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CIVIL AVIATION EXEMPTION POLICY

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# RECORD OF AMENDMENTS AND REVISIONS

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| **REVISION NUMBER** | **DATE ENTERED** | **REFERENCE** |
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# FOREWORD

Compliance with regulatory requirements of the Republic of Armenia is obligatory. However, on some occasions, there may be instances where full compliance is not feasible in the event of urgent unforeseeable circumstances affecting the applicants or urgent operational needs of those persons. In those instances, exemptions or exceptions may be helpful to the aviation industry until such time where full compliance become practicable. Such measures must be supported by appropriate, robust and documented safety risk assessments or aeronautical studies and imposition of limitations, conditions or mitigation measures, as appropriate.

Any exception or exemption should only be granted on the basis of a robust rationale. Therefore, the issuance of exceptions or exemptions that are not supported by safety risk assessments or aeronautical studies and by thorough reviews by the Civil Aviation Committee of the Republic of Armenia (CAC) is not acceptable. A safety risk assessment or aeronautical study should be developed by the applicant service provider to demonstrate whether an equivalent level of safety or an alternative acceptable means of compliance can be achieved. Review and acceptance of such an assessment or study should be performed by the CAC at the appropriate level.

Exemptions should not be used to overcome an unpopular requirement or to suggest that compliance with a requirement is optional. The use of the exemption and exception mechanisms needs to be the exception, not the norm.

All cases involving the granting of exceptions and exemptions should be fully documented and the outcome should be published as appropriate, such as on the CAC website, and/or in safety assurance documents. The publication should include references to relevant limitations, conditions or mitigation measures, as appropriate. Furthermore, the service provider needs to regularly review any exceptions or exemptions with a view to removing the need for such exceptions or exemptions, where possible, as well as check the validity and robustness of any mitigating measures in place.

This regulation sets out the framework and the policy governing the issuance of exemptions from the regulatory requirements and provisions of the Republic of Armenia by the CAC.

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# GLOSSARY

For the purpose of this Regulation, the following definitions shall apply:

***Exemption/exception -*** means a statement in writing made by the Civil Aviation Committee, in accordance with established procedures and applicable regulations, by virtue of which a requirement to comply with a legal obligation does not apply in the circumstances and subject to any conditions specified in the exemption.

# LIST OF ABBREVIATIONS

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| CAC | Civil Aviation Committee of the Republic of Armenia |
| ICAO | International Civil Aviation Organization |

# CIVIL AVIATION EXEMPTION POLICY

## Paragraph 1. Grant of Exemption

1. An exemption may grant to any natural or legal person subject to the Civil Aviation Regulations from the requirements applicable to that person pursuant to this regulations other than the essential requirements, or to the delegated or implementing acts adopted on basis of this regulations in the event of urgent unforeseeable circumstances affecting those persons or urgent operational needs of those persons, where all of the following conditions have been met:

(a) it is not possible to adequately address those circumstances or needs in compliance with the applicable requirements;

(b) safety, environmental protection and compliance with the applicable requirements are ensured, where necessary through the application of mitigation measures;

(c) the CAC has mitigated any possible distortion of market conditions as a consequence of the granting of the exemption as far as possible; and

(d) the exemption is limited in scope and duration to the extent strictly necessary and it is applied in a non-discriminatory manner.

1. The CAC may grant exemptions from the specified requirements of the regulations upon receipt of an application to that effect or on its own initiative if, in its estimation, the circumstances so warrant and the safety of civil aviation is considered not to be compromised by such action.
2. An exemption must be in writing and must be signed by the CAC Chair. It may be granted subject to such conditions as the CAC thinks fit.
3. The term ‘exemptions’ also includes exceptions, deviations, waivers and prolonged extensions.

## Paragraph 2. Non-Compliance without applicable Exemption

1. No person may take or cause to be taken any action not in compliance with the regulations unless the CAC has issued an applicable exemption to the person.

## Paragraph 3. Types of Exemptions

(1) Exemptions are generally of a temporary nature, however, if specific conditions demonstrate that full compliance cannot be ensured, exemptions may be granted on a permanent basis according to the established procedure, provided that associated risks are eliminated and such mitigation is demonstrated. Temporary may be a one-off event or last for a period of time before the exemption expires. Exemptions may require the CAC to file a difference with ICAO, amend a regulation or policy, or require the conditions to be documented in a specific operator/organization manual. The most common types of temporary exemption are;

(a) for flight operational areas, such as flight and duty time limitations;

(b) for airworthiness areas, such as urgent maintenance issues although numerous exemptions may occur regarding extension of privileges or aircraft equipment;

(c) safety related; or

(d) general in nature.

## Paragraph 4. Form and Content of Application for Exemption

(1) An application for an exemption must be submitted to the CAC. The application must be in writing using the form established by CAC and can be submitted directly or by email ([gdca@gdca.am](mailto:gdca@gdca.am)). An application for an exemption shall provide as applicable, the following particulars in writing:

(a) the applicant’s name and address;

(b) details of any relevant authorization,

(c) references to the requirement(s) from which exemption(s) is sought;

(d) description of the type of operations to be conducted under the proposed exemption;

(e) The date on which the applicant requires the exemption to commence (i.e. Effective Date), the proposed duration of the exemption;

(f) 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;

(g) an explanation of how the exemption would be in the public interest, that is, benefit the public as a whole;

(h) details (safety risk assessment) of how the applicant proposes to ensure that an acceptable level of safety will be provided when operating in accordance with the exemption if granted;

(i) a review and discussion of any known safety concerns with the requirement, including information about any relevant accidents or incidents of which the applicant is aware;

(j) a safety risk assessment to justify the application of the exemption as well as the continuing need for the exemption;

(k) if the applicant seeks to operate under the proposed exemption outside of Armenia airspace, the application shall also indicate whether the exemption would contravene any provision of the Standards and Recommended Practices of the ICAO.

(2) Unless the CAC agrees otherwise, an application for an exemption shall be submitted no less than 30 days in advance of the proposed effective date of the exemption.

(3) Where an applicant seeks emergency processing, the application must contain supporting facts and reasons why the application was not filed in a timely manner, and the reasons it is an emergency. An application may be rejected if the CAC finds that the applicant has not justified the failure to apply in a timely manner.

(4) Any change to an existing exemption, which was based on a scenario not originally applied for, must be considered as a new application.

## Paragraph 5. Processing of Application for Exemption

(1) Where the CAC is of the opinion that the grant of an exemption may affect other operators or service providers adversely, it may, as soon as practicable after the receipt of an application for an exemption referred to in Paragraph 1.3 of this Regulation, publish by notice the following particulars in respect of the application concerned:

(a) the reference number of the application;

(b) the full name of the applicant;

(c) a reference to the requirement from which exemption is requested;

(d) a brief description of the general nature of the exemption requested; and

(e) a reference to the date by which the representations referred to in point (2) of this paragraph hereunder must be submitted to the CAC.

(2) Any person may, after the publication of the notice referred to in point (1) of this paragraph, address in writing representations to the CAC against or in favour of the application concerned.

## Paragraph 6. Review of Application for Exemption and Approval

1. Where the CAC is satisfied that the application complies with the requirements of Paragraph 3 of this regulation it may commence a review of the application.
2. Notwithstanding the provisions of point 1 of this paragraph, the CAC may examine an application and grant or refuse an exemption immediately after the receipt of the application, if the CAC is of the opinion that any delay would defeat the object of such application.
3. In determining whether to grant an exemption pursuant to these Regulations, the CAC shall take into consideration:
4. whether an exemption would be in the public interest;
5. after a technical evaluation, whether the applicant’s proposal would provide a level of safety equivalent to that established by the Regulation;
6. if the applicant seeks to operate under the exemption outside of Armenia airspace, whether a grant of the exemption would contravene the applicable ICAO Standards and Recommended Practices; and
7. a recommendation following a technical review by the applicable sections in the CAC, as to whether the request should be granted or denied, and whether any conditions or limitations should be part of the exemption.
8. The CAC Chair shall then grant or deny the request, and include any conditions or limitations prescribed as part of the exemption. If approval is granted, the operator/organization or an entity will receive a written exemption from the CAC. The exemption, unless permanent, will expire at a specific time limit.

## Paragraph 7. Notification of Grant or Denial of Exemption

1. The CAC shall notify the applicant by letter and publish a summary of its decision to grant or deny the request.
2. The summary shall specify the duration of the exemption and any conditions or limitations to the exemption.
3. If the request is for emergency relief, the CAC will publish the CAC Chair’s decision as soon as possible after processing the application.
4. If the exemption affects a significant population of the aviation community of the Republic of Armenia, the CAC shall also publish the summary on its website.
5. If the exemption results in a significant difference from the applicable ICAO Standards and Recommended Practices that will affect safety, the CAC shall also publish the summary in its aeronautical information publications and notify ICAO of the difference.

## Paragraph 8. Publication of Grant of Exemption

1. The CAC shall, as soon as practicable after the grant of an exemption, publish on its website ([www.aviation.am](http://www.aviation.am)) the following particulars in respect of the exemption granted:
2. the reference number of the application;
3. the full name of the applicant;
4. a reference to the requirement for which exemption is granted; and
5. the expiry date of the exemption.

## Paragraph 9. Validity of Exemption

1. An exemption granted pursuant to these regulations shall cease:
2. at the end of the date specified in the instrument of exemption; or
3. if no date is specified for that purpose in the instrument, one year after the commencement of the exemption.
4. An exemption granted to an applicant shall be in the name of that applicant and shall be nontransferable.
5. If, during the period of the granted exemption, the operator eliminates the grounds for the exemption and fully complies with the requirements of the regulations, the operator/entity shall apply to the CAC for the removal of the granted exemption.

## Paragraph 10. Follow up Action

1. Some exemptions will need to be followed up by the operator/organization or entity to ensure the terms of the exemption have been complied with. A need for subsequent applications may indicate adverse trends or deficiencies within the organization.
2. Furthermore, the operator/organization must regularly review any exemption with a view to removing the need for such exemption, where possible, as well as check the validity and robustness of any mitigating measures in place.
3. Permanent exemptions must be included in the Operations Manual as part of the approval process. In the case where the exemption is temporary, it may be acceptable for the terms of the exemption to be placed in the operator’s crew notification system.
4. The CAC will follow up all exemptions granted to ensure the terms of the exemption have been complied with.
5. The required documentation may include the technical log used during the exemption period, inclusive of all flights flown by the crew as well as the pilot log book or company records. Where an exemption has been granted for an airworthiness issue the CAC may review the aircraft maintenance documentation.
6. Non-compliance with an exemption is equivalent to non-compliance with the applicable regulation/policy upon which exemption action was taken and may result in enforcement action.

## Paragraph 11. Suspension and Cancellation of Exemption

1. Notwithstanding anything contained in these regulations, the CAC Chair may suspend, for a specified time, or cancel an exemption granted if he has reason to believe that the holder of the exemption does not conform to the minimum safety standards.