



Civil Aviation Authority of Nepal

Exemption Procedure for Non-compliances At Aerodromes

**Second Edition
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CIVIL AVIATION AUTHORITY OF NEPAL
BABAR MAHAL KATHMANDU

CIVIL AVIATION REQUIREMENTS 14 – I
Aerodromes - 002
(CAR AD – 002)

EFFECTIVE: FORTHWITH

Subject: Exemption Procedure for Non-compliances at Aerodromes.

1. INTRODUCTION

An Aerodrome certificate holder is expected to comply with the Rules laid down in the CAAN Airport Certificate Regulations (ACR) 2004 and Standards and Recommended Practices of Manual of Standards of Nepal (MASN), Volume I - Aerodrome Design and Operations. There may be some circumstances where compliance of requirement have not been followed at an existing aerodrome because of physical constraints and where the facility had been provided earlier as per old regulations and 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 CAAN to have procedures for accepting cases for non-compliance in respect of an aerodrome being issued with a certificate.

This CAR is issued under Rules 42 and in accordance with the provisions contained in Rule 35 of the CAAN ACR 2004. This CAR stipulates the procedures for application and grant of exemptions for non-compliance of Rules detailed in the CAAN ACR 2004 and SARPs of MASN, V-I and SMS Manual of Tribhuvan International Airport.

2. PURPOSE

The purpose of this CAR is to harmonize the procedure for certification of aerodromes which do not conform to all the specifications contained in the MASN V-I, Aerodrome Design and Operations and are required to be complied for certification of aerodromes.

When non-compliances are present, the effects on safety need to be analyzed and compensatory measures and/or limitations on its use to mitigate any non-compliance have to be established. The harmonization of this aspect of the certification process is therefore important for ensuring safety. The Rule 36 of CAAN ACR 2004 requires that an aeronautical study be conducted for granting exemptions from non-compliances to SARPs of MASN Volume I. This is recognized by ICAO Annex 14 Volume I, Aerodrome Design and Operations and also required by the ICAO 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.

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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.
- Meteorological equipment.

Services and operational procedures

- Rescue and fire-fighting services
- Meteorological services
- Low visibility procedures

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 PROCEDURE FOR SEEKING EXEMPTIONS

- 4.1 The aerodrome certificate holder shall submit separate application for each non-compliance in the prescribed proforma for seeking exemption (Appendix I).
- 4.2 The application for exemption shall be supported with the reasons for non-compliance, safety assessment reports, means of mitigation and indication as to when compliance can be expected.
- 4.3 An application for a standard exemption includes:
- 4.3.1 the applicant's name and address. Name of aerodrome where exemption is being sought. (Aerodrome certificate number to be quoted if already issued)
 - 4.3.2 the relevant provisions of Civil Aviation Requirements for which the exemption is sought.

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- 4.3.3 In case of exemption sort for non-compliance with the national legislation, regulation, standards and procedures, then an investigation report including the cost benefit analysis must be attached to the application for exemption. The investigation report, which is prepared by Aerodrome Committee(s), should include safety assessment report prepared in accordance with the CAAN Advisory Circular AD/AC – 002.
- 4.3.4 whether the exemption will affect a particular kind of operation, the details thereof.
- 4.3.5 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.
- 4.3.6 the period for which the exemption is required.
- 4.3.7 The action plan, short term within two months, medium term within one year and long term within three months, for rectification and review of non-compliance for temporary exemption, including the mitigation measures adopted for ensuring the safety during the exemption period
- 4.3.8 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 in accordance with the CAAN Advisory Circular AD/AC – 002.
- 4.3.9 undertaking by the certificate holder 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
- 4.4 The applicant should provide adequate information in the prescribed proforma for consideration for granting exemptions with supporting documents. Failure to provide adequate information may delay processing / refusal of the application.
- 4.5 The DG CAAN after examining the applications for exemptions may exempt, in writing, an aerodrome operator from complying with specific provisions of the MASN Volume - I and may impose conditions for such exemptions to ensure the safety and regularity of aircraft operation.
- 4.6 On approval of the exemption, it shall be included in the aerodrome manual and in AIP.
- 4.7 On removal of the exemption the certificate holder shall notify the same to the DG CAAN and after approval of DG CAAN, the same shall be deleted from Aerodrome manual and AIP.
- 4.8 The exemption granted shall be reviewed during renewal of the certificate.

Director General
Civil Aviation Authority of Nepal

APPLICATION FOR SEEKING EXEMPTION

(In duplicate)

1. DETAILS OF APPLICANT

- 1.1 Name of Aerodrome:
- 1.3 Airport Certificate Number:
- 1.4 Full name of applicant (in capital letters):

2. DETAILS OF EXEMPTION SOUGHT

- 2.1 Relevant provisions of CAAN ACR 2004 and MASN Volume - I 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 non-compliance, 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 seal)

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.