

ADVISORY INFORMATION 04/2022

3 March 2022



APPLICATIONS FOR EXEMPTION

1 Purpose

- 1.1 There may be some circumstances where a person/organisation holding a certificate, licence (including personnel licensing), permit, approval, authorisation, permission or other document issued under any subsidiary legislations made under the Civil Aviation Act 1969 may not be able to comply with the established regulation, directives and/or requirements and may request for an exemption to such regulation, directives and/or requirements.
- 1.2 An application for exemption is a request to:
 - a) the Minister to exempt from any specific provision in the Regulation issued by the Minister under Section 3(2)(p) of the Civil Aviation Act 1969.
 - b) the CEO to exempt from any specified requirement in any notices, circulars, requirements, directives or information as issued by the CEO under section 24O(3) of the Civil Aviation Act 1969.
- 1.3 Exemptions are not to be used to avoid or ease the compliances to the established requirements for convenience purposes. It should be noted that granting exemptions must be serving the public interest and be approved only for a limited period of time.
- 1.4 Any exemption, if granted by the Minister or CEO, is subject to terms and conditions as appropriate and after being satisfied that the safety and security of civil aviation is not jeopardized. The exemption may be granted to any aircraft, flight or person or classes of aircrafts, flights or persons from all or any provisions of any regulations, notices, circulars, requirements, directives of information issued under the Civil Aviation Act 1969 or any subsidiary legislations made under the said act. The exemption may be executed in the manner of exceptions, deviations or extensions.

2 Safety Considerations

- 2.1 Before granting an exemption, the CAAM will consider whether an applicant's proposal provides a level of safety, or risk control, equivalent to that required by the existing requirements.
- 2.2 An applicant submitting a request for exemption, must present evidence that measures implemented shall ensure an equivalent level of safety is maintained throughout the entire exemption validity period. The required evidence may consist of detailed safety risk analysis, adequate prevention and mitigation measures or other element deemed necessary by the CAAM.
- 2.3 Aviation is a dynamic environment and individual circumstances vary, therefore the granting of a similar exemption in the past is not justification for the granting of another exemption. Each exemption will be assessed on its own merits, with reference to the most up to date information.

3 Documents Required

3.1 The Application For Exemptions

- 3.1.1 An applicant shall submit the following:
 - a) Completed application form – CAAM/BKS/ExPPM/01 ([Link](#))
 - b) Reasons for non-compliance with the existing requirements/Reasons why the exemption is necessary.
 - c) Safety Risk Assessment Report (to be completed by a trained and qualified personnel)
 - d) Means of mitigation and indication as to when compliance can be expected.

Note. – for exemptions relating to personnel licensing (e.g. Flight Crew Licences, Aircraft Maintenance Licences, etc.), the safety risk assessment report as required in para 3.1.1.c) shall be done by the operator that the applicant is employed by, or the relevant approved training organisation if the applicant is not tied to any organisation.

- 3.1.2 In considering an application, the CAAM may ask the applicant to provide further information;
- a) Notwithstanding paragraph 3.1.1, provide any specific documents requested by the CAAM;
 - b) to be interviewed by CAAM inspector/officer;
 - c) carry out a demonstration; and
 - d) any other action that CAAM deem reasonable to process the exemption application.

4 Exemption Policy

4.1 Failure to Provide Information and Documents

- 4.1.1 An applicant shall provide adequate information as required by the CAAMs internal policy, together with supporting documents for consideration for granting the exemptions. Failure to provide adequate information and the supporting documents may lead to delay/refusal of the application.

4.2 Exemptions are not transferable

- 4.2.1 An exemption that was issue to specific person/entity/organization is not transferable to any other persons/entities/organisations.

4.3 Validity of exemption

- 4.3.1 If the exemption granted with a specific period of time, the exemption shall cease:
- a) at the end of the date specified in the letter of exemption; or
 - b) at the time the exemption has been revoked by CAAM; or
 - c) in cases where the applicant has requested for cancelation of the exemption.
- 4.3.2 The maximum permissible exemption period issued by the CAAM will be 1 year. However this is subject to the gravity of the exemption being requested and mitigation plans in place by the applicant to comply with the requirements.

4.4 **Revocation of The Exemption**

- 4.4.1 The CAAM at any time, may revoke an exemption in the interests of safety. This may occur as a result of the applicant's failure to comply with the conditions of the exemption, or a special circumstance has arisen and CAAM is made aware that the continuation of the exemption may jeopardise civil aviation safety.
- 4.4.2 If CAAM decides to revoke an exemption other than on request, it will normally give the holder of the exemption reasonable notice of its intention to do so and provide them the opportunity to respond within reasonable time. CAAM may take the exemption holder's response into account in deciding to revoke the exemption.
- 4.4.3 However, if the circumstances are serious and will cause an immediate risk to civil aviation safety, or where there is reasonable information received by CAAM that the applicant is breaching the conditions of the exemption or the related provision of the regulations, CAAM shall revoke the exemption given effective immediately without prior notice.



DATUK CAPTAIN CHESTER VOO CHEE SOON

Chief Executive Officer
for Civil Aviation Authority of Malaysia
3rd March 2022