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AC 02/13
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Advisory Circular to Air Operators and Aerodromes Operators

EXEMPTION PROCEDURE FOR NON-COMPLIANCES WITH AIRCRAFT RULES AND MCARS

1. INTRODUCTION

In accordance with the Myanmar Aircraft Rule 1937 and MCARs, all persons / aircraft are expected to comply with the rules and regulations. However, there may be situations wherein it may not be possible to comply with the Regulations because of exceptional circumstances, physical constraints, non – availability of specified equipment etc. which may warrant exemption from the Aircraft rules and MCARs.

To fulfill the such circumstances, Myanmar Aircraft Act 1934 section 3 and Rule 160 of the Myanmar Aircraft Rules, 1937 provide the President of the Union of Myanmar may exempt any aircraft, person or an organization from the operation of these rules, either wholly or partially, subject to such conditions, if any, as may be specified in such order which may be of a general or specific nature. In accordance with section 5 (A) of the Myanmar Aircraft Act 1934 .the President has authorized the Ministry of Transport and the Director General of DCA to exercise on his behalf any of his powers or duties under the Act, other than the power to make rules under the Act.

This AC is issued under section (5) A Myanmar Aircraft Act, 1934 and stipulates the procedures for application and grant of exemptions for non-compliance of Aircraft Rules and MCARs.

2. PROCEDURE FOR APPLICATION OF EXEMPTIONS REGARDING RULES DELEGATED TO DCA

- 2.1 Regarding the rules delegated to Director General, a person/organization applying exemption shall submit application for each exemption in the prescribed Proforma to Director General and copy to Director of relevant Divisions For air operators (Appendix I) and for aerodromes operators (Appendix II).
- 2.2 The application for exemption shall clearly state the reasons for applying exemption and be supported with the reasons for non – compliance, safety assessment reports, along with means of mitigation and indication as to when compliance can be expected.
- 2.3 An application for a standard exemption shall include:
 - i. the applicant’s name and current mailing address.
 - ii. the relevant provisions of rules for which the exemption is applied.
 - iii. the category under which exemption applied and justifiable reasons why the applicant needs the exemption. The reasons provided should be detailed and self-explanatory.
 - iv. the period for which the exemption is required.
 - v. whether the exemption will affect a particular kind of operation, the details thereof;

- vi. the action plan for rectification and review of non-compliance for exemption , including the mitigation measures adopted for ensuring the safety during the exemption period.
 - vii. Undertaking by the person / organization that he shall annually review the conditions or mitigation measures and any other resultant non-compliance in particular when any significant changes in the activity are proposed.
- 2.4 The applicant should provide adequate information in the prescribed Proforma for consideration for granting exemptions with supporting documents. Failure to provide adequate information may delay processing / refusal of the application.

3. GRANT OF EXEMPTION NOT DELAGATED TO DIRECTOR GENERAL UNDER RULE 160

- 3.1 Some rules are not delegated to Director General DCA. Such case applicant should submit application directly to Ministry of Transport and copy to DCA.
Rules delegated to Director General are described in Appendix III.
- 3.2 The Director General shall forward the application for approval of the Ministry of Transport along with his recommendations after technical evaluation of the application by the concerned division of DCA. The recommendation for allowing exemptions may contain conditions / limitations for the person / organization to follow while operating under the exemption. In all cases, before recommending exemption, it shall be ascertained that an equivalent level of safety is maintained.



Tin Naing Tun
Director General
Department of Civil Aviation, Myanmar

APPLICATION FOR GRANTING EXEMPTION (AIR OPERATOR)

<p>1. DETAILS OF APPLICANT</p> <p>(a) Name of Applicant/ Organization and Address</p> <p>(b) License/ Approval Number</p>	
<p>2. DETAILS OF APPLIED EXEMPTION</p> <p>(a) Relevant provisions of Rule/ CAR/ procedures for which exemption is applied.</p> <p>(b) Reasons why the exemption is needed. <i>(The reasons provided should be detailed and self explanatory)</i></p> <p>(c) Period for which exemption is required.</p> <p>(d) if the exemption will affect a particular kind of operation, the details thereof</p> <p>(e) for temporary exemption, the action plan for rectification and review of non compliance, including the mitigation measures adopted for ensuring the safety during the exemption period.</p>	

I hereby certify that the forgoing information is correct in every respect and no relevant information has been withheld. I also undertake the responsibility for annually reviewing the conditions or mitigation measures and any other resultant non-compliance in particular when any significant changes in the nature of operation are proposed.

SIGNATURE OF APPLICANT

DATE..... NAME.....
(in capital letters)
 TITLE.....
(with official seal)

Note: Application not completed in all respect and not accompanied with relevant enclosures is likely to be rejected.

APPLICATION FOR GRANTING EXEMPTION (AERODROME)

<p>1. DETAILS OF APPLICANT</p> <p>1.1 Name of Aerodrome</p> <p>1.2 Aerodrome Certificate Number</p> <p>1.3 Full name of applicant (in capital letters):</p>	
<p>2. DETAILS OF EXEMPTION SOUGHT</p> <p>2.1 Relevant provisions of National Regulations/Aerodrome Standards for which exemption is sought:</p> <p>2.2 The category under which exemption sought(TEMPORARY/ PERMANENT)</p> <p>2.3 Reasons why the exemption is needed (The reasons provided should be detailed and self explanatory):</p> <p>2.4 Period for which exemption is required:</p> <p>2.5 If the exemption will affect a particular kind of operation, the details thereof:</p> <p>2.6 For temporary exemption, the action plan for rectification and review of non-compliance, including the mitigation measures adopted for ensuring the safety during the exemption period:</p> <p>2.7 For permanent exemption, the mitigation measures adopted to ensure safety of aircraft operation. Complete <i>safety assessment report</i> shall be enclosed:</p>	

I hereby certify that the forgoing information is correct in every respect and no relevant information has been withheld. I also undertake the responsibility for annually reviewing the conditions or mitigation measures and any other resultant non-compliance in particular when any significant changes in the aerodrome activity and development are proposed.

DATE..... NAME..... SIGNATURE OF APPLICANT
(in capital letters)
POSITION HELD.....
(with official seal)

Note:

- i) It is an offence to make any false representation with the intent to deceive, for the purpose of procuring exemption.*
- ii) Application not completed in all respect and not accompanied with relevant enclosures is likely to be rejected.*

S/N	Rule by which power conferred	Nature of power
Part II, III and XV – General		
1.	Proviso to Rule 8	To Issue special permission to fly aircraft under specific conditions and limitations.
2.	Proviso to Rule 15	To exempt aircraft from the conditions to be complied with by aircraft in flight.
3.	Rule 16	To require every pilot, navigator and every person to observe the rules of the air in part XII.
4.	Rule 17	To require the production of licences, etc.
5.	Rule 156	Inspection, Clauses (a), (b), (c) and (d).
6.	Sections 8 & 13 of the Myanmar Aircraft Act, 1934	Power to detain aircraft.
7.	Sub-rule (3) of Rule 19	To cancel, suspend or endorse any certificate or licence.
8.	Sub-rule (4) of Rule 19	To cancel or vary any particulars in any licence or certificate.
9.	Sub-rule (5) of Rule 19	To require the surrender of any licence, certificate or other document.
10.	Sub-rule (2) of Rule 23	To permit aerobatics below 2,000 feet.
11.	Rule 26	To permit parachute descents and the dropping of article from aircraft.

12.	Proviso to Rule 27, Clause (b)	To permit persons to be carried on or in any part of aircraft or anything attached thereto.
Part IV – Registration and Marking of Aircraft.		
13.	Rule 30	To grant certificates of registration
14.	Rule 32	To grant temporary or any certificates of registration of aircraft to be imported by air.
15.	Proviso to Rule 35	To accept re-registration of aircraft in Myanmar.
16.	Sub-rule (1) of Rule 37	To assign registration marks for aircraft.
Part V – Aircraft Personnel		
17.	Rule 41	To require applicants for airline transport pilot, pilot instructor and radio navigation licences to undergo practical and technical examinations and test prescribed under the Myanmar Aircraft Rules in respect of issue, variation or renewal of each licence, to examine applicants to approve qualified persons; to grant provisional licences.
18.	Rule 39	To grant, renew or vary licences of aircraft personnel.
19.	Rule 39	To withhold the grant or renewal of licences of aircraft personnel.
20.	1 st Proviso to Rule 43	To defer official medical examination for renewal of licences of aircraft personnel engaged in public transport or aerial work aircraft.
21.	3 rd Proviso to Rule 43	To restrict types of aircraft for which pilot's licences are enforced.

22.	Rule 45	To validate foreign licences for the purpose of flying aircraft registered in Myanmar.
23.	Paragraph 1 of Section G, Schedule II	To accept flying experience.
24.	Sub-rule (3) of Rule 48	To refund any money paid for any examination not carried out or any licence not issued.
25.	Proviso 1 & 2 to paragraph 4 of Section A of Schedule II	To accept the medical certificate for issue or renewal of airline transport pilot and commercial pilot licences.
26.	Paragraph 4 of Section B, Schedule II and Proviso 1 & 2 to paragraph 4 of Section C, Schedule II.	To accept the medical certificate for issue or renewal of airline transport pilot and commercial pilot licences.
27.	Paragraph 2(1) (e) of Section C, Schedule II	To supervise blind flying test.
28.	Proviso to paragraph 2(1) (e) of Section C, Schedule II	To exempt from blind flying test.
29.	Sub-paragraph (1) of Paragraph 4, Section A, Schedule II	To prescribe form for medical examinations.
30.	Paragraph 2 of Section D, Schedule II	To require applicants for pilot instructor's licence to undergo flying tests.
31.	Paragraph 3 of Section D, Schedule II	To require applicants for pilot instructor's licence to undergo technical examination.
Part VI – Airworthiness		
32.	Rule 49	To inspect or test flying machines and issue certificates of airworthiness
33.	Sub-rule (2) of Rule 19	To cancel or suspend certificates of airworthiness.
34.	Proviso to Rule 49	To prescribe modifications of the standards as a condition for the issue or validation of C of A

35.	Rule 50	To accept as a valid certificate of airworthiness issued by the competent authorities of a foreign country
36.	Rule 53	To approve types of instruments and equipment and manner of installation.
37.	Paragraph 1 (b) of Section C of Schedule III and Rule 54	To require flying machines to be weighed.
38.	Rule 56	To renew certificates of airworthiness and to require the flying machine to be over hauled, inspected or flight tested.
39.	Sub-rules (1) & (2) & (3) of Rules 58	To require and approve modifications to aircraft and to approve the modification method.
40.	Rule 59	To prescribe conditions of technical operation, maintenance and use of aircraft, accessories or equipment.
41.	Paragraph 2(5) Section E, Schedule III	To approve methods for operations such as heat treatment of steels and non-ferrous metal, welding etc.
42.	Paragraph 4, Section E, Schedule III	To approve a firm or company which will authorize a person to sign a certificate for carrying out or inspection of the repair, overhaul modification or replacement on any aircraft or aero engines.
43.	Paragraph 8, Section E, Schedule III	To require delivery of any defective parts for inspection.
44.	Sub-rule (1) Rule 61	To grant Ground Engineer's licences in Categories A, N, C, D and X.
45.	Sub-rule (3) Rule 61	To renew Ground Engineer's licences.

46.	Sub-rule (4) of Rule 19 & Sub-rule (5) of Rule 61	To cancel or vary specifications or restrictions in Ground Engineer's licences
47.	Sub-rule (3) of Rule 19 & Sub-rule (6) of Rule 61	To cancel, suspend or endorse Ground Engineer's licences.
48.	Sub-rule (7) of Rule 61	To withhold the grant or renewal of Ground Engineer's licences.
49.	Sub-rule (3) of Rule 62	To refund any proportion of the sum paid in case any licence or certificate is not issued, renewed or extended.
Part VII – Radio Telegraph Apparatus		
50.	Rule 63	To approve the type of radiotelegraph apparatus for use in aircraft; to approve the manner of installation, bonding and screening of such radiotelegraph apparatus aircraft; to approve the type of instrument which gives a direct indication of absolute atmospheric pressure.
Part VIII – Air Route Beacons Aerodrome Lights and False Lights		
51.	Rule 65	To approve the establishment, maintenance or alteration of air route beacons or aerodrome lights.
52.	Sub-rule (1) (c) of Rule 66	To serve notices on the owners of or persons in possession of or in charge of false lights.
Part IX – Log Books		
53.	sub rule (2) and (3) of Rule 67	To prescribe the manner for the keeping up-to-date of log books; to issue journey log books; and to prescribe the form of other log books.

Part X – Investigation of Accidents		
54.	Rule 70	To Required the report of Accident
55.	Rule 71 Para (1) (2) &(3)	To Authorize any person to investigate. To accepted the nominated representative to present at the examination.
56.	Rule 72	To order the investigation of any accident.
57.	Rule 73 Para (a) (b) (c) & (d)	Inspectors' Power.
Part XI – Aerodromes		
58.	Rule 80	To license aerodromes
59.	Sub rule (5) of Rule 86	To approve the maintenance and marking of aerodromes.
60.	Sub rule (2) and (3) of Rule 86	To approve alterations to landing areas, buildings or other structures or to withhold such approval.
61.	Proviso to Rule 87	To require the inspection of an aerodrome before the grant or renewal of the licence.
Part XII – Rules of the Air		
62.	Rule 118	To suspend temporarily all or any of the provisions of Section V part XII.
Part XIV – Air Operator's Certificate		
63.	Sub – rule (2) of Rule 155	To grant Air Operator's Certificates and to prescribe conditions for such grant.