

Notice Number: ADN 02
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Subject: Application for exemption from regulations and directives

1. Purpose and scope

- 1.1. An Aerodrome certificate holder is expected to comply with regulations, directives, and associated requirements. However, there may be circumstances where requirements have not been practically possible to follow at an existing aerodrome due to physical constraints including terrain, infrastructure development, changes to requirements, temporary accommodation of aircraft larger than the aerodrome design aircraft, etc. Similarly, in some cases, compliance is not possible even for a new aerodrome due to physical constraints which includes terrain, technical or economic difficulties.
- 1.2. At existing aerodromes where full compliance with standards cannot be achieved, alternative measures will be required in order to achieve an equivalent or acceptable level of safety performance. As such, specified procedures need to be applied to both initial aerodrome certification and continuous safety oversight, as well as aerodrome compatibility studies where full compliance with applicable requirements cannot be achieved.
- 1.3. This aerodrome notice prescribes the procedures and processes for obtaining an exemption from regulations and directives. It supplements the provisions in Chapter 2 of STS-ADR relating to exemptions from aerodrome standards and recommended practices.
- 1.4. The purpose of the procedure is to harmonize the acceptance of non-compliance for aerodromes which do not conform to all applicable requirements in line with Regulation 98 of the Civil Aviation (Safety) Regulations, 2017.

2. General

- 2.1. One of the aims of certification process is to ensure compliance with all relevant and applicable legal requirements, technical requirements, and procedures. Ensuring compliance with the requirements for aerodrome design, organizational factors, operations, and approved procedures, programmes and plans, is a key element of maintaining an acceptable level of safety at an aerodrome. The goal is to require the non-compliances to be corrected and to deal with the situations where correction is not possible, either due to physical constraints such as terrain etc.
- 2.2. The management of non-compliances/deviations, generally jointly by the Authority¹ and the aerodrome operator, has the following major considerations:
 - Affected parameters (Standards or Recommended Practices);

¹ References to the Authority in this document shall mean the Safety & Security Regulation Department of SCAA

- Differences between ICAO and national requirements;
 - Extent and duration of deviation;
 - Traffic density of the aerodrome;
 - Whether an effective SMS is in place at the aerodromes;
 - Safety culture; and
 - Capability for evaluating the impact of deviations e.g. hazards and safety risk assessments.
- 2.3. When non-compliances are present, the effects on safety need to be analyzed, and measures and/or limitations on its use have to be established to mitigate any non-compliance. Safety risk assessment shall be conducted before granting exemptions for non-compliances. Non-compliances are only accepted after mitigation measures have been established and implemented to the satisfaction of the Authority, so that at least an equivalent level of safety performance could be achieved.
- 2.4. Non-compliances are usually found in infrastructural and operational elements. The infrastructural elements concerned include aeronautical data, obstacle limitation surfaces, visual and non-visual aids, electrical power supply systems for air navigation services, and physical characteristics (such as runway / taxiway / apron design, runway end safety area [RESA], runway strip, fencing, etc.). Similarly, operational elements concerned include aerodrome emergency planning, aerodrome maintenance, rescue and firefighting, low visibility operations etc. A number of non-compliances exist because of the lack of standardized procedures for the systematic recording of deviations from the design and operating requirements.
- 2.5. Some common non-compliant elements at medium and large aerodromes are runway strips, RESA, separation between runway and parallel taxiways, approach surface, and mandatory instruction signs. There may be further non-compliances in relation to aerodrome maintenance, aerodrome emergency planning, electrical power supply system, aeronautical data specifications and obstacle limitation surfaces. Aerodrome operators sometimes are not aware of possible infringements of the obstacle limitation surfaces. The main reasons are the lack of well-defined responsibility for the assessment of obstacles within and in the immediate vicinity of the aerodrome and the relative complexity of the task.

3. Application process

- 3.1. The Accountable Manager of an aerodrome shall submit a written application for exemption to the Authority using the form ASSI/FORM/06. A separate application form shall be submitted for each non-compliance.
- 3.2. The application for exemption shall be accompanied by a comprehensive safety risk assessment report / aeronautical study and, when applicable, compatibility study, supported by justification for making the request including the reasons why compliance with a particular requirement is impracticable or temporarily inappropriate. The applicant must also indicate to the Authority the means by which an acceptable level of safety can be maintained, risks mitigated, and when compliance with the requirements can be achieved.
- 3.3. The following should be considered while requesting the exemption for non-compliances:
- Ensure that the exemption application is given proper consideration;
 - Ensure that an exemption is absolutely necessary rather than a convenient method of

- circumventing the national requirements;
- The reasons why the applicant needs the exemption. The reasons provided should be detailed and self-explanatory;
- If the application is for a renewal of an existing exemption, the application must include reasons why a renewed exemption is required; and
- Considerable research and investigation are often required.

3.4. An Exemption should never be regarded as a means of circumventing the law for commercial expediency or alleviation against non-compliances.

3.5. An application for exemption along with cover letter and supporting documents shall be submitted to:

General Manager Safety & Security Regulation
Safety & Security Regulation Department
Seychelles Civil Aviation Authority

And

Email: seyaga@scaa.sc

3.6. In considering an application for exemption, aviation safety remains the paramount consideration. Keeping this in mind, the Authority may ask the applicant to provide further information, a copy of specific documents and undertake a test or tests of competence.

3.7. When the Authority is satisfied that an equivalent or acceptable level of safety can be maintained or a greater level of safety can be achieved, an exemption may be issued to the aerodrome operator.

Note – Issuance of an exemption is the privilege of the Authority and as such, the Authority reserves the right to not issue an exemption.

3.8. The Authority may prescribe conditions to be met by the aerodrome operator as part of the exemption issued and the aerodrome operator shall strictly comply to those conditions.

3.9. Subject to an exemption being issued, the aerodrome operator shall conduct quarterly, bi-annual or annual reviews, as it considers fit, to ascertain that the mitigation measures are in place and effective. The review should also consider whether the non-compliance could be removed from audit findings. The outcomes of the review are required to be documented in a report to be submitted to the Authority.

3.10. The aerodrome operator is required to record exemptions granted in their Aerodrome Manual. The Aerodrome Manual must contain details of the exemption, reason that the exemption was requested for, any resultant limitations, conditions or procedures imposed, and other related safety information. An exemption granted in respect of an existing facility shall continue to apply until its expiry date or until revoked by the Authority.

3.11. If the accepted non-compliance is related to and ICAO SARP or PANS, the Authority will publish the non-compliance / difference in the Seychelles AIP.

- 3.12. The Authority will not issue an exemption if it is of the opinion that:
- the exemption would not be in the public interest; or
 - the exemption would adversely affect safety; or
 - the exemption would not provide a level of safety equal to or greater than those intended by the applicable requirements; or
 - the application for exemption does not have adequate justification for non-compliance.
- 3.13. The Authority will notify the applicant in writing if the request for exemption is not approved.
- 3.14. An exemption issued by the Authority may be revoked by the Authority if:
- the aerodrome operator continuously fails to comply with the conditions of the exemption; or
 - on request of the exemption holder;
 - at any time that the Authority determines that it is no longer in the public interest and is likely to affect aviation safety.

4. Renewal of exemptions

- 4.1. The process for renewal of an exemption is similar to that for initial issuance. An applicant for renewal of an exemption must set out in writing the details of the exemption but does not need to give the Authority information or documents previously submitted and which have not changed since the previous exemption was issued.
- 4.2. The applicant should be aware that a renewal application does not automatically entitle the person to the granting of a further exemption in the same or similar terms. Each application will be assessed on its merits at the time of the application.
- 4.3. The applicant shall include with the application a statement outlining in detail the reason(s) as to why the renewal of the exemption is necessary.
- 4.4. The abovementioned reason(s) shall additionally justify why the applicant still could not comply with the requirement (considering that exemptions are given to assist them with a flexibility period to become compliant with a requirement).

5. Acceptance of a safety risk assessment

- 5.1. The safety risk assessment conducted by the aerodrome operator is a core SMS function. Management, approval, and implementation of the safety risk assessment, including future updates and maintenance, is the responsibility of the aerodrome operator. The Authority may, depending on the need and complexity of the application, require the submission of specific safety risk assessments for acceptance.
- 5.2. The safety risk assessment process is contained in ASP06 – PANS-ADR.
- 5.3. A safety risk assessment shall be submitted by the aerodrome operator to the Authority for acceptance prior to the acceptance of non-compliances and issuance of exemption.
- 5.4. The Authority will analyze the safety risk assessment and verify that:
- appropriate coordination has been satisfactorily performed amongst the concerned

- stakeholders;
- the risks have been properly identified and assessed, based on documented arguments (e.g. physical or human factors studies, analysis of previous accidents and incidents);
- the proposed mitigation measures adequately address the risk and bring the risk to an acceptable level; and
- the time frames to become fully compliant are acceptable.

5.5. On completion of the analysis of the safety risk assessment, the Authority:

- either gives formal acceptance of the safety risk assessment to the aerodrome operator; or
- if some risks have been underestimated or have not been identified, coordinates with the aerodrome operator to reach an agreement on safety level acceptance; or
- if no agreement can be reached, the Authority may reject the proposal for possible resubmission by the aerodrome operator.

5.6. The Authority may also opt to impose additional conditions to ensure an acceptable level of safety.

5.7. The Authority will conduct necessary safety oversight activities to ensure that the mitigation and/or additional conditions imposed are properly implemented and that they fulfil their purposes.

6. Queries

6.1. Any queries relating to this Aerodrome Notice should be addressed to Head of Aerodrome Safety & Standards Inspectorate on seyaga@scaa.sc.



Aerodrome Safety & Standards Inspectorate
Seychelles Civil Aviation Authority
March 2022