INTERNATIONAL CIVIL AVIATION ORGANIZATION

AVIATION TEMPORARY EXEMPTIONS GUIDANCE MATERIAL FOR MID REGION STATES

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1. Introduction and Purpose and Scope

1.1 Over the past decades, international civil aviation has achieved a high degree of safety harmonization, thanks in large part to risk-based decision-making and robust cooperation among stakeholders. However, new challenges (e.g. global health crises, technological changes) require even greater cooperation and harmonization to maintain safety performance. One such challenge is the consistent management of aviation exemptions – instances where States allow temporary deviations from ICAO Standards and Recommended Practices (SARPs) under controlled conditions.

1.2 The HLCC 2021 Safety Stream reviewed a proposal by Qatar (on behalf of Arab Civil Aviation Organization Member States) urging additional guidance for States when considering exemptions. It was noted that ICAO's Universal Safety Oversight Audit Programme (USOAP) data showed a high rate of unsatisfactory Protocol Questions (PQs) related to exemptions, indicating that many States lack the basic capabilities or structured processes to properly assess and grant exemptions. In other words, audits found that numerous States did not have a formal or adequate system in place for managing exemptions, underscoring the need for a harmonized approach.

1.3 This guidance material provides MID Region States with an ICAO-aligned framework for the issuance of aviation regulatory exemptions. In extraordinary circumstances such as public health emergencies, natural disasters, conflicts, or operational exigencies (as experienced during the COVID-19 pandemic), Civil Aviation Authorities (CAAs) may need to grant temporary exemptions to certain aviation requirements to maintain continuity of operations. This document outlines the principles, processes, and tools to ensure that any such exemptions are granted only, when necessary, in a controlled manner that upholds safety and aligns with ICAO's standards and recommended practices (SARPs).

1.4 The guidance is intended for use by regulators and policymakers in the MID Region to promote consistency and transparency in how exemptions are handled across different States. It covers the entire exemption lifecycle from initial request and evaluation through issuance, oversight of compliance with conditions, and eventual expiration or renewal of the exemption.

1.5 The need for a harmonized approach to aviation exemptions became evident during recent crises that disrupted normal regulatory compliance. The COVID-19 pandemic, for example, forced many States to allow deviations from training and medical requirements when travel restrictions and lockdowns made compliance impractical. In response, ICAO introduced the COVID-19 Contingency Related Differences (CCRD) and Targeted Exemptions (TE) system in 2020-2021 as a globally coordinated mechanism for States to notify temporary exemptions to certain Standards. While the specific pandemic-related processes (such as the TE online portal) were time-bound, the broader lesson is clear: States should have a robust framework in place to evaluate and issue exemptions before unforeseen events occur. By learning from these experiences and ICAO guidance (e.g. references in ICAO Doc 9734 Part A and Doc

9859 on managing regulatory compliance in crises), MID Region CAAs can strengthen their preparedness for granting exemptions without compromising aviation safety or international obligations.

1.6 This manual is organized to mirror a structured approach, beginning with foundational principles (Section 2) and preparedness (Section 3), then detailing a step-by-step process for handling exemption requests (Sections 4 and 5), followed by post-issuance oversight (Section 6). Best practices and a concluding remark are provided in Sections 7 and 8. Several annexes (appendices) offer practical tools, including a checklist for the exemption issuance process and sample templates (application forms, risk assessment matrix, exemption letter, and notification formats). States are encouraged to adapt these templates to their national contexts. The goal is to ensure that any exemption granted by a MID State's CAA is justified, safe, transparent, and time-bound, and recognized and communicated appropriately within the international aviation system.

2. *Framework for Aviation Exemptions*

2.1 Alignment with ICAO Standards: Any State-issued exemption must be embedded within the broader obligation to comply with ICAO SARPs under the Chicago Convention. States remain responsible for safety oversight (ICAO Critical Element 7) and for resolving safety issues (Critical Element 8) even when granting regulatory relief. In practice, this means that before granting an exemption, the CAA should verify whether doing so would result in non-compliance with an ICAO Standard. If it would, the State must be prepared to notify a difference to ICAO under Article 38 of the Convention. All exemptions should be consistent with the intent of the relevant ICAO Annex provisions – granting relief only to the extent necessary and with mitigations to achieve an equivalent level of safety. By aligning the national exemption process with ICAO's expectations, MID States ensure that safety is not compromised and that international transparency is maintained. (For example, if a State grants an exemption allowing flight crew to extend the interval of proficiency checks beyond the limit in Annex 1, that difference should be filed with ICAO through the EFOD system or appropriate channel and shared with other States as needed.)

2.2 Principles for Granting Exemptions: Exemptions are policy tools of last resort. They are intended for use under exceptional conditions where strict compliance with a requirement is impractical or contrary to the public interest, and where an equivalent level of safety can be achieved through alternative means. Key guiding principles include:

- Necessity and Justification: The applicant (airline, organization, or individual) must demonstrate a clear operational necessity for the exemption. Convenience or cost savings alone are not sufficient justification. The CAA should be convinced that without the exemption, there would be a significant disruption or an inability to carry out vital aviation activities.

- Safety Equivalence: There must be evidence-based assurance that granting the exemption will not degrade safety. Typically, this is shown via a safety risk assessment (see Section 4.3) that identifies hazards introduced by deviating from the rule and implements mitigations to control risk to an acceptable level. The alternative measures proposed should aim to provide a level of safety equivalent to full compliance with the original requirement.

- Temporariness and Scope: Exemptions should be temporary in nature and limited in scope. They are not a mechanism to permanently bypass regulations. Each exemption should have a defined effective period and should apply only to specific entities, operations, or products as needed. Open-ended or broadly generalized exemptions are to be avoided. If a long-term regulatory alleviation is needed, the proper course is to amend the regulation or pursue differences at the international level, not to continually extend exemptions.

- Public Interest and Benefit: The CAA should weigh the public interest benefits of granting the exemption (e.g. sustaining critical air services, enabling humanitarian flights, facilitating economic recovery) against any potential negative impact. Exemptions should support the continued safe operation of aviation activities that benefit the public or industry, especially in emergency or unusual situations.

- No Undue Advantage: The exemption process should ensure fairness. An exemption must not grant an unfair competitive advantage. If multiple entities face the same challenge, the CAA should be prepared to handle similar requests in a consistent manner. Clear criteria help avoid perceptions of favoritism or lowering standards selectively.

2.3 Scope of Application: This guidance applies to exemptions from national civil aviation requirements (regulations, rules, or implementing standards issued by the State). Such requirements may be derived from ICAO SARPs or from additional State regulations. The types of requirements that might warrant exemptions include:

- Personnel Licensing and Training requirements: e.g. extending the validity of licenses, medical certificates, or training/check intervals under strict conditions (as many CAAs did during COVID-19 for pilot proficiency and medicals).

- Aircraft Operations and Airworthiness requirements: e.g. authorizing a ferry flight with an overdue maintenance item under specified limitations, or permitting operation in certain airspace with temporarily inoperative equipment when normally prohibited by regulations.

- Airport and ANS regulations: e.g. temporary deviation from an airport operating standard or an air traffic service requirement due to infrastructure issues or emergencies, provided safety is maintained by other measures.

- Any other safety requirements where rigid adherence is temporarily impractical but equivalent safety can be assured.

However, not all rules are subject to exemption. Safety-critical standards should rarely be exempted unless there is absolutely no alternative and the case is compelling. For example, basic aircraft airworthiness criteria or critical operational procedures should not be compromised. Each State should define which provisions cannot be exempted (or set high approval thresholds for them) in its policy. Additionally, if an exemption request involves multiple domains (e.g., personnel licensing and ops specs deviations together), the CAA should ensure a coordinated evaluation across all affected departments.

2.4 Not a Substitute for Compliance: Exemptions are a contingency tool, not a substitute for effective compliance or timely regulatory updates. MID States are cautioned not to use exemptions as a loophole to avoid implementing requirements or as a long-term solution for outdated regulations. Whenever an exemption is granted, it should trigger a later review: Why was exemption necessary? If it was due to an impractical or overly stringent rule, the State may consider amending that regulation through the normal rulemaking process. Likewise, operators should not rely on repeated exemptions in lieu of compliance; they are expected to have robust planning to meet regulatory obligations. In essence, the use of exemptions should reinforce the regulatory system's flexibility in extraordinary situations while preserving its integrity. Continuous or careless use of exemptions could erode safety or international trust, so they must remain the exception rather than the norm. Once conditions permit or the underlying issue is resolved, the goal is always to return to full compliance or to implement permanent regulatory solutions if needed, rather than extending exemptions indefinitely.

3. Regulatory and Organizational Preparedness

3.1 The CAA's authority to grant exemptions should be clearly established in the State's civil aviation law or regulations. Typically, there will be a provision empowering the CAA (or a designated senior official, such as the Director General of Civil Aviation) to exempt compliance with specific requirements under defined conditions. States should review their primary aviation legislation and operating regulations to ensure that:

- The scope of allowable exemptions is defined (which regulations can be exempted and which cannot, or any general criteria mandated by law).
- The law requires that an exemption may only be granted if it is in public interest and will not compromise safety (some States explicitly write these criteria into the legal text).

- The law or a policy document outlines the procedure for granting an exemption (application, review, record, etc.), or empowers the CAA to establish such procedure via guidance material (like this document). If necessary, States should update their regulations to address any gaps – for instance, adding a regulation that says "The Authority may exempt compliance with a requirement of these regulations in individual cases, subject to such conditions as the Authority deems necessary in the interest of safety." All exemptions granted should cite the specific legal provision that authorizes the CAA to do so. This legal clarity protects both the State and the operator, ensuring that the exemption is enforceable and recognized under the law.

3.2 State Policy and Evaluation Criteria: Beyond the bare legal authority, CAAs need a clear internal policy or written procedures on how to evaluate and decide on exemption requests. This internal guidance (often an inspector handbook or a policy manual) should cover:

- Standard Criteria: A set of criteria that must be met for any exemption to be approved (e.g., "no acceptable alternative means of compliance available," "meets equivalent safety through mitigation," "limited duration," etc.). These criteria create consistency. For instance, the policy may state that safety risk assessment demonstrating an acceptable level of safety is mandatory for approval.

- Approval Levels: Define who within the CAA can approve exemptions. Minor technical exemptions might be approvable at the department head level, whereas major exemptions (especially those affecting international standards or multiple organizations) might require Director General or even Ministerial approval. Clear delegation of authority avoids confusion during urgent situations.

- Process Steps: Lay out the steps the CAA will follow when an application is received (screening, assignment to technical experts, review meetings, safety analysis, decision, documentation). A flowchart or checklist (like Appendix 1 of this guidance) can be part of the policy.

- Documentation and Justification: Emphasize that every exemption decision must be fully documented, including the justification for granting or denying, the analysis performed, and any special conditions imposed. This creates an auditable trail and knowledge base for future cases.

- Consistency and Precedents: The policy should task a focal point (e.g., a regulatory standards department) with maintaining a log of all exemptions granted, to monitor trends and ensure consistency. If a similar request was handled in the past, the CAA should apply a consistent approach unless circumstances have changed.

By formalizing such a policy aligned with ICAO guidance (e.g. drawing from principles in ICAO Doc 9734 Part A, Chapter 3 on compliance and enforcement), States ensure that inspectors and decision-makers have a common understanding of how to handle exemptions. This reduces subjectivity and promotes transparency and fairness in the exemption process.

3.3 Industry Communication and Transparency: It is important that the aviation industry (airlines, service providers, license holders) clearly understands the State's expectations regarding exemptions. The CAA should communicate to industry stakeholders that:

- Exemptions are exceptional: Through advisories or guidance to industry, emphasize that organizations must plan to comply with all regulations and should not assume that exemptions will be granted. Good safety management includes contingency planning that does not solely rely on regulatory relief.

- Application Process: Provide accessible information on how to apply for an exemption, including any standard application form (such as the template in Appendix 2) and the required lead time. For example, a State might publish a notice that all exemption applications should be submitted at least 60 or 90 days in advance of the needed effective date, except for unforeseen emergency cases.

- Information Required: Inform applicants that comprehensive justification and supporting evidence (safety risk assessments, impact analysis, etc.) must accompany any request. If the CAA has published guidance material or a checklist for industry on preparing exemption requests, reference it. This sets the expectation that frivolous or poorly substantiated requests will not be entertained.

- Transparency of Outcomes: States may consider publishing summaries of exemptions granted (while respecting any confidential operational details) so that industry peers and the public are aware of significant deviations. Some CAAs issue Exemption Bulletins or include exemptions in their official gazette or website. Transparency helps maintain trust that exemptions are being used responsibly and not to give unfair advantage.

Open communication ensures that when a genuine need for an exemption arises, the applicant knows how to proceed and the CAA receives better-quality submissions, thereby speeding up the evaluation. It also deters misuse of the exemption process by making it clear that requests will undergo rigorous scrutiny.

3.4 International Notification Obligations: A critical aspect of preparedness is having a mechanism to fulfill international obligations when an exemption affects compliance with ICAO Standards. Each CAA should coordinate internally (e.g., between the technical department handling the exemption and the department or National Continuous Monitoring Coordinator responsible for ICAO compliance) to ensure that:

- Difference Notification: If an exemption result in a temporary difference from an ICAO Standard, the State is ready to notify ICAO. This could be via the Electronic Filing of Differences (EFOD) system or a formal letter, depending on ICAO requirements. Appendix 5 of this document provides a sample format for notifying ICAO of a difference due to an exemption. Timely notification keeps the ICAO registry up to date and informs other States of potential impact (for instance, if a neighboring State's inspectors know that pilots from your State might have extended medical validity, they can take that into account).

- Mutual Recognition and Coordination: If the exemption involves cross-border operations, the CAA should communicate with other affected States or regional bodies. For example, if a MID State grants an exemption that allows its airline to operate in another region under alleviated requirements, it is prudent to notify the Civil Aviation Authorities of those destination States. This could be done via a formal letter or through regional coordination groups (like the MID Region Safety or Operations group). Standardized notification formats (see Appendix 5) help streamline this communication.

- Publication in Aeronautical Information (if needed): In some cases, if the exemption could impact foreign operators or flight planning (e.g., an exemption related to airport operational standards or airspace procedures), it may need to be promulgated via NOTAM or AIP Supplement so that all users are informed. The CAA's procedure should include liaising with the AIS office to issue such notifications when relevant.

By predefining these steps, States ensure that granting an exemption does not inadvertently put them in breach of international responsibilities. Instead, even when using flexibility, they remain aligned with the cooperative spirit of ICAO standards and avoid surprises to other States.

3.5 Resource and Responsibility Allocation: Handling exemption requests can be complex and time-sensitive, especially in emergencies. CAAs should allocate adequate resources and define responsibilities in advance:

- Dedicated Team or Focal Points: Identify a unit or individuals responsible for managing exemption applications. For example, a Regulatory Affairs or Standards section might act as the coordinator, logging incoming requests and convening the appropriate technical experts to evaluate each case. This focal point ensures consistency and that timelines are tracked.

- Technical Expertise: Depending on the subject of the exemption, different technical inspectors or engineers will need to be involved (flight operations inspectors for ops matters, airworthiness engineers for technical waivers, medical assessors for licensing exemptions, etc.). The CAA should maintain a roster or protocol for quickly assembling a multidisciplinary review team. Complex cases might require input from multiple departments (e.g., an exemption for extended twin-engine operations might involve both airworthiness and operations specialists).

- Risk Assessment Capability: Ensure the CAA staff are equipped to perform or evaluate safety risk assessments. This may involve having risk analysis tools or templates (see Appendix 3 for a generic risk assessment template), as well as training staff in risk-based decision making (see 3.6 Training). In some cases, the CAA might establish a safety risk panel that can be convened to collectively examine higher-risk exemption proposals.

- Administrative Support: Given that exemptions often involve formal letters, records, and possibly legal orders, administrative support is needed to prepare documents correctly and maintain the exemption register. The CAA's secretariat or legal office might help draft the official exemption instrument text to ensure it's unambiguous and legally sound.

- Emergency Procedures: Include in your planning the scenario of urgent exemption needs outside normal office hours or during crisis periods. Assigning on-call contacts or an emergency procedure (e.g., a fast-track approval by the DG with subsequent technical analysis) can be valuable. The key is to avoid panicked, ad hoc processes by having a pre-thought-out plan, even if abbreviated, for emergency cases.

3.6 Training and Competency Development: As part of preparedness, MID States should train their personnel on the exemption process. This ensures that staff at all levels understand their roles and how to uphold safety during the exemption process:

- Inspector Guidance and Workshops: Develop guidance material for inspectors and technical staff on evaluating exemptions (aligned with this document). Conduct workshops or briefing sessions to walk through hypothetical exemption scenarios. For example, simulate an airline requesting an exemption for extended pilot flight hours, and have the team practice evaluating it, doing a risk assessment, and drafting conditions. Such exercises build competency and confidence.

- Risk Management Training: Since risk assessments are central to exemption decisions, provide training (or refresher courses) in safety risk management, as per ICAO Doc 9859 (Safety Management Manual) principles. Inspectors should be comfortable reviewing an operator's risk mitigation proposal or creating one if the operator hasn't provided a sufficient assessment.

- Legal and Communication Training: Ensure those drafting exemption documents or communicating decisions are familiar with the correct terminology and tone. The exemption letter (Appendix 4 provides an example) is an official legal document; errors or ambiguities in it could create enforcement problems. Training can be provided on how to write clear conditions and articulate the regulatory basis. Similarly, staff should know how to communicate with industry diplomatically – e.g., how to explain a denial of an exemption request with factual reasoning.

- Continuous Learning: Encourage staff to keep abreast of international best practices regarding exemptions. ICAO, EASA, and other bodies sometimes issue updated guidance or case studies (for instance, lessons from the COVID-19 Targeted Exemptions experience). By staying updated, the CAA can refine its own processes. A feedback mechanism (see Section 6.6 Post-Exemption Review) can also be part of training, wherein after each major exemption case, the team debriefs what was learned and updates procedures accordingly.

By investing in preparedness across legal, procedural, resource, and training dimensions, MID States can handle exemption needs proactively. This upfront work pays off when a request arises, as the CAA can respond swiftly but thoughtfully, rather than scrambling to invent a process on the fly. It embeds resilience in the State's safety oversight system, ensuring continuity of aviation activities even under duress, without sacrificing the rigor of oversight.

4. Process for Exemption Application and Evaluation

When an entity seeks an exemption, a structured process helps ensure thorough evaluation and consistent handling. This section (Section 4) covers the pre-issuance phase – from the moment a request is received up to the point a decision is ready to be made, but before the official exemption is issued. Following sections will cover the issuance and post-issuance phases.

4.1 **Submission of Exemption Requests:** The process typically starts with the **applicant** submitting a formal request to the CAA. The CAA should require that all exemption requests be made **in writing**, using an official form or letter that captures necessary details. Appendix 2 provides a *Sample Exemption Application Form* that States can adopt or tailor. Key aspects of this step include:

- Who May Apply: Clarify that only authorized representatives of the affected certificate holder or organization (or the individual, if it's a licensee) may submit the request. For instance, an airline's post holder or quality manager would apply on behalf of the airline, providing their contact information and accountability.

- Content of Application: The application must clearly identify the specific requirement from which exemption is sought (cite the exact regulation, rule, or directive number and paragraph). It should detail the scope of relief (for example, "to allow XYZ Airlines to operate aircraft with an out-of-interval navigation database for up to 5 days beyond the requirement of regulation

ABC”). The applicant should specify the duration of exemption needed (start and end date) and the reason it is needed. Additionally, the applicant should attach or outline their proposed safety case/justification, including any risk assessment and mitigation strategies they will implement. All relevant supporting documents (e.g., technical analysis, contingency plans, evidence of why they cannot comply) should be included.

- Lead Time: Unless it’s an unforeseen emergency, applications should be submitted well in advance of the needed effective date. Many States require applications at least 30-90 days prior. This lead time should be communicated to industry (as noted in 3.3). If an application arrives late, the CAA will need to decide if it’s due to genuinely unforeseeable events or just poor planning; poor planning alone is usually not an acceptable reason for urgency (i.e., “lack of planning on your part does not constitute an emergency on our part” approach). However, emergency cases (e.g., a sudden discovery of a safety issue grounding aircraft unless an immediate exemption is given for a one-time ferry flight) should still be processed expeditiously, albeit with no compromise on necessary safety checks (see 4.5).

- Acknowledgment: The CAA should acknowledge receipt of the application in a timely manner. An acknowledgment letter or email typically outlines the next steps, provides a reference number for the request, and if possible, an estimate of timeline for a decision. This assures the applicant that the request is in process and sets expectations.

4.2 Preliminary Screening of Applications: Once received, the exemption request undergoes a preliminary review to ensure it is complete and within the CAA’s purview:

- Completeness Check: The CAA (through the designated focal point or office) should verify that the application contains all required information and documentation. If critical details are missing – for example, the applicant failed to clearly state which regulation or did not include a justification – the CAA should promptly request additional information. As a policy, incomplete applications may be put on hold or even rejected if the applicant cannot or will not furnish the necessary details. Section 6.3 of the sample application form (Appendix 2) lists the typical information required. The CAA might use a checklist internally to mark off that each required item is present.

- Scope and Validity Check: The screening also determines if the request is asking for something that can legally be granted. If, for instance, the exemption sought is for a requirement that by law cannot be exempted (perhaps certain safety requirements have no exemption provision), the CAA should recognize this early. Alternatively, the request might pertain to another authority’s jurisdiction (e.g., something that actually requires approval from a different

State's CAA or a different government agency). In such cases, the CAA should inform the applicant accordingly and not proceed down the normal process.

- Assign to Technical Experts: If the request passes the above checks, the coordinator assigns it to the appropriate technical department(s) for in-depth evaluation. For example, if an airline requests an exemption from a flight duty time limitation, this goes to Flight Operations inspectors; an aircraft equipment requirement exemption goes to Airworthiness; if it's about airport standards, assign to the Aerodrome Safety team, etc. For multi-faceted requests, a joint team may be formed. At this stage, set an internal timeline – for instance, the technical evaluation team should convene or report back within X days. Marking the request as urgent (if applicable) also happens now.

- Risk Category (Optional): Some CAAs do an initial risk categorization of the request – e.g., classify as "minor", "moderate", or "significant" impact – to determine the level of scrutiny needed. A request with potentially high safety impact might trigger a more formal review board or require higher approval authority (see 3.2 on Approval Levels). This triage helps allocate effort where it's most needed.

4.3 Safety Risk Assessment: Conducting a thorough safety risk assessment is the cornerstone of the exemption evaluation process. At this stage, the technical evaluators (with input from the applicant as needed) will analyze what safety risks arise from granting the exemption and whether those risks can be mitigated to an acceptable level. Key points in this step:

- Identify Hazards: Examine the exact nature of the deviation. What scenarios or hazards could arise if the normal rule is not followed? For example, if extending a pilot's license validity by one month (exemption from license renewal timeline), hazards might include pilot proficiency decay or undetected medical issues. If deferring a maintenance inspection, hazards could be component failure. List all credible failure modes or safety consequences tied to the exemption.

- Assess Severity and Likelihood: For each hazard scenario, assess the severity of the worst credible outcome and the likelihood of that outcome during the exemption period. Use the State's standard risk matrix (often part of its State Safety Program) or the methodology the CAA typically applies for safety assessments. The goal is to determine the risk index or level (e.g., high, medium, low) of each hazard without additional mitigation. This establishes the baseline risk of granting the exemption as requested.

- Mitigation Measures: Identify and evaluate mitigations that can reduce risk. Often, the applicant will propose some mitigations in their request (e.g., additional training, more frequent checks, operating limitations). The CAA should critically assess these: Are they adequate and realistic? The CAA may require additional conditions as mitigations (for instance, “granting the exemption provided the aircraft is only used for cargo flights, not carrying passengers” or “the pilot must fly with a fully qualified co-pilot and not be pilot-in-command during the extended period”). Think creatively and cautiously about what measures would offset the safety gap introduced. This may involve consulting manufacturer guidance or other States’ practices in similar situations.

- Residual Risk and Acceptability: After applying the mitigations, reevaluate the risk. Does it come down to an acceptable level (typically defined by the State’s safety risk tolerability criteria)? If the residual risk is still too high, the exemption cannot be safely granted in its current form – the CAA might then consider if any further mitigations are possible or if the request must be denied. Document the final assessment of risk for the exemption. Ideally, the risk assessment process and conclusion should be captured in a formal report or template (Appendix 3 provides a format example for recording this evaluation).

- Use of Expertise: In complex cases, the CAA may convene a small expert panel or involve the State Safety Program’s risk management unit to peer-review the assessment. Particularly novel or high-risk proposals benefit from multiple eyes. It’s also beneficial to check if ICAO or other authorities have published any guidance on the specific topic – for example, during COVID, ICAO published safety operational measures for extending crew validity, which can be referenced as benchmarks for risk mitigations.

Throughout this step, maintain communication with the applicant. If certain mitigations are needed or if aspects of their proposal seem insufficient, the CAA can go back and ask the applicant to refine their risk mitigation plan. This iterative communication not only improves the safety outcome but also ensures the applicant is aware of possible conditions and is prepared to implement them.

4.4 Consultation and Coordination: Depending on the exemption’s complexity and impact, broader consultation may be warranted before a decision is made:

- Internal CAA Consultation: Within the CAA, ensure all relevant sections provide input. For example, even if the Flight Operations department is lead for a pilot licensing exemption, the Licensing office and perhaps the Medical unit should be consulted to weigh in on consequences and consistency with policies. The legal department should review any novel exemption for compliance with law. An internal meeting or case conference can be very useful: gather all stakeholders to discuss the draft assessment and proposed decision. This also helps anticipate any enforcement or implementation issues (e.g., how to surveil compliance with exemption conditions).

- Consultation with Applicant: It can be beneficial to hold a technical meeting with the applicant (or at least have discussions) especially if the CAA is inclined to grant the exemption with conditions. In this meeting, the CAA can ensure the applicant understands the proposed conditions and is capable of meeting them. If the applicant finds any condition unworkable, they can discuss alternatives. This collaborative approach, while maintaining the CAA's authority, often leads to a more robust set of safety measures. It also helps the CAA gauge the applicant's commitment to safety – an applicant unwilling to engage seriously in risk discussions may not merit the exemption.

- Regional Coordination: In cases of exemptions that might set precedents or have regional implications, CAAs in the MID Region might coordinate with each other (through the ICAO MID Office or regional safety groups). For example, if multiple States are facing similar issues (like an inability to renew licenses due to a regional training center closure), a coordinated approach can ensure harmonization. During COVID-19, such coordination was common via ICAO regional offices to align on exemption policies. A MID State might reach out to another State that dealt with a similar request for advice or data (keeping in mind not to disclose any confidential info without permission).

- External Consultation (if applicable): Sometimes, consulting other stakeholders is prudent. For a maintenance-related exemption, maybe consult the aircraft manufacturer or maintenance organization for their expert view or recommended limits. If an exemption could affect airlines from other States (e.g., a change in airport requirement), consult representatives or ICAO if needed. Always consider if the exemption touches on multilateral agreements or requirements (for example, EU-based rules if a State is part of an agreement, or if an operation is code-share with a foreign carrier, etc.). Gathering input ensures no blind spots in the decision.

4.5 Timelines and Urgent Requests: The processing time for an exemption should be commensurate with its urgency and complexity. Under normal circumstances, the CAA should strive to complete evaluation and decision within a standard timeframe (e.g., 30 days) to provide predictability. However, urgent and emergency requests require flexibility:

- Expedited Process: If an exemption is needed on very short notice due to unforeseen events (e.g., an aircraft stranded needing a one-time flight, sudden unavailability of a required facility, etc.), the CAA may adopt an expedited review. This might involve forgoing some steps (like full team meetings) but compensating by having key personnel focus intensively on the case for a few hours or a day. The Director General or delegated official might authorize proceeding with minimal bureaucracy, provided the safety analysis is still done. In extreme cases, a verbal preliminary approval might be given (to get an aircraft moving, for instance), but it must be followed by the written exemption document as soon as possible.

- Justification for Urgency: It's important that the reason for urgency is documented. As noted, poor planning by the applicant (e.g., they "forgot" to apply earlier) is generally not a valid reason to skip steps. However, a genuine emergency or last-minute event is. Documenting this ensures transparency and accountability for why a fast-track was used.

- Adequate Assessment even if Fast: Even under pressure, do not skip the fundamental assessment of risk. If time is extremely short, lean on expert judgement and any analogous cases or existing data. The CAA might impose very restrictive conditions as a precaution when there's little time for deeper analysis. For example, if maintenance can't be done on time due to a sudden issue and a ferry flight exemption is needed, the CAA can say: "Okay, one flight allowed by special permit, daytime only, no passengers, with specific inspections done prior to flight" – essentially layering conservatism to mitigate unknowns.

- Record of Decision: After handling an urgent case, conduct a quick internal review to capture any lessons (did the CAA get all info needed, were communications clear, etc.?) which can improve future responses. Also, make sure the exemption is entered into the official log even if done quickly.

4.6 Decision-Making Criteria: Once all information is gathered (from the application, risk assessment, and consultations), the CAA's decision-makers must apply consistent criteria to arrive at approval or denial. The State's established criteria (from Section 3.2) will guide this. Generally, an exemption should only be approved if:

- The situation and evidence satisfy the necessity test (it is needed to achieve an outcome in the public interest or to avoid an undue hardship that wasn't self-created).

- The safety risk is acceptable with the identified mitigations in place (i.e., equivalent safety can be maintained). This typically must be clearly demonstrated in the risk assessment.

- The exemption's duration and scope are limited to the minimum required to address the need. If the request was broader or longer than necessary, the CAA might decide to approve a narrower version (e.g., approve for 3 months instead of 6, or only for certain operations instead of all).

- The applicant has a good compliance track record (if an applicant has a history of violations or failing to meet conditions, the CAA can factor that in – a privilege like an exemption requires trust that the operator will adhere to the alternate measures).

- If applicable, the exemption would not cause the State to violate international agreements beyond what can be managed (if it does, perhaps it cannot be granted at all without higher-level coordination). Conversely, reasons to deny an exemption include: failure to demonstrate equivalent safety, insufficient justification, feasible alternatives exist (so exemption not truly needed), or the CAA lacks authority to grant it. The decision should ideally be made by the person/body at the appropriate authority level. For instance, technical staff present the case and make recommendations to the Director General or a committee if required. A clear recommendation (provides conditions or deny) should be made. Any divergent opinion among the evaluators can be noted, but ultimately the authorized decision-maker's ruling stands.

4.7 Documentation and Record-Keeping: Before moving to issuance, ensure that the entire evaluation process is well documented. Prepare an Exemption Evaluation Report or file that includes: the original application, records of all communication with the applicant, the completed risk assessment worksheet, minutes or notes from any consultation meetings, and the final recommendation/decision briefing.

- This will form the basis of the exemption document text and is kept in CAA archives. Good documentation is vital for accountability and for any future reference, especially if the exemption is renewed or if another CAA or ICAO inquires about how the decision was made. In addition, decide on a unique Exemption Reference Number or ID that will be used on the official letter and in the tracking system.

- Many CAAs number exemptions serially by year (e.g., "EX-2025-005"). Having a reference number helps link all documentation and is useful for tracking and retrieving the case later.

- By the end of the Section 4 process, the CAA should have a clear outcome of the evaluation: either to prepare an exemption for issuance (with specific conditions drafted) or to prepare a letter of denial.

- The groundwork laid here ensures that any exemption granted is solidly justified. We now move to Section 5, which deals with the execution of the issuance (the formal granting and communicating of the decision).

5. Issuance of Exemptions: Execution

This section describes how an approved exemption is formalized, communicated, and put into effect. Even after deciding in principle to grant an exemption, careful execution is important to ensure the exemption is legally valid and clearly understood by all parties.

5.1 Drafting the Exemption Instrument: The exemption is typically issued in writing as an official Exemption Letter or Order on the CAA's letterhead (see Appendix 4 for a Sample Exemption Approval Letter). Drafting this document requires precision:

- Addressing and References: The letter should be addressed to the applicant (e.g., the accountable manager of the airline, or the individual if applicable) and clearly reference their original request (including date of request and any reference number they provided). It should also reference the legal authority under which it's granted (for example, "Pursuant to Article X of the Civil Aviation Law and Regulation YYY-123,").

- Grant and Scope: A concise statement granting the exemption should be made, specifying what requirement is being exempted and to whom it applies. For instance: "The Civil Aviation Authority hereby grants XYZ Airlines an exemption from the requirement of [Regulation citation] which stipulates [the rule], to allow [describe what is allowed]." If the exemption is only for certain aircraft, personnel, routes, or operations, detail that.

- Effective Period: Clearly state the start date and end date of the exemption's validity. Use absolute calendar dates when possible (e.g., "effective from 01 December 2025 until 31 March 2026, inclusive"). If it's event-based (e.g., "until the aircraft reaches base for repair on its next flight"), try to also include a backstop date. If the exemption is to end on occurrence of an event, mention how that will be confirmed.

- Conditions: This is a critical part – list all the conditions or limitations attached to the exemption. They should be numbered or bulleted for clarity. Conditions are measures the operator must comply with to use the exemption. Examples include: additional inspections, training, reporting requirements, restrictions on operation (like VFR only, or limited altitude), carrying copies of the exemption letter on board, etc. Essentially, any mitigation from the risk assessment that needs to be mandatory should be written as a condition. Also, a general condition often included is that the operator must immediately inform the CAA of any safety incidents or significant changes related to the exemption.

- ICAO Difference Note (if relevant): If the exemption results in a difference from an ICAO Standard, the letter may include a statement acknowledging that and that the State will notify ICAO. However, some CAAs prefer to handle ICAO notification separately and not burden the applicant with that detail. If included, it might read: "This exemption constitutes a temporary difference from [Annex X, Chapter Y, Standard Z] which will be notified to ICAO in accordance with Article 38." This signals transparency.

- Consequences and Miscellaneous: Include statements such as: the exemption is granted based on the facts and mitigation presented – if those change or if the conditions are not met, the exemption may be withdrawn or becomes invalid.

Also clarify that when the exemption expires, full compliance with the original requirement must resume. The letter can also note if the exemption is non-transferable (most are; it applies only to the named party).

- Signature: The letter must be signed by the authorized person (DG or whomever is designated). It should carry the official seal or other authentication if required by national procedures.

Ensure the draft goes through an internal review (e.g., by legal or a senior inspector) to catch any ambiguities. Wording is important – conditions especially must be enforceable and clear. For instance, saying "the operator should try to do X" is not enforceable; instead say "the operator shall do X."

5.2 Approval by the Competent Authority: The draft exemption letter, along with the evaluation dossier, is then submitted to the competent authority for final approval and signature. Depending on the State's setup:

- This could be the Director General of Civil Aviation or a board/committee if one is established for such decisions. The approving authority reviews the materials to ensure they are satisfied with the justification and conditions. They may ask questions or request modifications (for instance, adding a condition or shortening the duration if they feel it necessary).
- Once satisfied, they sign the exemption letter. The date of signature is usually the effective date unless otherwise specified. (If there's a delay between signature and needed effect, the letter should clarify that it's effective from a later date, as mentioned in 5.1).
- It's good practice to have at least one other official witness or countersign or initial the document for record integrity, though not always required.
- After signature, the exemption is now officially granted, but not yet in effect for the applicant until communicated.

5.3 Communicating the Decision: Communication must be prompt and clear:

- To the Applicant: The signed exemption letter (and any certificate or official order document that accompanies it) should be transmitted to the applicant immediately. Ideally this is done via official means – a scanned signed letter emailed (for speed) followed by a hard copy delivered, or an official electronic signature system if in place. Accompany the letter with a brief cover note if needed, thanking for their cooperation and reiterating any next steps (like compliance monitoring activities, see Section 6.1). If the exemption is denied instead, a denial letter would be sent that outlines the reasons for refusal (e.g., insufficient safety justification). In the case of denial, the applicant might be advised on what they can do (if anything) to meet requirements or if they can re-apply with different parameters.

- Within the CAA: Inform all relevant inspectors and departments about the decision. For example, if a flight ops exemption was granted, the ops inspectors overseeing that operator should have a copy and incorporate the new oversight tasks (ensuring conditions are met) in their surveillance plan. If the exemption affects other sections (air traffic, aerodromes), inform them too. Circulate internally perhaps via a memo or include in daily briefings. This ensures the whole CAA speaks with one voice and anyone interacting with the operator is aware of the special circumstances.

- Other Stakeholders: Depending on the nature of the exemption, other stakeholders might need notification. For instance, if an exemption is granted to an airline that allows something unusual that airports or ATC need to know, coordinate to inform those stakeholders. If the exemption is something that pilots will carry, the CAA might instruct the operator to brief their pilots to show the exemption letter to foreign ramp inspectors if questioned. Essentially, consider who might need to know to avoid confusion – for example, during COVID exemptions, many CAAs sent out notices to foreign embassies or CAAs about their general exemptions so that foreign authorities would honor their licenses or certs temporarily.

5.4 Stipulating Conditions and Limitations: As introduced in 5.1, conditions are a key part of the exemption. Here we emphasize how the CAA ensures they are implemented:

- Operator's Acknowledgment: It's wise to get an acknowledgment from the applicant that they understand and will comply with all conditions. This could be as simple as them signing a copy of the letter to return, or sending an email confirmation. It adds accountability.

- Embedding in Operator's System: The operator (especially if an airline or organization) should ideally integrate the exemption conditions into their operational control system. For example, if a condition is that a certain maintenance action must be done every week during the exemption period, the CAA might request the operator to show that this has been added to their maintenance planning or tracking system. This ensures the condition isn't forgotten. If a condition involves reporting or checks by pilots, the operator should issue an internal notice or bulletin to staff referencing the CAA exemption and listing what must be done. The CAA can ask to be copied on such internal instructions.

- Limitations for Safety: Some limitations might involve external coordination, like if an aircraft isn't technically meeting an equipage requirement for certain airspace due to an exemption, the operator might be limited to only fly in certain areas or altitudes. Those limitations must be communicated in flight plans or remarks to avoid issues. The CAA should verify that the operator has a plan for this.

- Tracking Compliance: Plan for how the CAA will monitor these conditions (more on that in Section 6.1). Essentially, once conditions are in place, they become additional regulatory requirements for the duration – the operator is now obligated to meet these just as they would the normal rules. It's the CAA's role to enforce them accordingly.

5.5 Dissemination and Publication: For transparency and in fulfillment of any legal or international requirements, the CAA may disseminate information about the exemption:

- ICAO and States Notification: If, as identified earlier, the exemption causes an ICAO difference or needs to be known by other States, the CAA should proceed with those notifications immediately after issuance. Appendix 5 gives a sample format; often this entails sending a letter to ICAO (or updating EFOD) with details like the affected standard, effective dates, and any conditions. Similarly, if notifying other specific States or airlines, send those notices out. This step keeps the international community informed and helps avoid any operational surprises (for instance, a foreign regulator might allow a flight crew with expired medical to operate into their territory if they know an official exemption is in place).

- Domestic Publication: Some States require that exemptions be published in an official public record, such as a government gazette or a CAA online registry. If that is the case, ensure this publication is made in accordance with the timeline (maybe within a certain number of days of issuance). Even if not required, the CAA might publish a summary on their website for significant exemptions, as part of transparency initiatives. For example, "CAA grants temporary exemption to [Operator] for [Requirement] until [Date] subject to conditions…". Of course, sensitive or proprietary info should be omitted.

- Ops Documents Update (if needed): If the exemption affects operational documents (like Aeronautical Information Publication, operations specifications attachments, etc.), coordinate to update those. For example, if an Ops Spec normally would contradict what's now allowed by the exemption, a temporary note might be inserted, or at least internal ops spec records should reflect that an exemption is overriding a part of it for now.

5.6 Registration and Tracking: Finally, the CAA should record the exemption in its internal tracking system:

- Exemptions Register: Enter the key details in a database or log: Reference number, who it was granted to, what rule was exempted, effective dates, and any summary note of conditions. This register helps with oversight (you can quickly see which exemptions are active and when they expire) and with reporting (some CAAs report the number and types of exemptions granted annually, as a measure of regulatory flexibility or oversight health).

- Reminders: If possible, set up reminders for the expiration date so that the responsible inspector is alerted before it lapses. Many modern systems allow flagging a date; otherwise a manual diary entry can work. This ensures timely follow-up on whether the exemption was used properly and if things reverted to normal afterwards (or if a renewal request may be coming).

- Files and Archives: Place all related documents in the official file (physical and/or electronic). Because exemptions may be scrutinized later (by audits, investigations, or ICAO USOAP reviews for compliance), having everything filed is crucial. As noted in Section 3.4 and 3.5, keep also copies of any notifications sent to ICAO or other correspondence, as these form part of the record. These records should be retained as long as required by the State's record retention policy – considering that an exemption might relate to a safety event, a long retention (indefinitely for significant cases) is recommended.

With the exemption now officially issued and disseminated, the role of the CAA shifts to monitoring and eventually closing out the exemption. Section 6 will detail the post-issuance oversight and follow-up actions to ensure that safety is maintained throughout the exemption period and beyond.

6. Post-Issuance Actions and Oversight

Granting exemption is not the end of the responsibility. The CAA must oversee compliance with the exemption's terms and assess outcomes to ensure safety is indeed maintained. This section outlines the follow-up actions after issuance and leading up to the exemption's end or renewal.

6.1 Monitoring Compliance with Conditions: Once the exemption is in effect, the CAA should actively monitor the operator's adherence to all imposed conditions and any emergent safety issues:

- Inspection or Audit Activities: Plan targeted oversight activities focusing on the exemption. For example, if a maintenance-related exemption was granted, inspectors might perform more frequent checks or require reports to verify the maintenance tasks stipulated as conditions are being done. If it's an operational exemption (e.g., extending flight time limits), the CAA could sample flight records or observe operations to ensure the operator isn't exceeding the allowance or ignoring other safeguards (like fatigue management). Essentially, treat the conditions as special regulatory requirements and enforce them through normal surveillance processes.

- Required Reports from Operator: Many exemptions include a condition that the operator must submit periodic reports to the CAA (for instance, weekly status reports, or a final report after the exemption period). Ensure these reports are received and reviewed. They can provide data on how the exemption is working – e.g., number of flights conducted under it, any incidents, any difficulties encountered. Promptly follow up if reports are not submitted or if they indicate any problem.

- Incident Monitoring: Keep an eye on any incidents, occurrences, or safety reports that occur while the exemption is in place. If, for example, an incident or hazard occurs that is directly or indirectly related to the area of exemption, this might signal the need to re-evaluate the arrangement. The operator should be required (either via regulation or a specific condition) to immediately report to the CAA any event that could be linked to the exemption (like if a pilot who was allowed to fly on an extended medical had to discontinue a flight due to illness, or if a deferred maintenance item caused a minor inflight issue).

- Enforcement of Non-compliance: If the operator fails to comply with any condition of the exemption, the CAA must be prepared to act. This could include revoking the exemption immediately (thus grounding the operation or requiring compliance forthwith), and potentially taking enforcement action if laws were violated. Clearly, the CAA should communicate this risk to the operator from the outset – that an exemption is not an entitlement but a conditional privilege that will be withdrawn if abused or if safety is compromised. Document any such non-compliance and actions taken.

Regular monitoring instills confidence that safety is maintained and signals to the operator that the CAA is vigilant, which in turn encourages them to diligently follow the rules of the exemption.

6.2 **Follow-Up and Data Collection:** Throughout the exemption period, gather data and insights that can inform both the ongoing safety assurance and any future considerations:

- Performance Data: Depending on the nature of the exemption, define what data would indicate success or emerging risk. For instance, if pilots are flying longer hours (exemption from flight time limits), track fatigue reports or performance data; if maintenance intervals are extended, track any defect reports or mechanical reliability metrics; if training currency is extended, watch for any proficiency issues. The operator's safety management system (SMS) can be a source of such data, as they should also be monitoring the impact internally. Liaise with the operator's safety office to exchange relevant information.

- Regular Check-ins: It may be useful for the CAA to schedule periodic check-in meetings during a long exemption period (e.g., monthly for a year-long exemption). In these meetings, both the CAA and operator can discuss how the operations under exemption are progressing, and if any adjustments are needed. This keeps the dialogue open and can pre-empt issues.

- Mid-course Corrections: If data or monitoring shows something concerning, the CAA can implement changes even while the exemption is active. For example, if one of the mitigation measures isn't as effective as thought, the CAA could tighten a condition or add a new one. This would typically be done formally via an amendment to the exemption letter or a new letter that revises certain terms. Ensure the legal authority covers amendments. The operator should be given clear updated instructions in such cases. In extreme cases, if new information shows the situation is too unsafe to continue, consider early termination of the exemption (see 6.3).

- Documentation of Outcomes: Keep records of all monitoring activities and findings. If everything is going smoothly, note that. If issues are found and addressed, capture how. This documentation not only helps with any future analysis but also will be useful if the operator later seeks a renewal or another exemption – the CAA can refer back to how this one went.

6.3 Modification or Revocation: Exemptions are granted based on certain assumptions and conditions; if those change, the CAA must be ready to modify or revoke the exemption to preserve safety:

- Triggers for Modification/Revocation: These could include the operator not complying with conditions, an incident or hazard that arises indicating the exemption is riskier than anticipated, or external changes (for instance, if ICAO or the regional body issues new guidance that disallows such exemptions, or if a critical assumption like availability of an alternate mitigation falls through).

- Process: In many legal frameworks, the same authority that grants an exemption can revoke or amend it. The exemption letter itself often states "the CAA may withdraw this exemption at any time." If deciding to revoke, ideally discuss with the operator unless urgency demands immediate action. Provide the reasons in writing through a formal revocation notice. If modifying, issue an amended exemption letter or an addendum that clearly delineates new conditions or changes (and have it signed/issued with the same formality).

- Safety First: The guiding principle is if safety can no longer be assured under the exemption, it should not continue. It might be disappointing for the operator, but safety is paramount. If possible, coordinate such decisions so that the operator can transition back to compliance with minimal disruption (unless the situation is urgent). For example, you might give a short grace period like "exemption will be revoked in 48 hours" to allow safe cessation of operations if immediate stop isn't needed. However, if the case is severe (imminent risk), immediate grounding or halt of the exempted activity is warranted.

- Communication: Ensure others (like ICAO or other States if they were informed of the exemption) are also informed if the exemption is revoked earlier than planned, especially if they had adjusted any of their oversight based on knowing the exemption existed. This closes the loop internationally.

6.4 Renewal of Exemptions: As the expiry nears, the operator might seek an extension or renewal of the exemption. The guidance here is to treat a renewal almost like a new application, but with the benefit of data from the first period

- Advance Request: Require the operator to apply for renewal well before the current exemption expires (if they believe they still need it). The application for renewal should include justification for why an extension is necessary and evidence that they have been complying with all conditions and trying to resolve the underlying issue. For instance, if the exemption was to allow time to obtain a spare part for compliance, and they still haven't gotten it, they need to explain why and show efforts made. Some States explicitly ask for proof that the operator worked towards compliance during the exemption period.

- Review of Performance: The CAA should review how the original exemption period went. Was there full compliance? Did the mitigations work as expected? Any incidents or concerns? Use this performance record to judge if a renewal is acceptable and under what terms. If there were minor issues, perhaps a renewal is only granted with stricter conditions or for a shorter period. If performance was good and the situation still justifies an exemption, a renewal might be granted but, again, generally one short additional period – continuous renewals are a red flag that something else should be done (like a regulation change or alternative solution).

- Updated Risk Assessment: Circumstances might have changed since the first issuance. Update the risk assessment for the new period. For example, seasonal changes or different operational tempo might affect risk. The CAA should ensure that the justification and mitigations are still valid for the extension. If any new hazards have emerged or new mitigations are available, incorporate them.

- Approval and Documentation: If renewal is approved, issue a new exemption letter (or a continuation letter) with new effective dates and any revised conditions. Ensure it references the original exemption and states it supersedes or extends it. Notify ICAO/others again if needed (especially if the initial notification had an end date – they need to know it's extended). Add the renewal info to the tracking register. If renewal is not granted, communicate that with enough lead time for the operator to comply with the original requirement by the expiry.

6.5 Expiry and Return to Compliance: Once an exemption reaches its end date (and if not renewed), the operator must revert to full compliance with the normal regulation. The CAA should confirm this happens smoothly:

- Operator Confirmation: The operator should confirm in writing (or the CAA should verify via inspection) that by the day after expiry, they have resumed compliance. For example, if an aircraft had an exemption to fly past an inspection deadline, it should stop flying until inspected once the exemption expires; if crew were allowed an extended license validity, they should stop exercising privileges if not formally renewed by expiry, etc. The CAA might schedule an audit or check shortly after expiry to ensure the operation has normalized as required.

- Grace Periods: Generally, there is no grace beyond the exemption validity. A good practice is to remind the operator a few weeks in advance of the pending expiry (if they haven't sought renewal) to avoid any "oops we forgot" situations. Many CAAs send a notice like "Exemption #XXX will expire on [Date]. Please ensure all operations are in compliance thereafter. If you anticipate any issues, contact us immediately."

- Closing the File: After expiry and confirmation of compliance, formally close out the exemption case. Note in the records that the exemption was concluded and whether everything was in order. If the exemption was used as a bridge to a more permanent solution (e.g., regulation amendment or implementation of a new system), you might note that outcome as well.

6.6 Post-Exemption Review: It is beneficial for the CAA to conduct a retrospective analysis of each significant exemption. This is about learning and continuous improvement:

- Effectiveness Evaluation: Did the exemption achieve its intended purpose (e.g., allow continuity of operations) without adverse effect? Were the mitigations sufficient? If there were any incidents or close calls, analyze them. Also consider operational feedback: did the operator find the conditions reasonable and effective, or were there unforeseen difficulties in applying them (which could point to areas to refine future conditions)?

- Regulatory Implications: The CAA should reflect on whether the need for the exemption indicates any change needed in the regulatory framework. Perhaps the rule from which the exemption was granted is overly rigid or outdated, and the State might consider updating it for the long term. Or maybe the exemption was very specific to a one-time event and no change is needed. This strategic view ensures the regulatory system evolves. For example, if multiple operators keep asking for the same type of exemption, that's a strong signal that the regulation might need revision or more flexible built-in criteria.

- Document Lessons: If any lessons were learned (e.g., about communication, risk assessment, or a particular domain of operations), document them in an internal report or debrief. Share insights with other inspectors. Possibly update the official exemption guidance or checklist (Appendix 1) if you found a step that could be improved.

- Reporting: Consider including the summary of exemptions and their outcomes in the State's safety oversight reports or State Safety Program annual report. It provides transparency and can help identify trends. If required, report the summary to ICAO or regional bodies if they have queries on how States managed extraordinary situations.

6.7 Records Management: Throughout and after the exemption process, maintain meticulous records:

- Ensure the exemption file (physical or digital) has all pertinent documents, from the initial application to the final review notes. As mentioned earlier, keep records according to State policy, but given the potential significance of exemptions, long-term retention is recommended.

- Update the central database or register to mark the exemption as closed (and whether it was utilized successfully, renewed, or revoked).

- If the exemption involved notifying ICAO of a difference, remember to also notify ICAO when the difference no longer applies (i.e., the State is back in compliance). This closure of the loop is important to keep the international repository accurate. For example, if a difference was filed due to the exemption, file a follow-up difference notice or use the EFOD to indicate compliance restored as of X date.

By diligently following up and closing out exemptions, the CAA demonstrates its commitment to ensuring that short-term alleviations do not lead to long-term degradation of safety or compliance. The post-issuance oversight, combined with the upfront rigor, completes the lifecycle ensuring that exemptions remain a positive safety tool rather than a gap in the system.

7. *Best Practices for Effective Exemption Management*

7.1 Drawing on experiences from the MID Region and globally, the following best practices can enhance the effectiveness of a state's exemption process:

- Institutionalize the Process: Treat the exemption issuance process as an integral part of the State Safety Oversight system, not an ad-hoc reaction. Document it in your procedures, and make sure it's understood by all relevant staff. A well-defined process reduces errors, delays, and inconsistency.

- Maintain a Central Registry and Analyze Trends: By keeping a central log of all exemptions, a CAA can periodically analyze the data to see if there are common themes. If many exemptions pertain to one regulation, that regulation might need updating. Trend analysis can also reveal if any operators are frequent requesters – perhaps indicating deeper compliance issues that need to be addressed through assistance or enforcement.

- Ensure Equivalence of Safety: Always remind stakeholders (internally and externally) that safety is non-negotiable. An exemption should never result in a situation less safe than full compliance. Use of recognized tools like Safety Risk Management, and referencing ICAO's safety management principles, will support this. When in doubt, err on the side of caution – it's better to deny or restrict an exemption than to allow a potential unsafe condition.

- Promote Transparency and Confidence: The more transparent the exemption process, the more confidence it will instill. Publish your policies, share non-sensitive details of exemptions granted, and be open about the rationale. This not only builds trust with industry and the public, but also with international partners. Other States are more likely to accept the implications of your exemption (such as allowing your airline to operate under it in their airspace) if they see you have a robust system, as opposed to if they suspect leniency or arbitrariness.

- Leverage Regional Collaboration: The MID Region, under ICAO's coordination, offers forums for sharing practices. States can develop common criteria or checklists for certain types of exemptions (for example, many States worked together on COVID-related exemptions to harmonize their conditions). Consider entering into agreements or understandings with neighboring States for mutual recognition of exemptions in areas like pilot licensing or aircraft ferry flights, when appropriate. This can be particularly useful for States with similar regulatory frameworks or shared operators.

- Regular Training and Scenario Drills: Continuously train staff on new scenarios. As aviation evolves (e.g., introduction of new technologies, new kinds of operations like drones), think ahead about what exemptions might be requested and prepare accordingly. Running internal drills – "tabletop exercises" of hypothetical exemption requests – can reveal gaps in preparedness and keep the team sharp.

- Balance Flexibility and Rigor: A successful exemption system strikes a balance: it offers flexibility to deal with real-world challenges (showing the regulator is not inflexible or oblivious to operational realities), but it enforces rigor in requiring safety justification and compliance with conditions. Both aspects are important. Being overly rigid (never granting any exemption even when safe to do so) can stifle operations in crises; being too lax can degrade safety. Aim for a balanced, risk-based approach as espoused by ICAO.

- Document and Share Lessons Learned: After major events (like a pandemic or other crisis that led to widespread exemptions), compile a lessons learned report. ICAO and regional bodies often solicit such feedback to improve global guidance. By contributing your State's experiences, you help build a global knowledge base and possibly improve SARPs or future crisis response strategies. Internally, revise your guidance material (like this one) as needed to incorporate what was learned.

8. Final Comments

8.1 Aviation is a dynamic industry, and regulators must be equipped to address situations that fall outside the norm. The issuance of exemptions is one such tool – allowing temporary deviation from standard requirements when it is absolutely needed to maintain operations or adapt to unforeseen challenges. For the MID Region States, adopting a standardized, ICAO-aligned approach to exemptions is essential for maintaining safety and mutual trust. This guidance material has laid out a comprehensive structure and practical tools to assist CAAs in that endeavor.

8.2 It is important to reiterate that exemptions should be granted sparingly and judiciously. The processes and precautions described in this document underscore that exemptions are far from a relaxation of oversight; on the contrary, they demand even greater diligence and responsibility from the regulator and the operator alike. When done correctly, an exemption can uphold safety and enable continuity – for example, keeping vital air services running during a crisis – which ultimately serves the public good and the aviation sector's sustainability. When done poorly, however, exemptions can undermine regulatory credibility and safety outcomes.

8.3 MID States are encouraged to collaborate, share information on exemptions granted, and support each other through ICAO MID and other platforms. A harmonized regional stance, especially on common issues, prevents confusion and promotes higher safety standards. As we move forward, the lessons from recent global events should not be forgotten: being prepared with flexible yet safe regulatory solutions is now a core part of aviation safety oversight.

8.4 By institutionalizing the principles, process, and practices outlined here, the civil aviation authorities in the MID Region will be well-prepared to manage any future need for exemptions in a manner that is transparent, consistent, and above all, safe. The ICAO MID Office stands ready to assist States in implementing this guidance and facilitating information exchange to ensure that the MID Region continues to exemplify the highest commitment to aviation safety, even in the face of adversity.

9. Sources:

- ICAO Doc 9734, Safety Oversight Manual, Part A – Chapter 3 (establishing regulatory policies, including use of flexibility tools)
- ICAO Doc 9859, Safety Management Manual (principles of safety risk management applied to regulatory processes)
- Chicago Convention (Doc 7300), Article 38 (State obligations to notify differences from international standards) and related ICAO guidance on filing of differences
- Lessons Learned from COVID-19 Contingency Coordination (ICAO State letters AN 11/55 and Targeted Exemptions repository usage in 2020-2021)
- Sample State Regulations and Manuals (e.g., Oman CAA Exemptions Procedure Manual, EASA Guidance on Targeted Exemptions) – used for benchmarking best practices in exemption evaluation and documentation.

Appendix 1

Example Checklist: Exemption Issuance Process

To assist CAAs and inspectors, below is an example step-by-step checklist for processing an exemption request. This checklist can be used as a reference to ensure all critical actions are completed during the evaluation and issuance of an exemption.

Step	Action/Requirement	Status (✓/✗/N/A)	Remarks
1. Application Received	Exemption request letter/form received from applicant; logged with reference number.	✓	(Date received, reference)
2. Initial Completeness Check	Application reviewed for all required information (rule citation, justification, duration, risk assessment, etc.).	✓	(If incomplete, info requested on [date])
3. Acceptability Screening	Confirm request falls within CAA authority and is not for a non-exemptible requirement.	✓	(If not, inform applicant/redirect)
4. Acknowledgment Sent	Acknowledge receipt to applicant, outline expected timeline or additional info needed.	✓	(Sent via email/letter on [date])
5. Assign Technical Team	Relevant technical experts/inspectors assigned to evaluate (ops, airworthiness, etc. as needed).	✓	(Team leader: [Name])
6. Risk Assessment Performed	Hazard identification and safety risk assessment completed (with mitigations identified).	✓	(Risk assessment doc ref no.)

Step	Action/Requirement	Status (✓/✗/N/A)	Remarks
7. Internal Consultation	Multi-department review/meeting held for consensus and input (including legal if needed).	✓	(Meeting date, key points)
8. Draft Decision Prepared	Draft determination made (approve or deny) with rationale. If approving, conditions drafted.	✓	(Draft exemption text ready)
9. Management Approval	Decision elevated to appropriate authority (DG or committee) for review and sign-off.	✓	(Approved/Denied on [date])
10. Exemption Document Issued	Official exemption letter/order signed and issued to applicant with all conditions.	✓	(Letter ref no., date sent)
11. ICAO/External Notification	If required, notify ICAO of difference and/or other States of the exemption.	✓	(State letter or EFOD updated on [date])
12. Update CAA Records	Log the exemption in registry, set reminder for monitoring and expiry.	✓	(Registry entry no., files archived)
13. Monitor Compliance	Oversight plan in place to monitor operator's compliance with conditions during exemption period.	✓	(Inspector assigned for follow-up)
14. Post-Exemption Review	After expiry, review outcomes and lessons. Operator back in compliance or exemption renewed properly.	✓	(Review done on [date])

Appendix 2

Sample Exemption Application Form

(This sample form can be provided to operators or individuals to standardize the exemption request submissions. The form ensures all necessary information is captured for the CAA's review.)

Civil Aviation Authority – Application for Exemption

1. **Applicant Information:**
    - **Name of Applicant/Organization:** ....
    - **CAA Certificate/License No.:** (if applicable) ....
    - **Contact Person:** .... **Title/Position:** ....
    - **Contact Details:** Tel .... Email .... Address ....
2. **Regulatory Requirement for which Exemption is Sought:**
    - **Reference of Regulation/Rule:** .... (cite exact paragraph or provision)
    - **Title/Description of Requirement:** ....
      (Example: CAR Ops 5.123 – requirement for pilots to complete a proficiency check every 6 months.)
3. **Details of the Proposed Exemption:**
    - **Requested Relief:** Describe exactly what compliance requirement is to be exempted and the proposed extent of the exemption.
      (Example: "To allow a 2-month extension beyond the 6-month proficiency check requirement for pilots of XYZ Airlines.")
    - **Individuals/Operations Affected:** Specify who or what will be covered by the exemption (aircraft, routes, personnel, etc.).
      (Example: "This exemption would apply to 50 pilots of XYZ Airlines operating the ABC-123 aircraft type.")
4. **Reason and Justification:**
    - **Operational Justification:** Explain why this exemption is necessary. What circumstances prevent compliance?

(Example: "Due to unforeseen closure of the training simulator center as a result of natural disaster, pilots cannot complete proficiency checks by the due date.")

   - **Impact if Not Granted:** Briefly describe the consequences if the exemption is not approved.
     (Example: "If not granted, 50 pilots will be grounded, significantly disrupting the airline's scheduled operations and connectivity for remote regions.")
5. **Safety Risk Assessment:** *(Attach separate risk assessment document if needed)*
   - **Hazards Identified:** ....
     (Example: Pilots' skills may degrade without recurrent check on schedule.)
   - **Mitigations Proposed:** ....
     (Example: All affected pilots will undergo extended ground refresher training and supervised line flying; no pilot will exceed 8 months without a proficiency check.)
   - **Safety Statement:** Explain how an acceptable level of safety will be maintained.
     (Example: "With the proposed mitigations, we assess that operational risk remains low and safety is not compromised during the extension period.")
6. **Duration of Exemption:**
   - **Requested Start Date:** .... **Requested End Date:** ....
     (Provide specific dates or event-based duration. Example: from 01-July-2025 to 30-Sep-2025.)
   - **Is this a one-time exemption or are you planning to apply for renewal if needed?** ....
7. **ICAO Standards Impact:** (For international operations)
   - Does the exemption contravene any ICAO Standard in Annexes (yes/no)? ....
   - If yes, identify the ICAO Standard and Annex involved: ....
   - Have you notified or coordinated with any other State or entity about this potential difference? ....
     (This helps the CAA in determining notification needs.)
8. **Previous or Related Exemptions:**
   - Have you or your organization previously been granted a similar exemption? (yes/no) ....
   - If yes, provide reference number or details: ....

- If this is a renewal of a current exemption, list the current exemption reference: ....

9. **Applicant's Attestation:**
   I hereby certify that the information provided above and in attached documents is true and complete to the best of my knowledge. I understand the safety obligations associated with the granting of an exemption and commit to implementing any conditions imposed by the CAA to ensure safety.
   - **Name:** ....
   - **Position:** ....
   - **Date:** ....
   - **Signature:** ....

Attachments Checklist: (to be filled by applicant)

- Detailed Safety Risk Assessment document
- Supporting evidence (e.g., maintenance reports, training records, third-party letters, etc.)
- Copy of relevant current certificate or license (if needed for context)
- Any other pertinent documentation: ....

For CAA Use: (Leave this section for authority's processing notes)

- Date Application Received: ....
- Application Complete? Yes/No (If no, date additional info requested: ....)
- Assigned Evaluation Team/Inspector: ....
- Decision: **Approved / Denied**
- Exemption Ref No.: .... Date of Decision: ....

(End of Form)

Appendix 3

Risk Assessment Template for Exemption Evaluation

(This template is intended for CAA inspectors or safety risk managers to systematically evaluate the safety impact of a proposed exemption. It ensures all factors are considered and documented.)

A. Overview of Exemption Request:

- Exemption Reference (if assigned): ....
- Applicant/Organization: ....
- Rule from which Exemption is Sought: ....
- Brief Description of Proposed Exemption: ....
- Duration: From .... to .... (or event: ....)

B. Hazard Identification:
List the potential hazards or failure modes introduced by the exemption. Consider what could go wrong because the normal requirement is not met. For each hazard, identify the consequence in the worst-case scenario. For example:

- Hazard 1: ....
  - Potential Consequence: ....
- Hazard 2: ....
  - Potential Consequence: ....
- Hazard 3: ....
  - Potential Consequence: ....

(Add more as needed)

C. Initial Risk Analysis (Without Mitigations):
For each hazard identified, assess:

- **Likelihood (Probability)** of the hazard leading to an occurrence under exemption conditions. *(Use qualitative terms: Frequent, Occasional, Remote, etc., or numerical if available.)*
- **Severity** of the consequence if it occurs. *(Use standard severity classes: e.g., Catastrophic, Major, Minor, etc.)*

- **Initial Risk Level:** Determine the risk level or index from the combination of likelihood and severity (using the State's risk matrix or methodology). Indicate if it falls in Acceptable, Tolerable (with mitigation), or Unacceptable region prior to mitigation.

For example:

- Hazard 1: Likelihood – *Occasional*; Severity – *Major*; **Initial Risk: Medium-High (Tolerable only with mitigation)**
- Hazard 2: Likelihood – *Remote*; Severity – *Catastrophic*; **Initial Risk: High (Unacceptable)**
- Hazard 3: Likelihood – *Occasional*; Severity – *Minor*; **Initial Risk: Low (Acceptable)**

(These are illustrative. Conduct actual assessment based on evidence or expert judgment.)

D. Mitigation Measures:
List the safety measures that will be in place to reduce the risk of each hazard. Mitigations can be proposed by the applicant or added by the CAA. They might include operational restrictions, additional inspections, backup systems, increased monitoring, etc. For clarity, map each mitigation to the hazard(s) it addresses:

- Mitigation 1: ....
    - Addresses Hazard(s) #: ....
- Mitigation 2: ....
    - Addresses Hazard(s) #: ....
- Mitigation 3: ....
    - Addresses Hazard(s) #: ....

(Ensure all high/tolerable risks have at least one mitigation. Some mitigations may cover multiple hazards.)

E. Residual Risk Analysis (With Mitigations):
Re-assess the Likelihood and Severity for each hazard after implementing the above Mitigations:

- Hazard 1: New Likelihood – *Remote*; Severity – *Major*; **Residual Risk: Medium (Tolerable)**
- Hazard 2: New Likelihood – *Extremely Improbable*; Severity – *Catastrophic*; **Residual Risk: Medium (Tolerable)**

- Hazard 3: (if unchanged, copy as is) Likelihood – *Occasional*; Severity – *Minor*; **Residual Risk: Low (Acceptable)**

Evaluate if the **Residual Risk Level is acceptable** per State's criteria. (Typically, high risks must be reduced; medium may be tolerated with management decision; low are acceptable.) In this example, assume Hazard 1 and 2 have been reduced to a tolerable level with strong oversight, and Hazard 3 was already acceptable.

F. Additional Considerations:

- **Cumulative or Interactive Effects:** Consider if multiple exemptions or other concurrent issues could compound risk. *(Example: Pilot's training interval extended **and** aircraft maintenance check extended at same time – combined effect on safety.)*
- **Impact on Other Parties:** Does the exemption pose any risk to others (e.g., other operators, general public) beyond the applicant's operation? If so, addressed by mitigation? ....
- **Human Factors and Organizational Factors:** Any concern about human performance or organizational capability that could affect the outcome (e.g., reliance on pilot judgment, workload issues, company's SMS robustness)? ....

G. Risk Assessment Conclusion:

- Given the above analysis, is the risk of granting the exemption **acceptable with the identified mitigations** in place? **Yes / No**
- Summary Statement: .... *(e.g., "With the conditions proposed (extra training, limited operations, monitoring), the operational safety risk is reduced to an acceptable level for the duration of the exemption. It is concluded that the exemption can be granted without compromising safety.")*
- If no, state reasons and what would be required to achieve acceptability (or conclude exemption cannot be granted safely). ....

H. Recommended Conditions for Exemption:
Based on the mitigation measures and any other regulatory considerations, list the conditions that should be imposed if the exemption is approved. These should correlate with the mitigations:

1. ....
2. ....
3. ....

(These conditions will be inserted into the exemption letter. E.g., "Aircraft XYZ shall only be operated on daytime cargo flights under VFR during the exemption period.")

I. Evaluation Team Sign-off:

- Lead Evaluator: ____________ (Name, Position) – **Date:** ____ – **Signature:** ____
- Other Team Members: [Names/Initials] ....
- Reviewed/Concurred by (Supervisor/Manager): ____________ – **Date:** ____

(The sign-off signifies that the risk assessment has been completed and reviewed as per CAA procedures.)

Appendix 4

Sample Exemption Approval Letter

(This is a generic template of an exemption approval letter from a Civil Aviation Authority to an applicant. It should be adapted to the State's official format and specific case details.)

[On Official CAA Letterhead]
Ref: CAA/EXEMPT/2025-xx (e.g., reference number of exemption)
Date: 15 November 2025

To: Mr. ABC XYZ, Director of Operations
XYZ Airlines
P.O. Box 12345, [City], [State]

Subject: Exemption Approval – [Brief Description, e.g., Extension of Pilot Proficiency Check Interval]

Dear Mr. XYZ,

1. Introduction:
We refer to your application dated 10 October 2025, in which **XYZ Airlines** requested an exemption from **[Regulation YYY-123, Paragraph 4.5]**, which requires that flight crew proficiency checks be conducted every 6 months. Your request was to allow an extension of this interval to 8 months for certain pilots, due to the temporary closure of the ABC Training Simulator Center.

2. Authority:
Under the powers granted to the Civil Aviation Authority of [State] by **Section 10 of the Civil Aviation Act and Part 1.2 of the [State Aviation Regulations]**, the CAA may grant exemptions to regulatory requirements on a case-by-case basis, provided such action is in the public interest and does not compromise safety.

3. Approval:
After careful review of your application, including the safety risk assessment and mitigation measures proposed, the CAA has decided to **grant the requested exemption**. This exemption allows XYZ Airlines to operate specified flights with pilots who are overdue for proficiency check, subject to the conditions below.

4. Details of Exemption:

- **Regulation Exempted:** [State Aviation Regulation YYY-123, Paragraph 4.5], which prescribes a 6-month interval for flight crew proficiency checks.
- **Nature of Exemption:** Authorizes an extension of the proficiency check interval up to a maximum of **8 months** for eligible pilots under conditions stipulated herein.
- **Effective Period:** This exemption is effective from **01 December 2025** until **31 March 2026**. Unless renewed, it will automatically expire at 23:59 LT on 31 March 2026, after which all pilots must fully comply with the 6-month proficiency check requirement.
- **Applicability:** This exemption applies only to **flight crew of XYZ Airlines who held valid proficiency checks as of 01 September 2025** that have since lapsed or will lapse before they can complete recheck due to simulator unavailability. It is not transferable to any other airline or personnel.

5. Conditions:
XYZ Airlines is required to comply with the following conditions as part of this exemption approval:
a. **Additional Training:** Prior to operating beyond the normal 6-month limit, each affected pilot shall undergo a structured refresher training program. This program (as described in your letter) must include at least 4 hours of classroom/theoretical training and 2 supervised line flights in a non-command role. Documentation of completion for each pilot must be retained and made available to the CAA on request.
b. **Operational Limitation:** Pilots operating under this exemption shall **not serve as Pilot-in-Command (PIC)** on any flight beyond 6 months since their last proficiency check. They may operate in the co-pilot role only. A currently qualified PIC (within 6-month proficiency) must be on board as the commander for all flights where an exempted pilot is part of the crew.
c. **Route Restrictions:** Exempted pilots shall only operate on domestic routes within [State] or routes to [Neighboring State] (as specified in your request). They are not permitted to operate to any other international destinations under this exemption unless specifically approved by the CAA.
d. **Monitoring and Reports:** XYZ Airlines shall closely monitor the performance of pilots flying under this exemption. Any abnormal events, safety concerns, or pilot proficiency issues must be reported to the CAA immediately. Additionally, XYZ Airlines must submit a **brief report every 30 days** during the exemption period summarizing how many flights were conducted under this exemption, and confirming that conditions were met on each flight. The first report is due by 01 January 2026.

e. **Simulator Scheduling:** XYZ Airlines must provide the CAA with evidence by 31 January 2026 that all affected pilots have been scheduled for proficiency checks at the earliest possible date once the ABC Simulator Center resumes operation (or an alternate training arrangement is made).
f. **Safety Standards:** All other operational and safety regulations remain in effect. This exemption in no way waives compliance with any requirement except the specific proficiency check interval stated. Pilots must continue to meet all other fitness for duty requirements (rest, medical fitness, etc.).

6. ICAO Compliance:
It is acknowledged that by extending pilot proficiency beyond 6 months, [State] is temporarily not in full compliance with ICAO Annex 1, Chapter 3, Standard 3.7.3 (which implies recurrent training proficiency within a given period). The CAA will file a difference with ICAO for the duration of this exemption, in accordance with Article 38 of the Chicago Convention, and notify concerned States as necessary.

7. Rights and Limitations:
The CAA reserves the right to **revoke or modify** this exemption at any time prior to 31 March 2026 if it is deemed in the interest of safety or if XYZ Airlines fails to adhere strictly to the conditions herein. Should the circumstances that necessitated this exemption abate (e.g., simulator training opportunities become available sooner), the CAA expects XYZ Airlines to promptly return to normal compliance and cease use of the exemption.

This exemption is a temporary measure granted based on the specific facts and mitigation strategies presented. It reflects the CAA's commitment to supporting continued operations during challenging circumstances **while maintaining an acceptable level of safety**. The CAA appreciates XYZ Airlines' proactive safety risk management in this process.

8. Conclusion:
Please signify your agreement to the terms and conditions of this exemption by countersigning and returning a copy of this letter (or by a written confirmation of acceptance via email). By using this exemption, XYZ Airlines and its pilots agree to comply with all stated conditions. We look forward to your continued cooperation.

For any questions regarding this exemption, you may contact [CAA focal point name] at [contact info].

Sincerely,

[Signature]
[Name of DG/Authorized Officer]
Director General (or appropriate title)
[Civil Aviation Authority of State]

Countersignature (Applicant):
I, **[Name]**, on behalf of **XYZ Airlines**, acknowledge and agree to the above terms and conditions.

Signature: ____________________ Date: ______________

(End of Exemption Letter Template)