



ASSEMBLY — 42ND SESSION

TECHNICAL COMMISSION

Agenda Item 25: Other issues to be considered by the Technical Commission

AVIATION EXEMPTION POLICY AND GUIDANCE FRAMEWORK

(Presented by Qatar)

EXECUTIVE SUMMARY

This working paper highlights the need for globally harmonized guidance on the issue of aviation exemptions by States. While the *Convention on International Civil Aviation* (Doc 7300, Chicago Convention) Articles 38 permits States to depart from international standards in exceptional circumstances, inconsistent national practices in granting exemptions pose potential safety risks and operational uncertainties. The COVID-19 pandemic targeted exemptions (TE) experience demonstrated both the necessity of exemptions and the value of a coordinated approach to managing them. This paper therefore recommends the development of comprehensive ICAO guidance material on aviation exemptions (covering technical, legal and policy aspects) and proposes new mechanisms – such as a centralized exemption-reporting dashboard, minimum competency standards for authorities approving exemptions, and a voluntary peer review of States exemption processes – to improve consistency and safety oversight. These measures will help mitigate the risks of uneven exemption practices and strengthen global aviation safety.

Action: The Assembly is invited to:

- acknowledge the need to establish a harmonized global framework for the issuance of aviation exemptions, in order to enhance safety and efficiency, and to incorporate the lessons learned from the COVID 19 Targeted Exemptions initiative;
- invite the Council to expedite the work already called for by the High-level Conference on COVID19 (HLCC) 2021 Recommendation 1/1 (m) by developing detailed guidance material on aviation exemption policies and processes, considering lessons from the COVID-19 targeted exemptions and the proposals in this paper; and
- encourage Member States to participate in a voluntary peer-review mechanism for exemption practices

<i>Strategic Goal:</i>	This working paper relates to <i>Every Flight is Safe and Secure</i> .
<i>Financial implications:</i>	The activities can be undertaken within the 2026-2028 Regular Programme Budget and/or extra-budgetary contributions.
<i>References:</i>	Doc 9734, <i>Safety Oversight Manual</i> , Part A – <i>The Establishment and Management of a State Safety Oversight System</i> Doc 7300, <i>Convention on International Civil Aviation</i> , (Article 38) ICAO Universal Safety Oversight Audit Program (USOAP) findings A41-WP/246, <i>Outcomes from the global safety assessment project</i> HLCC 2021-WP/79, <i>Proposal to develop a guidance material for issuing aviation exemptions</i> HLCC 2021-WP/241, <i>Draft report of the safety stream on agenda item 1</i> COVID-19 Targeted Exemptions notifications and guidance

1. INTRODUCTION

1.1 *Existing Guidance and Practices.* ICAO's current guidance, the *Safety Oversight Manual* (Doc 9734), encourages a disciplined, safety centered approach to exemptions. States may grant them only when full compliance is impracticable, backed by a thorough risk assessment that achieves an equivalent level of safety. Exemptions are to remain exceptional, be fully documented, published (e.g., in the Aeronautical Information Publication (AIP) or civil aviation authority (CAA) website), regularly reviewed, and withdrawn when no longer needed. Regulators should also confirm whether an exemption creates a difference from ICAO Standards and, if so, promptly notify ICAO ensuring transparency and continued international confidence.

1.2 *Lessons Learned from COVID-19.* The pandemic experience highlighted both the necessity of exemptions in exceptional circumstances and the challenges of managing them consistently. On one hand, the ability to grant temporary relief from certain requirements was critical to keeping aviation activities safe and viable. On the other hand, it became evident that without a harmonized approach, an increase of uncoordinated exemptions could create confusion and safety blind spots. ICAO urged States to publish COVID-19 exemptions as temporary differences to facilitate international operations. However, the analysis revealed that the number of differences reported to ICAO was far lower than the number of exemptions issued. The COVID-19 experience has thus been a wake-up call: it exposed gaps in the global framework for exemptions and demonstrated the value of common tools and guidance.

1.3 *Qatar's Proposal at the High-level Conference on COVID-19 (HLCC) 2021.* At the HLCC 2021, Qatar, on behalf of the Arab Civil Aviation Organization (ACAO), submitted working paper HLCC 2021-WP/79-SAF/57. The paper stressed the urgent need for harmonized ICAO guidance on aviation exemptions, pointing out that divergent national practices and the absence of a dedicated manual were creating legal uncertainty and potential safety risks. Qatar highlighted:

- a) the obligations under Articles 38 of the Chicago Convention;
- b) the operational and strategic risks of granting exemptions without a structured safety-risk-assessment process; and
- c) the importance of supplying States with a minimum set of universally applicable procedures and templates for evaluating, documenting and publishing exemptions.

1.4 The Qatar paper invited the Conference to recommend that ICAO develop comprehensive guidance material to help States grant exemptions or exceptions that result in temporary deviations from Standards and Recommended Practices (SARPs) while preserving an equivalent level of safety. This recommendation foreshadowed and fully aligns with the framework now proposed to the Assembly.

1.5 *Outcome of HLCC 2021.* The HLCC 2021 Safety Stream endorsed the substance of the Qatar proposal. In its report (HLCC 2021-WP/241-SAF/153), the Conference:

- a) called for "the development of additional guidance material to assist States when considering exemptions," noting recurring USOAP findings in this area; and

- b) recorded that many States lack the capability to perform proper safety-risk assessments when granting exemptions, reinforcing the need for ICAO-level support.

1.6 Accordingly, Recommendation 1/1 (m) of the HLCC 2021 report tasked ICAO “to develop additional guidance on the process of granting *time-limited exemptions to ICAO provisions during global disruption events*.” This outcome provides a clear mandate for the Assembly to move from concept to concrete deliverables – precisely what the present paper proposes.

2. DISCUSSION

2.1 *Need for Harmonized Guidance.* Given the observations above, there is a clear need for a harmonized, globally accepted guidance framework on aviation exemptions. Such guidance would ensure that all States follow a consistent approach when considering and granting exemptions to aviation requirements, thereby maintaining the overall safety integrity of the international system. While Doc 9734 provides high-level expectations, States would benefit from more detailed guidance material and possibly Standardized Methods for processing exemptions. This could take the form of an ICAO manual or circular dedicated to “Exemption Policy and Procedures,” consolidating best practices and specifying the necessary steps and considerations for granting an exemption. The explicit mandate given by HLCC 2021 Recommendation 1/1 (l) to develop guidance on exemptions reinforces the timeliness and necessity of the framework proposed in this paper.

2.2 *Proposed New Tools and Mechanisms.* Beyond written guidance, several practical measures can be introduced at the ICAO level to support harmonization of exemption practices. This working paper proposes three Assembly-level initiatives for consideration, which build upon both the pandemic experience and existing oversight frameworks:

- a) Centralized Exemption Reporting Dashboard: ICAO could establish a global, centralized repository dashboard) for States to report any approved exemptions that affect international operations, similar to the COVID-19 TE portal but expanded for all situations;
- b) Minimum Competency Framework for Exemption Approval: ICAO should outline a minimum competency and training framework for personnel involved in granting exemptions and
- c) Voluntary Peer Review of State Exemption Policies: A peer-review mechanism could encourage States to learn from each other in managing exemptions.

2.3 *Mitigating Risks of Inconsistency.* The above guidance and tools aim squarely at reducing the risks of inconsistent exemption practices. In the absence of action, safety gaps, lack of interoperability, and erosion of standardization remain critical concerns. By implementing a comprehensive framework, ICAO and its Member States can mitigate these risks and uphold a uniform safety culture.

2.4 *Role of ICAO and States.* Implementing the framework will require cooperation. ICAO would take the lead in developing new guidance and supporting tools, while States would adapt national regulations, actively use the new reporting system, and participate in peer reviews. Such transparency and collaboration are key to harmonizing practices.

2.5 *Outlook.* By taking these steps, the global aviation community can transform a historically variable practice into a well-governed element of safety oversight. A robust exemption framework ensures flexibility without compromising safety or consistency and supports the evolution of ICAO Standards.

Table 1. Potential Gaps in Exemption Practices and Proposed Framework Improvements

Potential Gaps/Challenges	Safety/Operational Impact	Proposed ICAO Framework Solutions
Divergent national procedures for granting exemptions (some States have robust processes, others ad hoc or none).	Inconsistent safety assurance; potential unsafe exemptions or overlooked risks in some States.	Develop detailed ICAO guidance material on exemption issuance, providing a standard process and criteria for all States.
Lack of systematic risk assessments for exemptions in some cases.	Exemptions may be granted without fully understanding or mitigating the safety impact.	Include Technical Risk Assessment Templates and require documented safety cases for each exemption.
Overuse or misuse of exemptions	Erosion of global standards; overall safety margins could decline, and international harmonization weaken.	State in guidance that exemptions must remain time-bound and exceptional; ICAO monitoring via dashboard can flag excessive reliance.
Variable expertise among authorities reviewing/approving exemptions.	Quality of safety oversight differs; complex exemptions may be casually approved.	Establish Minimum Competency Framework for regulators and promote peer reviews.
No formal international review of exemption policies outside USOAP audits (which are infrequent).	It is difficult for States to benchmark their processes; lessons learned may not be disseminated.	Introduce a Voluntary Peer Review Mechanism for exemption processes, facilitated by ICAO/Regional Safety Oversight Organizations (RSOOs).

3. CONCLUSION

3.1 Inconsistent approaches to the issuance of aviation exemptions represent a weak link in global aviation safety oversight. There is a clear imperative for ICAO to provide robust policy guidance and tools to assist States in managing exemptions.

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