Civil Aviation Authority of Fiji

GUIDANCE MATERIAL

Procedure for Accepting Non-compliances at Aerodromes

Edition 2
27 August 2019

Published by:
Civil Aviation Authority of Fiji
Private Mail Bag, NAP 0354
Nadi International Airport
Fiji

www.caaf.org.fj

Copyright © 2019 CAAF

PREFACE

This Guidance Material (GM) is published by the Civil Aviation Authority of Fiji for purposes of promulgating supplementary material to that published in the Authority's Standards Documents.

This GM provides guidance to aerodrome operators and regulatory staff on requirements that will be used for accepting non-compliances raised against aerodrome standards. The procedure for accepting non-compliances at aerodromes is one mechanism that the CAAF uses to evaluate the aerodrome operators' application for exemptions due to non-compliance(s) at their aerodromes which could affect safety of aerodrome and aircraft operations.

This GM explains certain regulatory requirements by providing interpretive and explanatory material.

CIVIL AVIATION AUTHORITY OF FIJI
CHIEF EXECUTIVE

.....

Chief Executive
Civil Aviation Authority of Fiji

Table of Contents

1 Introduction 1

2 Purpose 2

3 Procedure for seeking exemptions 3

4 Processing of Exemptions 4

4.1 Applicant Responsibility 4

4.2 Processing Time 4

4.3 Decision 4

4.4 Validity 5

Appendix 1 - APPLICATION FOR EXEMPTION 6

1 Introduction

1.1 An Aerodrome Certificate or Registration Approval holder is obligated to comply with the CAAF Standards Document – Aerodromes (SD-AD). However, there may be circumstances where compliance with a standard is not able to be ensured. These situations require the Authority to have in place procedures for accepting non-compliances and subsequent issue of the aerodrome certificate or registration approval.

1.2 The ICAO PANS Aerodromes Doc 9981 section 2.3.6.2 stipulates that a *"State may accept a deviation on the basis of a safety assessment if permitted by the State's regulatory framework."*

1.3 The CAAF SD-AD Section 1.5 allows for the Authority to *exempt, in writing, an aerodrome operator from complying with specific provisions of the standards, either wholly or partially, subject to such conditions, if any, as may be specified in the Exemption*.

1.4 Before deciding to exempt an aerodrome operator, the Authority shall take into account all safety related aspects and the exemption shall be subject to the aerodrome operator complying with the conditions and procedures specified by the CAAF in the aerodrome certificate as being necessary in the interest of safety.

1.5 This guidance elaborates on section 1.5 of the SD-AD pertaining to the granting of exemptions.

2 Purpose

2.1 The purpose of this GM is to expand on the areas in which exemptions may be sort for non-compliances at aerodromes and the procedure to be followed by the aerodrome operator and the Authority when an exemption from any requirement of the SD – AD is sought. A request for exemption is a request to the Chief Executive of the CAAF to provide relief from a specified requirement in the Standards Document - Aerodrome.

2.2 When non-compliances are present, the effects on safety need to be analyzed and mitigating measures and/or limitations on its use to alleviate any non-compliance has to be established. The standardization and coordination of this aspect of the certification and registration approval process is therefore important for ensuring safety. The need for an aeronautical study/safety assessment for granting of exemptions is recognized by the ICAO in Annex 14 Volume 1 and section 1.5.4 of the SD – AD.

2.3 Section 1.5.4 of the SD-AD states that *"When an aerodrome does not meet the requirement of a standard, the aerodrome operator shall submit to the Authority an aeronautical study or safety assessment as appropriate, requesting an exemption from that standard. The Authority may determine, after assessing the submission, the conditions and procedures that are necessary to ensure a level of safety equivalent to that established by the relevant standard."*

2.4 Under section 1.5.4 of the SD-AD the CAAF may, if considered appropriate, grant an Exemption from a SD-AD standard, with appropriate conditions. Before granting an Exemption, the CAAF will consider whether an applicant's proposal provides a level of safety, or risk control, equivalent to that required by the existing standard. Aviation is a dynamic environment and individual circumstances vary, therefore the granting of a similar Exemption in the past is not justification for the granting of another Exemption. Each Exemption will be assessed on its own merits, with reference to the most up to date information. The ultimate goal is to require the non-compliances to be corrected and to deal with the situations where this is not possible at the time of certification/registration approval.

2.5 As long as the granting conditions are maintained, the validity of the certificate/registration approval is assured.

Note - Unavailability or downgrading of an infrastructure, facility or service, of a temporary nature, may not necessarily invalidate the certificate of an aerodrome.

2.6 During the period of validity of the certificate/registration approval, the Authority monitors the timely implementation of the corrective action plans within the Authority's surveillance programme.

3 Procedure for seeking exemptions

3.1 An application for exemption, via the appropriate form *'Application for Exemptions' (CA108)* should be submitted at least 90 days from the proposed exemption date and contain requirements stipulated in 3.2.

3.2 An application for an exemption from a standard/regulation shall include:

(a) the aerodrome operator's name and address;

(b) the specific requirement/standard/regulation from which the exemption is sought;

(c) A description of the type of operations to be conducted under the proposed exemption;

(d) the proposed duration of the exemption;

(e) An explanation as to why the exemption is needed (state the reason why compliance with the regulation/standard is not possible and the nature of the relief requested from it). *As this would also be stated in the Safety Assessment/Aeronautical Study, reference to the document and section can be made here*;

(f) An explanation of how the exemption would be in the public interest and will benefit the public as a whole;

(g) A review and discussion of any known safety concerns with the requirement including information about any relevant accidents or incidents, of which the operator is aware of, that occurred as a result of deviation from this requirement;

(h) A safety and risk assessment conducted by the applicant to identify possible risks and the risk level; this will be in the form of a *Safety Assessment Report/Aeronautical Study;*

(i) A detailed description of alternative means (conditions) by which the applicant will ensure a level of safety equivalent to that established by the regulation/standard in question and the risks identified in (g) above are mitigated*;*

(j) The action plan for rectification and review of the exemption, and

(k) an undertaking by the certificate or registration approval holder that the conditions or mitigation measures that will be implemented shall be reviewed on a regular basis.

4 Processing of Exemptions

4.1 Applicant Responsibility

4.1.1 The onus is on the applicant to provide a risk and evidence based justification as to why the CAAF should grant an Exemption. This applies regardless of what Exemptions an applicant may have been granted in the past. To be able to successfully assess an application, the CAAF requires the documentation and supporting evidence to clearly support the reasons for the Exemption request, including any proposed actions or conditions to maintain an appropriate level of safety. As such, applications should be accompanied by a safety and risk assessment, which will allow the CAAF to view proposals in context and should reduce the CAAF time spent analysing any associated risks. Failure to provide adequate information will result in a delay in the processing of the application while the CAAF seeks the information necessary for it to consider the application.

4.2 Processing Time

4.2.1 An Exemption goes through a robust and structured assessment by a number of CAAF personnel before it is presented to the Chief Executive. This assessment process takes time and must be planned with consideration for other CAAF work. Therefore an applicant should submit an Exemption application at least 90 days in advance. This will ensure the Exemption decision is received before the date it is required, and provides adequate time for the applicant to implement a fallback strategy if the Exemption is declined. The CAAF will consider an application inside this 90 day window, but there should be no expectation that a short-notice request will receive urgent or priority attention, particularly if the applicant has known about the situation for some time.

4.2.2 Failure to provide adequate information may delay processing or result in refusal of the application.

4.3 Decision

4.3.1 The Authority after assessing the application, may exempt, in writing, an aerodrome operator from complying with specific provisions of the Standards/Regulations and may impose conditions for such exemptions to ensure the safety and regularity of aircraft operation.

4.3.2 On issuance of the exemption, this shall be documented in the aerodrome manual, the Fiji AIP, on the aviation document (aerodrome certificate/registration approval) and published on the CAAF website.

4.4 Validity

4.4.1 All exemptions granted shall be reviewed during the renewal of the certificate or registration approval audit.

4.4.2 The aerodrome operator shall comply with conditions specified in the Exemption.

4.4.3 The validity of any Exemption is dependent on the operator complying with any condition that the Authority specifies in the Exemption as being necessary in the interests of safety of air navigation.

4.4.4 Once there is no longer a requirement to maintain the exemption, due to the operator having met compliance with the standard/regulation, the Authority shall be notified. Following this notification, the aerodrome manual, AIP Fiji, aviation document (aerodrome certificate/registration approval) and the CAAF website shall be amended accordingly.

Note - A methodology for conducting safety assessments and aeronautical studies is available in the GM on Aeronautical Studies and Safety Assessments.

Note – For Authority inspectors, additional guidance on the processing of Exemptions is documented in the CAAF General Procedures Manual OP-07-1-15.

Appendix 1 - APPLICATION FOR EXEMPTION

	Civil Aviation Authority of Fiji **Application for Exemptions**	Form **CA 108**

Instructions for completing this form – please read

1. This application for exemption must be submitted at least 2 months from the proposed exemption date.
2. Forms which are incomplete or lacking any required documents will be returned.
3. Note: In accordance with Civil Aviation (Fees & Charges) Regulations, there is a charge to cover the cost of processing exemptions, whether or not the exemption is granted.

4. Operator Name		
5. Postal Address		
6. Tel:	**7. Fax:**	**8. Email:**

9. Specific requirement or regulation from which the exemption is sought	
10. Type of operations to be conducted under the proposed exemption	
11. The proposed duration of the exemption	
12. An explanation of why the exemption is needed: ***(State the reason why you are not able to comply with the regulation and the nature of the relief requested from it)***	
13. An explanation of how the exemption would be in the public interest and will benefit the public as a whole:	
14. Is there any safety concerns or information about any relevant accidents or incidents, of which you are aware of, that occurred as a resulted of deviation from this requirement? **If yes, the please describe (use additional sheets if required):**	
15. Do you seek to operate under the proposed exemption outside of Fiji Airspace?	☐ **Yes** ☐ **No**
16. If yes, indicate whether the exemption would contravene any provision of the standards and recommended practices of the international civil aviation organization (ICAO) as well as the regulations pertaining to the airspace in which the operation will occur.	
17. What is the risk level determined by your risk assessment for this exemption? ***(Please attach your risk assessment with this application)***	

18. Please list down (with detailed description) of alternative means (conditions) by which you will ensure a level of safety equivalent to that established by the regulation is maintained and the risks identified in through you risk assessment (above) are mitigated. *(use additional sheets if required)*

Applicant Name:	Sig:	Date:

CAAF Use only

CAAF Risk assessment risk level:
Do the conditions identified by the applicant (in 15 above) mitigate all the risks identified through risk assessments carried out? ☐ Yes ☐ No If no, list down other conditions that will be required to fully mitigate the risks:
Exemption Granted: ☐ Yes ☐ No
Staff Comments: Title: Sig: Date:
Department Head Comments: Title: Sig: Date:
LEM Comments: Sig: Date:
Other Department Comments (If applicable): Title: Sig: Date:
Chief Executive Comments: Sig: Date:
EA: Exemption List updated (on Intranet): ☐ Sig: Date:

PAGE INTENTIONALLY BLANK