

Democratic Socialist Republic of Sri Lanka



Civil Aviation Authority of Sri Lanka

Implementing Standards

(Issued under Sec. 120, Civil Aviation Act No. 14 of 2010)

Title: Exemptions from the application of Requirements

Reference No. : CA-IS-2016-GEN-02

SLCAIS : 005

Date: 28th July 2016

Pursuant to Sec.120 of the Civil Aviation Act No.14 of 2010 which is hereinafter referred to as the CA Act, Director General of Civil Aviation shall have the power to issue, whenever he considers it necessary or appropriate to do so, such Implementing Standards for the purpose of giving effect to any provision in the CA Act, Regulations or Rules made thereunder including the Articles of the Convention on International Civil Aviation specified in the Schedule to the CA Act.

Accordingly, I, being the Director General of Civil Aviation do hereby issue the Implementing Standard on **Exemptions from the application of Requirements** as mentioned in the Attachment hereto (Ref: CA-IS-2016-GEN-002-Att.01], for the purpose of giving effect to the provisions in the Civil Aviation Act, Air Navigation Regulations of 1955 and “Regulations on grant of Exemptions from the specified requirements relating to Civil Aviation No. 01 of 2014”.

Attention is also drawn to Sec. 103 of the Act, which states inter alia that failure to comply with Implementing Standard is an offence.

H.M.C. Nimalsiri
Director General of Civil Aviation and
Chief Executive Officer

Civil Aviation Authority of Sri Lanka
04, Hunupitiya Road
Colombo 02.

Enclosure: Attachment No. CA-IS-2016-GEN-002-Att.01

Implementing Standards

SLCAIS-005: Exemptions from the application of Requirements

1. GENERAL

- A. This implementing Standard shall be referred to with its title together with the reference number, serial number (SN) and the date shown above.
- B. An applicant seeking exemptions in regard to published requirements shall comply with the “Regulations on grant of Exemptions from the specified requirements relating to Civil Aviation No. 01 of 2014.” (Gazette no.1873/22)
- C. The applicable legal provisions relating to the subject matter of this Implementing Standard are as follows.

Civil Aviation Act No. 14 of 2010

- a. Section 2
- b. Section 120
- c. Article 39 and 40 of the Schedule

Air Navigation Regulations of 1955

- a. Regulation 19
 - b. Regulation 27
 - c. Regulation 34
 - d. Regulation 53
 - e. Regulation 81
 - f. Regulation 188
 - g. Regulation 199
 - h. Regulation 202
 - i. Regulation 289
- D. This document may be amended from time to time and the amendments will be reflected with the vertical line on the right side of the text.
 - E. This implementing Standard is applicable for all Aerodrome Operators, Air Navigation Service Providers, Airlines Operators, Flying Schools, Aircraft Maintenance Organizations, and Persons holding Licences /Certificates issued by DGCA.

2. In the event that Director General of Civil Aviation:

- A. finds it impracticable to comply in all respects with any international standard or procedure adopted by ICAO; or
- B. finds it impracticable to bring national regulations or practices of Sri Lanka into full accord with any ICAO international standard or procedure after amendment of the latter; or
- C. deems it necessary to adopt regulations or practices differing in any particular aspect from those established by an ICAO international standard, immediate notification will be given to the International Civil Aviation Organization of the differences between

national practice of Sri Lanka and that established by the international standard. A summary of such notification will also be published in the Aeronautical Information Publication of Sri Lanka.

3. Any aircraft, powerplant or part thereof with respect to which there exists an ICAO international standard of airworthiness or performance, and which failed in any respect to satisfy that standard at the time of its certification, shall have endorsed on or attached to its airworthiness certificate issued by the Director General of Civil Aviation, a complete enumeration of the details in respect of which it so failed.
4. Any person, aircraft operator, training organization or aeronautical service provider holding a license or certificate issued by the Director General of Civil Aviation and who does not satisfy in full the conditions laid down in the international standard relating to the class of license or certificate being held, shall have endorsed on or attached to the license or certificate a complete enumeration of requirements which are not satisfied.
5. No aircraft, organization or personnel having certificates or licenses so endorsed under paragraph 3 & 4 shall participate in international navigation, except with the permission of the State or States whose territory is entered
6. The situations wherein the Licences or Certificates have been either endorsed on or attached thereto, under paragraph 3 & 4 above with enumeration of requirements which are not satisfied, are hereinafter referred to as exemptions for the purpose of this Implementing Standard.
7. For the grant of any exemption mentioned at paragraph 6, the Director General of Civil Aviation shall receive a written application from the person or organization concerned in the format specified on that behalf justifying the request.
8. Before granting an exemption, the Director General of Civil Aviation should be satisfied in the circumstances of each case that:
 - A. the requirement has been substantially complied with and that further compliance is unnecessary; or
 - B. the applicant has demonstrated that there is an alternate means of compliance which provides equal or better level of protection of the applicable requirement; or
 - C. the prescribed requirements are clearly unreasonable or inappropriate in the particular case; or events have occurred that make the applicable requirements unnecessary or inappropriate in the particular case;
 - D. the risk to safety will not be increased by the granting of the exemption.
 - E. the exemption sought, would not create a discrimination of any description or give an undue advantage to the applicant; and
 - F. the exemption sought, would not have adverse chain effect on other published requirements.
9. Where appropriate, Director General of Civil Aviation may require the applicant to produce results of a risk assessment or an aeronautical study on a matter for which exemption from the applicable requirement is sought, for the purposes mentioned at paragraph 8 above.

10. Any exemption granted by the Director General of Civil Aviation will be time bound and be recorded succinctly on the same licence or certificate to be issued with the applicable exemption.
11. Director General of Civil Aviation will take necessary follow up actions when exemptions are granted for a limited duration.
12. Any exemption granted by the Director General of Civil Aviation will be applicable only to the particular case for which exemption was granted and no inference whatsoever shall be made for similar cases without the written approval of the Director General.
13. Any exemption granted by the Director General of Civil Aviation to an applicant shall not be transferable.
14. Director General of Civil Aviation will maintain an updated list of all exemptions granted.
15. Nothing in this Implementing Standard shall apply to any rule or regulation which specifically provides that no exemptions shall be granted.