



NAMIBIAN CIVIL AVIATION AUTHORITY

Advisory Pamphlet (AP)

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EXEMPTION PROCESS



Document Control

Approval

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	Position	Name	Signature	Date
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NCAA Approval:	Executive Director	Ms. Toska Sem	 	28/01/2025

Change Summary

Edition Number	Brief Description of Change	Prepared by	Effective Date
1.0	First Edition	SPQ	
NOTE:			
1. When amended, this document will be re-issued in full. Each page will indicate the edition number. The edition number shall be the same on each page.			
2. When printed this document is uncontrolled.			




Advisory Pamphlets (AP) System.

1. The Namibian Civil Aviation Authority (NCAA) issues Advisory Pamphlets in accordance with NAMCARs 2001/NAMCAR 2018, Part 3, regulation 3.04.4 to advise the aviation public in a systematic way of non-regulatory material, and acceptable means of compliance. Unless incorporated into a regulation by reference, the contents of an Advisory Pamphlet are not non-binding on the public. Advisory Pamphlets are issued in a numbered-subject system corresponding to the subject areas of the Namibian Civil Aviation Regulations (NAMCARs) and the Namibian Civil Aviation Regulations (NAMCARs) approved NCAA File Plan.
2. Advisory Pamphlets are intended to provide information and guidance to illustrate a means but not necessarily the only means of complying with the Regulations, or to explain certain Regulatory requirements by providing interpretative and explanatory material. Where an AP is referred to in a 'Note' below the regulation, the AP remains as guidance material.
3. Advisory Pamphlets should be read in conjunction with the referenced regulations.
4. Voluntary Reporting Scheme (VRS) and Mandatory Occurrence Reporting Scheme (MORS) is set out in the schedule hereto.
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7. Any queries on the content herein should be addressed to spa@ncaa.na for forwarding to the relevant department.

Effective date: _____

Ms. Toska Sem
Executive Director

 <p>NCAA NAMIBIA CIVIL AVIATION AUTHORITY</p>	<p>Namibia Civil Aviation Authority - Safety Division</p>	<p>ADVISORY PAMPHLET Exemption Process</p>
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1. INTRODUCTION

- 1.1. This Advisory Pamphlet establishes the principles, requirements, and procedures for processing exemption requests under the Namibia Civil Aviation Authority (NCAA).
- 1.2. Exemptions represent a departure from prescribed regulatory standards and are granted only in exceptional circumstances. Such exemptions must balance regulatory flexibility with the paramount objective of ensuring aviation safety, security, and adherence to international standards, including those established by the International Civil Aviation Organization (ICAO).
- 1.3. This Advisory Pamphlet aligns with the requirements of ICAO Annexes 1, 6, 8, 13, and 19, as well as relevant ICAO documents and Namibia Civil Aviation Regulations (NAMCARs).

2. PURPOSE

- 2.1. The purpose of this Advisory Pamphlet is to provide information on the exemption process required by NCAA.
- 2.2. The information herein aims to provide users a structured, transparent, and accountable framework for the process of applying for and obtaining exemptions.
- 2.3. Key objectives include:
 - a) Ensuring that exemptions adhere to minimum safety and security standards.
 - b) Maintaining the alignment with ICAO standards and recommended practices.
 - c) Streamlining the exemption process while safeguarding public interest.
 - d) Enhancing consistency, accountability, and transparency in exemption decisions.

3. SCOPE

- 3.1. This Advisory Pamphlet applies to all individuals and organisations subject to NCAA oversight that seek exemptions from any provision of the NAMCARs.
- 3.2. Exemptions will only be considered in terms of NAMCAR 3.03.1, namely where adherence to regulations:

- a) the requirement that has been substantially complied with and that further compliance is unnecessary;
- b) the action taken or provision made in respect of the matter to which the requirement relates is as effective or more effective than actual compliance with the requirement;
- c) the prescribed requirements are clearly unreasonable or inappropriate in the particular case; or
- d) events have occurred that make the prescribed requirements unnecessary or inappropriate in the particular case,

and that the risk to civil aviation safety and security is not or is not likely to be significantly increased by the granting of the exemption.

3.3. Financial or economic constraints shall not, on their own, justify the approval of an exemption.

4. PRINCIPLES

- 4.1.** Exemptions must not compromise aviation safety or security. All approvals shall be based on documented risk assessments demonstrating an acceptable level of safety (ALoS).
- 4.2.** The exemption process must be clear and open, with applicants and stakeholders informed of the criteria, procedures, and decisions.
- 4.3.** NCAA inspectors, managers, and decision-makers are accountable for their roles in the exemption process. All decisions must be documented and justified.
- 4.4.** Exemptions must be consistent with ICAO standards and practices, ensuring Namibia's compliance with international obligations.
- 4.5.** Exemptions are temporary measures, valid for a defined period, and subject to periodic review and renewal.

5. ELIGIBILITY AND APPLICATION REQUIREMENTS

- 5.1.** Any person or organization subject to NCAA oversight may apply for an exemption using the prescribed form (FSS-GEN-FORM 201-04).

5.2. Applicants must submit the following:

- a) A completed exemption request form.
- b) Detailed motivation, including the rationale for the exemption and its public interest or operational necessity.
- c) Risk assessment demonstrating that the proposed alternative measure ensures equivalent or superior safety.
- d) Any supporting documentation, such as operational manuals, compliance plans, or evidence of mitigation measures.
- e) Proof of payment of the prescribed fee as per NAMCAR Part 187.

6. EXEMPTION REVIEW PROCESS

6.1. Step 1: Initial Consultation: Applicants are strongly encouraged to consult relevant NCAA inspectors to assess the viability of their exemption request prior to submission. Inspectors shall provide guidance but must not guarantee approval, likewise any indication that the request will not be approved, is only guidance.

6.2. Step 2: Assignment and Review: Upon receipt, the exemption request shall be assigned to an appropriately qualified inspector by the relevant Senior Manager. The inspector will conduct a detailed review, including assessing the risk mitigation measures.

6.3. Step 3: Safety Review: The application will be reviewed by the Safety Promotion and Quality (SPQ) unit for compliance with minimum safety standards and ICAO requirements along with evaluation of risk assessment.

6.4. Step 4: Legal Review: Legal counsel will assess the application for regulatory consistency and public interest compliance.

6.5. Step 5: Senior and Executive Endorsements: The relevant Senior Manager and General Manager of Safety shall endorse the application if deemed acceptable.

6.6. Step 6: Executive Director Approval: If the previous steps are found acceptable the submission is forwarded to the Executive Director. The final approval rests with the Executive Director.

6.7. Step 5: Notification and Publication: Approved exemptions will be communicated to the applicant and published in the NCAA public register of exemptions.

Rejected applications shall include reasons and guidance for appeal or reapplication.

7. CONDITIONS FOR APPROVAL

7.1. Exemptions will only be approved if:

- a) The alternative measures proposed provide an equivalent or superior level of safety.
- b) The exemption aligns with ICAO standards and does not compromise Namibia's compliance.
- c) The exemption does not conflict with public interest or broader aviation safety objectives.

7.2. Conditions and limitations may be imposed to ensure operational safety and regulatory compliance.

8. INSTANCES FOR CONSIDERATION

8.1. **Instances that Might Be Considered for Exemption (not exhaustive):**

- a) **Technological Advancements:** When new technology provides an equivalent or superior level of safety compared to existing regulations.
- b) **Operational Necessity:** In cases where strict compliance with regulations is impractical due to unique operational circumstances, provided safety is not compromised.
- c) **Temporary Situations:** For temporary deviations needed to address short-term operational challenges, with a clear plan for returning to full compliance.
- d) **Equivalent Safety Measures:** When alternative measures can be demonstrated to achieve the same or higher level of safety as the prescribed regulations.

8.2. **Instances that Might Not Be Considered for Exemption (not exhaustive):**

- a) **Financial or Economic Constraints:** Exemptions will not be granted solely based on financial or economic reasons.
- b) **Compromising Safety:** Any request that compromises aviation safety or security will not be considered.
- c) **Non-Compliance with ICAO Standards:** Requests that would result in non-compliance with ICAO standards and recommended practices.
- d) **Public Interest Conflicts:** Exemptions that conflict with public interest or broader aviation safety and security objectives.

9. APPEALS AND OVERSIGHT

- 9.1. Applicants may appeal rejected exemption requests to the NCAA Executive Director. Final appeals may be referred to the Attorney General's office.

- 9.2. All approved exemptions are subject to periodic review and may be revoked if conditions are not met or safety is compromised.

10. REFERENCES

- 10.1. The following documents underpin this Advisory Pamphlet :
 - Namibia Civil Aviation Regulations (NAMCARs), Part 3, 2018
 - ICAO Annexes 1, 6, 8, 13, 19
 - ICAO Doc 9859 (Safety Management Manual)
 - NCAA Internal Procedures for Exemption Reviews

Attachments:

- Appendix A – Examples
- Appendix B – Application Form
- Appendix C – Risk Assessment Template

APPENDIX A

(The following examples illustrate the conditions under which exemptions may or may not align with the principles of aviation safety, regulatory compliance, and public interest.)

INSTANCES THAT MIGHT BE CONSIDERED FOR EXEMPTION (EXAMPLES):

1. Technological Advancements:

- An airline seeks an exemption from a regulation requiring specific onboard navigation equipment because they have adopted a newer, ICAO-compliant system that exceeds current safety standards.
- A maintenance organization requests an exemption to use advanced diagnostic software instead of traditional physical inspections for specific non-critical aircraft components, ensuring equivalent safety.

2. Operational Necessity:

- A humanitarian flight operating in a remote area to a non-licensed aerodrome requests an exemption to land at a temporary airstrip for disaster relief, mitigating risks by providing alternative safety measures, such as additional ground personnel and communications.
- A cargo operator requests a temporary exemption from cargo hold fire detection requirements for a specific route where the system is temporarily unavailable, where alternative measures of manual monitoring (personnel in the hold) are in place.

3. Temporary Situations:

- A training organization applies for a temporary exemption from instructor-to-student ratio requirements during a short-term surge in demand, ensuring that additional oversight (CFI auditing of training and more frequent training records review) and safety measures (stricter FDP) are implemented.
- An airline requests a temporary exemption to operate an extended FDP route for operational reasons, whereupon as mitigation the number of shifts is limited to one consecutive and crew are provided additional off duty time following the shift.

4. Equivalent Safety Measures:

- A pilot training school applies for an exemption to use a flight simulator that incorporates advanced virtual reality systems instead of an older model

referenced in the regulations, demonstrating superior training outcomes and safety.

- An airport operator seeks an exemption from fencing requirements by implementing advanced motion-sensor technology and additional patrolling to ensure equivalent security.

INSTANCES THAT MIGHT NOT BE CONSIDERED FOR EXEMPTION (EXAMPLES):

1. Financial or Economic Constraints:

- An airline requests an exemption from mandatory engine inspections, citing high costs, without presenting alternative safety measures.
- A maintenance organization seeks an exemption from training requirements for technicians, arguing that training fees are prohibitive.

2. Compromising Safety:

- An operator applies for an exemption to reduce the number of crew members required for certain flights, without proposing any safety enhancements, thereby compromising passenger and crew safety.
- A request to waive runway lighting requirements at an airport, citing low nighttime traffic, without an alternative means to ensure safe landings.

3. Non-Compliance with ICAO Standards:

- An air traffic control provider requests an exemption from implementing required surveillance technology mandated by ICAO Annex 11, without proposing compliant alternatives.
- A carrier applies for an exemption to avoid compliance with ICAO-recommended fuel reserve policies, potentially endangering flight safety.

4. Public Interest Conflicts:

- An operator seeks an exemption to bypass environmental protection regulations for a project that could harm local wildlife and ecosystems.
- A cargo carrier requests an exemption to transport hazardous materials without appropriate containment, risking public safety and contravening ICAO Dangerous Goods Regulations.

APPLICATION AND EVALUATION OF EXEMPTION

PART A (TO BE COMPLETED BY THE APPLICANT)*

1. PARTICULARS OF THE APPLICANT/CERTIFICATE HOLDER

1.1	Request made by:
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1.2	Name of Organisation:
-----	-----------------------

1.3 Principal place of business:	1.4 Postal address: Postal code:
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1.5 Telephone number:	1.6 Telefax number:
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1.7 Cellular phone number:	1.8 E-mail address:
----------------------------------	---------------------------

1.9 SITA code (if any):	1.10 Telex number:
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2. PARTICULARS OF THE REQUESTED EXEMPTION*

Details of regulatory requirement (NAMCAR/NAMCATS)		Details of Request (include reasons for the request and duration of the Exemption)	Safety Risk Assessment Done		Alternative means of compliance / mitigations proposed	
Regulation No and paragraph	Details of regulation		Yes (Attach report)	No	YES (attach report)	NO

3. Explain which sub-clause (a) through (d) of NAMCAR 3.03.1 is applicable to the exemption request, include reasoning*

4. Explain the interests of the applicant in the exemption requested, including the nature and extent of the exemption requested, and a description of each person or thing to be covered by the exemption*

5. Information, views, arguments, or support (attach documents if required)*

6. Explain why it is believed that the exemption should be granted, including the reasons why it would not be possible or desirable to comply with the requirement which is the subject of the application, as well as the extent to which the exemption may affect civil aviation safety and security;*

7. PUBLIC INTEREST FACTORS CONSIDERED*

a)

b)

c)

8. SAFETY FACTORS CONSIDERED*

(Attach safety risk assessment)

a)

b)

c)

9. DETAILS OF PROPOSED ALTERNATIVE MEANS OF COMPLIANCE/MITIGATIONS *

1)
2)
3)

10. DOCUMENTS ATTACHED

1)
2)
3)

11. DETAILS OF SERVICE PROVIDER'S CERTIFICATE (AS APPLICABLE)

11.1 Certificate number:	11.2 Expiry date:
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12. DETAILS OF FEE PAID*

(Attach Proof of Payment)

12.1 Invoice number:	12.2 Date of Payment:
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13. DECLARATION BY THE APPLICANT*

8.1The applicant/holder hereby declares that the information provided in this application is correct and that no relevant information has been withheld.	
..... Signature Date

Note: items marked with an * are compulsory

PART B: (FOR USE BY THE NCAA)

1. TO BE COMPLETED BY THE SENIOR MANAGER

Received by (Name):	Signature:	Date:
Officer assigned for assessment:		
Remarks by the Senior Manager:		

2. EXEMPTION APPROVAL CHECKLIST (TO BE COMPLETED BY EVALUATING OFFICERS)

Assessment Code: S – Satisfactory N/S- Not Satisfactory N/A – Not Applicable

2.1 STEP 1: INITIAL EVALUATION OF APPLICATION (To be completed by inspector assigned by the Senior Manager)

No	Compliance Question	S	N/S	N/A	Remarks
1	Has the application been submitted using the prescribed Form FSS-GEN-201-04				
2	Has the applicant completed all the relevant Sections in Part A of Form FSS-GEN-FORM-201-04				
3	Has the applicant specified the specific regulations/standards from which the exemption is sought?				
4	Has the applicant clearly specified the details of the exemption sought?				
5	Do the details include the reasons why the exemption is sought?				
6	Do the details include the duration of the exemption?				
7	Is the duration of the exemption not longer than 180 days?				

No	Compliance Question	S	N/S	N/A	Remarks
8	Has the applicant clearly indicated the applicability in terms of 3.03.1 in making the application for exemption?				
9	Has the applicant clearly indicated the factors considered in making the request?				
10	Do the factors include public interest and safety factors considered?				
11	Has the applicant proposed alternative means of compliance with regulatory requirements including mitigation measures to ensure safety is not compromised?				
12	Has the applicant submitted all relevant documents to support the application?				
13	If certified, has the applicant provided the details of the certificate in force?				
14	Is the application for exemption submitted as part of an application of a certificate/approval?				
15	Are there any known safety concerns that are yet to be addressed by the applicant?				
16	Has the applicant paid the applicable fees?				
<p>Recommendations:</p> <p>.....</p> <p>.....</p> <p>.....</p> <p>.....</p> <p>.....</p>					
<p>_____</p> <p>Name and Stamp</p>		<p>_____</p> <p>Signature</p>		<p>_____</p> <p>Date</p>	

2.2 STEP 2: EVALUATION OF SAFETY IMPLICATIONS (To be completed by Safety Specialist)

NOT RECOMMEND THAT APPROVAL BE GRANTED / APPLIED TO THE ABOVE APPLICATION

.....
.....
.....
.....
.....

Name and Stamp

Signature

Date

2.6 RECOMMENDATION BY GENERAL MANAGER: SAFETY

THIS **EXEMPTION** HAS BEEN REVIEWED IN ACCORDANCE WITH NAMCAR (PART 3) REQUIREMENTS CURRENTLY IN FORCE AND THE CHECKLIST ABOVE. I **DO / DO NOT RECOMMEND THAT APPROVAL BE GRANTED / APPLIED TO THE ABOVE APPLICATION**

.....
.....
.....
.....
.....

Name and Stamp

Signature

Date

2.7. APPROVAL BY THE EXECUTIVE DIRECTOR

AFTER THOROUGH EVALUATION OF THE EVIDENCE PROVIDED, I HEREBY **DO / DO NOT GRANT EXEMPTION TO NAMCAR** _____ **SUB PARAGRAPH** _____.

.....
.....
.....
.....

Date granted:/...../20.....

Date of Expiry:...../...../20....

Executive Director

Stamp and Signature

Date

Risk Assessment for <insert name of applicant eg. Company Name>

OPERATION:	LOCATION:	Type of Application:
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1. Description of the operation
2. Existing Operational Procedures and Current Risk Index
3. Locations to be Risk Assessed

Note: S: Severity; L: Likelihood; R: Risk

Location:

	HAZARD	S	L	R	MITIGATION	S	L	R	ACTION FOR FURTHER MITIGATION	S	L	R
					Responsible Party: Time Frame:				Responsible Party: Time Frame:			
					Responsible Party: Time Frame:				Responsible Party: Time Frame:			
					Responsible Party: Time Frame:				Responsible Party: Time Frame:			

Location:

	HAZARD	S	L	R	MITIGATION	S	L	R	ACTION FOR FURTHER MITIGATION	S	L	R

Risk Assessment for <insert name of applicant eg. Company Name>

OPERATION:	LOCATION:	Type of Application:
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				Responsible Party: Time Frame:				Responsible Party: Time Frame:			
				Responsible Party: Time Frame:				Responsible Party: Time Frame:			
				Responsible Party: Time Frame:				Responsible Party: Time Frame:			

4. Conclusion to Risk Assessment

5. List of Appendices and Supporting Documentation

Risk Assessment Prepared by:

Name:	Position:	Signature:	Date:
Name:	Position:	Signature:	Date:
Name:	Position:	Signature:	Date:

Risk Assessment Approved by:

Name:	Position:	Signature:	Date:
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Risk Assessment Template Guidelines and Examples

1. Description of operation

Describe the type of operation to take place, the date, general equipment to be used and location of operation. (WHAT, WHERE, WHEN, HOW AND WHO)

2. Existing Operational Procedures and Current Risk Index

The information included in the operation and the safety concerns in the current state including current likelihood and severity rating. Locations can be combined on a single risk assessment when a single application is made. Explain current procedures and limitations that significantly reduce the associated risks involved with the application/locations. Explain in detail, procedures that are overarching for all locations and how these procedures will affect in reducing the likelihood and severity for the operation.

Likelihood		Severity				
		Catastrophic	Hazardous	Major	Minor	Negligible
		A	B	C	D	E
Frequent	5	5A	5B	5C	5D	5E
Occasional	4	4A	4B	4C	4D	4E
Remote	3	3A	3B	3C	3D	3E
Improbable	2	2A	2B	2C	2D	2E
Extremely Improbable	1	1A	1B	1C	1D	1E

Risk Assessment Score and Colour Coding	
RED	Unacceptable under existing circumstances. Requires major risk mitigation to become acceptable.
YELLOW	Acceptable requires risk mitigation.
GREEN	Acceptable no further risk mitigation required.

3. Individual Locations for Hazard Identification and Mitigation Measures

EXAMPLE

Location: Star River Lodge FYSR

Note: S: Severity; L: Likelihood; R: Risk

	HAZARD	S	L	R	CONTROL/MITIGATION	S	L	R	ACTION FOR FURTHER MITIGATION	S	L	R
	What is the Danger				What are we already doing or have we done to reduce the Hazard				What can we do to reduce the risk further			
1	Obstacles: There are a nr of tall trees and some buildings in the surrounding area to used for the aviation event	C	3	3C	The landing area is 100+ meters away from the tall trees. The landing area is situated in a large pan with enough space to land. Responsible Person: N/A Time Frame: Immediate	E	2	2E	The airfield owner will cut down the tall trees 1 week before the event. Responsible Person: Joe Van Der Merwe Time Frame: Before July 15 th 2024	E	1	1E

Risk Assessment Template Guidelines and Examples

2	<p><i>Landing Surface:</i> <i>The landing area is in a large pan with holes and large rocks.</i> <i>Participants can injure themselves when landing.</i></p>	D	3	3D	<p><i>The landing area is being filled and large rocks are being moved</i></p> <p><i>Responsible Person: Joe Van Der Merwe</i> <i>Time Frame: Before June 15th 2024</i></p>	C	2	2C	<p><i>The airfield owner will scrape and compact the landing area to make sure it is flat and free of debris 1 week before the event.</i></p> <p><i>Responsible Person: Joe Van Der Merwe</i> <i>Time Frame: Before July 15th 2024</i></p>	E	1	1E
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4. Conclusion to Risk Assessment

Give the conclusion to the Risk Assessment and new Risk Assessment Score after all the mitigation has been included

5. List of Appendices and Supporting Documentation

List the names or references if there are any pictures, appendices and/or supporting documentation required to strengthen the mitigation and reduction risk severity.