N/S	N/A	Remarks
1	If granted, shall this exemption infringe on any				

No	Compliance Question	S	N/S	N/A	Remarks
	other CAAN regulatory requirements?				
2	If granted, shall this exemption infringe on the provisions of any other laws of the State?				
3	Are there any other legal implications relative to this application?				
<p>Recommendations:</p> <p>.....</p> <p>.....</p> <p>.....</p> <p>.....</p> <p>.....</p> <p>.....</p>					