



EXEMPTION MANUAL

REGULATORY DIVISION
BRUNEI DEPARTMENT OF CIVIL AVIATION
MINISTRY OF TRANSPORT AND INFOCOMMUNICATIONS
BRUNEI INTERNATIONAL AIRPORT
BANDAR SERI BEGAWAN BB 2513

PREFACE

Compliance with civil aviation regulatory requirements is obligatory to maintain the highest level of aviation safety performance. However, circumstances may arise where full compliance is not immediately feasible or practical due to temporary constraints. In such instances, granting an exemption provides a structured, temporary regulatory framework until full compliance can be achieved.

This Manual establishes the policy and standardized procedures for regulatory personnel, inspectors and authorized person across all technical domain to process, evaluate, and administer exemption applications using consistent and transparent methods. The procedures outlined in this manual apply across all regulatory domains overseen by the Department.

All granted exemptions are non -transferable, valid for a strictly specified timeframe. The Department may impose specific conditions or restrictions on such exemptions as deemed appropriate to maintain an equivalent level of safety.

This manual is a **controlled document** and will be amended as required. Any comments or recommendations for the revision or amendment of this manual should be formally submitted to Deputy Director of Civil Aviation (Regulatory).



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RECORDS OF AMENDMENT

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CHAPTER 1: AUTHORITY EMPOWERED TO GRANT EXEMPTION

The Brunei Department of Civil Aviation (Brunei DCA) holds responsibility for the management of civil aviation safety within Brunei Darussalam. The Department is committed to upholding the highest aviation safety standards and ensuring that all aviation operations within Brunei Darussalam comply with applicable laws, regulations and standards.

Pursuant to Section 53 of Civil Aviation Act and Regulation 90 of Civil Aviation Regulation (CAP.290), the Minister is vested with the authority to grant exemptions to any persons from the provisions and requirements enacted under the legislation. Further, the Director may exercise any specific exemption or permission expressly given to the Director under the legislation.

While compliance with these requirements is mandatory, the Department acknowledges that full compliance may not be feasible in certain circumstances. In such instances, exemptions or exceptions may be granted to support the aviation industry until full compliance becomes practicable. Any such measures must be substantiated by robust and documented safety risk assessments and imposition of appropriate limitations, conditions or mitigation measures.

In all cases, where the exemption process is deemed appropriate and all possible risks are duly assessed and mitigated, an exemption from a requirement may be granted for a specified duration.

The Minister may grant exemption on the requirements related to:

- a) Aircraft Operations and Certification
- b) Aerodrome Operations and Certification
- c) Air Navigation Services (ANS) Operations and Authorization/Approval
- d) Aircraft Maintenance Organization (AMO) Operations and Certification
- e) Continuing Airworthiness Management Organization (CAMO) Operations and Certification
- f) Aviation Training Organization (ATO) Operations and Authorization
- g) Safety Management Implementation (SMI)
- h) Aviation Security, Facilitation and Air Transport
- i) Operations of any related services or facilities, as deemed necessary.

CHAPTER 2: POLICY FOR THE GRANTING OF EXEMPTION

While granting exemption, following aspects shall be considered:

1. Before granting an exemption, the Director shall evaluate whether the applicant's proposal ensures a level of safety or risk control equivalent to that mandated by existing requirements.
2. Application for an exemption must be submitted in writing using the prescribed format to the relevant regulatory domain through the Director, as appropriate:
 - a) Flight Operations Section
 - b) Airworthiness Section
 - c) Aerodrome Standard Section
 - d) Air Navigation Services Standard Section
 - e) Aviation Security Standard Section
 - f) Personnel Licensing Section
 - g) Safety and Security Policy Section
 - h) Unmanned Aircraft Section
3. In emergency circumstances, the applications for exemptions shall be processed without delay, provided that supporting evidence is submitted to justify the emergency and demonstrate that no alternative means of compliance with applicable requirements exist.
4. Prior to granting any exemption, a technical evaluation shall be conducted by inspectors of the concerned section and/or authorized person, on behalf of the Director. This evaluation ensures that all technical aspects and required conditions of the exemption are met. The evaluation team shall consider the following aspects of application:
 - i. whether the exemption is based on a robust rationale;
 - ii. whether the exemption would be in the public interest;
 - iii. whether granting the exemption would jeopardize aviation safety;
 - iv. whether the exemption would contravene the applicable national and international requirements including ICAO SARPs.
5. All instances involving the granting of exemptions shall be fully documented and the final outcomes shall be published and recorded as appropriate.
6. For the purposes of this document, the term 'Exemptions' also include exceptions, deviations, alleviations, variation, concessions and prolonged extensions or attachment of conditions.

CHAPTER 3: PROCEDURES FOR THE GRANTING OF EXEMPTION

3.1. Document Required for Exemption Application

3.3.1. An application shall submit the following:

- a) A completed form (Appendix A);
- 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.
- e) Previous Exemption documentation (for renewal)

Note: For exemptions relating to personnel licensing (e.g. Flight Crew Licences, Aircraft Maintenance Licences, Air Traffic Controller Licences etc.), the safety risk assessment report as required in para 3.3.1.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.

3.3.2. In considering an application, the Brunei DCA may ask the applicant to provide further information, as follows:

- a) Notwithstanding paragraph above, provide any specific documents requested by the Brunei DCA;
- b) to be interviewed by Brunei DCA inspector/authorized person;
- c) carry out a demonstration; and
- d) any other action that Brunei DCA deem reasonable to process the exemption application.

3.4. Application timeframe

- i. The applicant must submit an exemption application at least three months before the exemption is required. However, when unforeseen circumstances require an exemption to be issued within a short time frame, the Brunei Department of Civil Aviation will consider a late application provided the applicant provides suitable justification as to why the application was not submitted in accordance with the standard time frame.
- ii. The Brunei Department of Civil Aviation will not accept poor planning as suitable justification. Even if the application is accepted, the exemption

will be subject to a full assessment and no guarantees regarding decision time frames.

- iii. An applicant shall provide adequate information as required by the Brunei DCA's 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

3.5. Safety Considerations

- i. An applicant submitting a request for an exemption must present evidence that measures will be implemented to ensure that an equivalent level of safety is maintained throughout the entire exemption validity period. Such evidence may include a detailed safety risk analysis, adequate prevention and mitigation measures or other elements deemed necessary by Brunei DCA.
- ii. The granting of a similar exemption in the past does not constitute justification for the issuance of a subsequent exemption. Each exemption shall be assessed on its own merits, with reference to the most current information available.
- iii. Exemption from any specified requirement shall be supported by a robust rationale which indicates the conditions in which:
 - a) The requirement has been substantially complied with and that further compliance is unnecessary; or
 - b) The specified requirements are clearly unreasonable or inappropriate in the particular case; or
 - c) Events have occurred which make the requirement unnecessary or inappropriate in the particular case;
- iv. An exemption will not jeopardize aviation safety, once granted if the following conditions are met:
 - a) the foreseen achievable level of safety (after granting the exemption) is supported by an appropriate safety risk assessment or aeronautical study;
 - b) the applicant safety risk assessment or aeronautical study is performed in accordance with an acceptable methodology;
 - c) notwithstanding point (b), in exceptional circumstances where the said acceptable methodology does not cover the context of the requested exemption, the applicant can propose an equivalent methodology or study to be reviewed by Inspector(s);

- d) the exemption conditions (i.e. control/mitigation measures) proposed by the operator, are properly designed to achieve the same level of safety of the concerned Regulations.
- e) notwithstanding point (d), the conditions sought by the applicant might be subject to change based on Inspector(s) technical evaluation to provide a level of safety equivalent to that established by the concerned Regulations. In such case any additional or modified conditions shall also be implemented prior to application of the granted exemption;

3.6. Safety Risk Assessment

The inspector shall assess the credible safety consequence associated with the condition, not merely the wording of the finding. Select one probability (1-5) and one severity (A-E), document the evidence and rationale, and record the alphanumeric risk index (for example, 4B) and tolerability region. Assess initial risk before additional corrective action and residual risk after implemented controls. When uncertainty is material, use the more conservative credible rating and seek specialist review.

3.6.1. Probability

Rating	Criterion
5 - Frequent	Likely to occur many times.
4 - Occasional	Likely to occur sometimes.
3 - Remote	Unlikely, but possible
2 - Improbable	Very unlikely to occur.
1 - Extremely improbable.	Almost inconceivable

3.6.2. Severity

Rating	Criterion
A - Catastrophic	Multiple deaths, loss of aircraft or equipment destroyed.
B - Hazardous	Large safety-margin reduction, serious injury or death, or major damage.
C - Major	Significant safety-margin reduction, serious incident or injury.
D - Minor	Operating limitations, emergency procedures or minor incident.
E - Negligible	Few safety consequences.

3.6.3. ICAO 5 x 5 Risk Matrix

Probability \ Severity	A Catastrophic	B Hazardous	C Major	D Minor	E Negligible
5 Frequent	5A Intolerable	5B Intolerable	5C Intolerable	5D Tolerable	5E Tolerable
4 Occasional	4A Intolerable	4B Intolerable	4C Tolerable	4D Tolerable	4E Tolerable
3 Remote	3A Intolerable	3B Tolerable	3C Tolerable	3D Tolerable	3E Acceptable
2 Improbable	2A Tolerable	2B Tolerable	2C Tolerable	2D Acceptable	2E Acceptable
1 Extremely improbable	1A Tolerable	1B Acceptable	1C Acceptable	1D Acceptable	1E Acceptable

3.6.4. Risk Tolerability, Regulatory Response and Decision Control

Region	Required Regulatory Response	Decision Control
Intolerable (red)	Immediate mitigation or stop/restrict the activity; reduce risk before continuation.	Senior review; authorised decisionmaker where approval privileges are affected.
Tolerable (amber)	Permit only with effective mitigation, documented acceptance and monitoring; reduce further where practicable.	Decision at the level defined by the organisation/Authority risk acceptance arrangements
Acceptable (green)	Retain controls and monitor for change; normal corrective-action follow-up remains required.	Routine authorised management, without prejudice to regulatory classification.

3.7. Exemptions issued on Brunei DCA Initiative

- i. Brunei DCA may issue an exemption on its own initiative. This might occur if there is an obvious flaw in the regulations and the only means of addressing this in the short term would be by exemption. In that case, Brunei DCA would normally seek to amend the regulations through the normal process, with a view to revoking the exemption.
- ii. The section initiating the Exemptions issued on Brunei DCA initiative, is required to complete a safety risk assessment or aeronautical study as well as proposing acceptable controls and mitigations in the proposal submitted to the Director.
- iii. Exemptions issued on Brunei DCA's own initiative are legislative instruments, and are subject to the same provisions in relation to commencement, duration, revocation, publication, renewal and transferability as exemptions issued on application by a person.

3.8. Notification of Decision to the Applicant

- i. When an exemption is granted, the applicant will be notified in writing of the exemption, the applicable conditions and the validity period. In case if any need arises or the nature of exemption so demands, owner of the exemption shall periodically, based on duration of exemption, conduct review of exemptions received to ascertain that the mitigation measures are in place and effective.
- ii. In case of long-term exemption such as non-compliance, the review should also consider whether the non-compliance could be removed from surveillance findings.

3.9. Publication of Exemptions

- a) Where the proposed exemption is granted, Brunei DCA shall ensure the exemption is published as appropriate as such in Brunei DCA website prior to the commencement of the exemption's validity period. Where applicable, Brunei DCA shall that such exemption is reflected and endorse in the service provider's certificate or approval.

3.10. Validity of Exemption

- a) If the exemption granted with a specific period of time, the exemption shall cease:
 - i. at the end of the date specified in the letter of exemption; or
 - ii. at the time the exemption has been revoked by Brunei DCA; or
 - iii. in cases where the applicant has requested for cancelation of the exemption.
- b) The maximum permissible exemption period issued by the Brunei DCA 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.

3.11. Suspension of Exemption

- a) Brunei DCA Inspectors may recommend to Director to suspend an exemption, if continuation of the exemption may threaten aviation safety. Such suspension shall be notified to the holder of the exemption.
- b) Suspension may lead to revocation of an exemption, if after inspector(s) review revealed that continuation of exemption in any applicable condition would threaten the aviation safety. However, if by imposing additional

conditions aviation safety would no longer be compromised, the suspension may be removed and exemption reinstated.

3.12. Revocation of an Exemption

- a) Brunei DCA may revoke an exemption, at any time, in the interests of aviation safety. This may occur due to the applicant not complying with the conditions of the exemption, or special circumstances arising and Brunei DCA becoming aware that continuation of the exemption may threaten air safety. Additionally, Brunei DCA may revoke an exemption on request by its holder (i.e. Cancellation).
- b) If Brunei DCA 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 with the opportunity to respond. Brunei DCA will take the exemption holder's response into account in deciding whether to revoke the exemption or not.
- c) Brunei DCA may not provide prior notice of its intention to revoke an exemption in circumstances of serious and immediate risk to air safety, or where there is reasonable assurance (to the Brunei DCA) that the applicant is breaching a condition of the exemption or a related provision of the regulations. Where Brunei DCA revokes an exemption, it will do so in writing and will state the reasons for the revocation.

3.13. Retention of Records

- a) The duration for which the record will be held is related to the granted time period for the exemption. Any letters issued to ICAO and other States in relation to exemptions must be retained indefinitely in the appropriate file.
- b) The section's authorized inspector which evaluates the exemption sought shall retain the records in the file of each individual or organization as per established procedures and the records should be available upon request of the authorized person or internal/external auditor.
- c) The list of exemptions issued shall be recorded by Brunei DCA to enable review the pertinence and adequacy of regulatory provisions which are the object of repeated exemption requests.

CHAPTER 4: SAFETY AND RISK ASSESSMENT CRITERIA

- 4.1. The applicant is required to include detailed criteria and processes for conducting risk assessments, as follows:

Risk Assessment Guidelines:

- a) Require applicants to submit risk assessment reports using an acceptable methodology (e.g., ICAO Doc 9859, Safety Management Manual).
- b) Ensure the reports include:
 - i. Hazard Identification: Identify risks associated with non-compliance.
 - ii. Risk Analysis and Assessment: Analyze the likelihood and severity of potential outcomes.
 - iii. Risk Mitigation Measures: Propose mitigation measures to reduce risks to an acceptable level.

Risk Matrix:

Add a Risk Matrix to determine risk levels (Low/Medium/High) based on likelihood and severity.

Objective of Risk Assessment:

State that the assessment must demonstrate that the level of safety/security achieved is equivalent to or higher than the safety level established by the regulation/requirements.

- 4.2. The applicant is required to provide details on designing and monitoring risk mitigation measures:

- i. Guidelines for Mitigation Measures: Require applicants to propose mitigation actions, such as additional training, improved operational procedures, or enhanced safety equipment.
- ii. Monitoring and Compliance: Specify how applicants will monitor the implementation of mitigation measures, including site inspections and periodic reviews of reports submitted by the applicant.

- 4.3. Maintaining an Equivalent Level of Safety/Security

Emphasizing on:

- i. Exemptions must not compromise aviation safety/security;
- ii. Applicants must demonstrate that:
 - The proposed mitigation measures can maintain an equivalent level of safety/security to the original regulation/requirement.
 - There will be no adverse impact on ICAO Standards and Recommended Practices (SARPs).

CHAPTER 5: PROCESSES FOR THE GRANTING OF EXEMPTION

Step 1: Application and Initial Evaluation

- i. An application for an exemption from Civil Aviation Act, Civil Aviation Regulations or Brunei Aviation Requirements shall be submitted to the concerned regulatory section through the Director using the form as prescribed in Appendix A and all relevant information shall be provided accordingly. The application shall be signed by the individual or approved post holders or equivalent as may be the case. The application shall be supported with adequate justification for requesting an exemption, safety assessment reports, and means of prevention and mitigation.
- ii. An initial evaluation of the application shall be carried out by inspector of section concerned to ensure the availability of basic information and to maintain uniformity.
- iii. If an application does not contain all the required information, or if it is not submitted in the prescribed format, the section concerned shall revert the application back to the applicant with instructions on the relevant action required before the application can be re-submitted.
- iv. If the application contains all the required information and is submitted in the prescribed format, the section concerned shall accept the application for evaluation.

Step 2: Evaluation of Risk Analysis and Mitigation Measures

- i. After completion the review of the application package, if the concerned section has determined that granting the exemptions shall have safety implications and/or concerns, a thorough evaluation of the risk analysis carried out by the applicant and the proposed mitigation measures shall be conducted. The inspector conducting the evaluation of the applicant's risk analysis and proposed mitigations shall complete the form as prescribed in Appendix C and guided by the risk assessment matrix as per detailed in Chapter 3.6;
- ii. If the results of the analysis show that the identified risks are:
 - ❖ not tolerable and/or the proposed mitigation measures are inadequate, the application shall be rejected and the applicant shall be notified of the decision;
 - ❖ tolerable and/or the proposed mitigation measures adequately address the risks, the application shall proceed for Head of Section.

- iii. The inspector assigned, following completions of the associated evaluation, through Head of Section, make appropriate recommendations by completing the prescribed form of Appendix A Section 2 and submit the completed Form to the Legal Office for consideration. The Inspector may, depending on the evaluation of risk analysis, recommend to limit the exemption request to appropriate period or may limit or impose other conditions, as applicable.
- iv. The legal Office conducting legal evaluation shall complete the prescribed form of Appendix A Section 2 by reviewing its compliance whether:
 - ❖ If granted, shall this exemption infringe on any other regulation/requirements?
 - ❖ If granted, shall this exemption infringe on the provisions of any other laws of the State?
 - ❖ Are there any other legal implications relative to this application?
- v. The Legal Office either recommends proceeding with the exemption, subject to conditions, or advises denial if legal conflicts or risks are identified.
- vi. After satisfactory evaluation from legal Office and its recommendation to grant extension, the legal Office shall submit the Form to the Head of Division for consideration. The Legal Office should include in the submission, the draft exemption in the standard form as per the decision and recommendation.
- vii. Head of Regulatory Division shall recommend to the Director of Civil Aviation for decision regarding exemption, as to whether the exemption should be granted or denied, and whether any condition not sought by the applicant should be part of the exemption.

Step 3: Grant/Refusal

- i. The Director/Minister (as applicable) shall grant an exemption following the successful completion of all evaluation based on the recommendations received. The decision is final and forms the basis for issuing the Exemption Document to the applicant, either:
 - ❖ **Approved with Conditions:** The exemption is granted, subject to specific terms, limitations, and monitoring requirements.

- ❖ **Approved:** The exemption is granted as requested, with no additional conditions.
- ❖ **Denied:** The exemption is rejected due to safety, legal, or operational concerns.

Step 4: Notification, Publishing and Recording of Exemption

Notification of Decision to the Applicant

- i. Once the exemption is granted, assigned inspector will notify the applicant in writing of its decision stating the following particulars:
 - a) Applicant name;
 - b) Reference to the requirement for which exemption is granted;
 - c) The expiry date/validity of the exemption; and
 - d) Conditions or limitations.
- ii. If the application has been approved, the notification must consist of a cover letter and the signed exemption.
- iii. If the application has been denied, the notification must consist of a letter outlining the reasons for the decision.
- iv. If granting an exemption would contravene ICAO SARPs, the assigned Inspector will notify SSP Section to initiate appropriate meeting with purpose to perform the following actions:
 - a) determine if granting the exemption would be classified as a “significant difference” as per established procedures;
 - b) If required, prepare the details of the notification of difference to ICAO as per established procedure
 - c) determine additional conditions which applicant shall comply, while operating especially outside Brunei airspace;

Publication and Recording of Exemptions

- i. The assigned inspector should ensure that the exemption so granted is published on the Brunei DCA website prior to the commencement of the exemption’s validity period.
- ii. If necessary, the SSP Section to ensure that identified differences are published in Aeronautical Information Publication (AIP) and notified to ICAO.
- iii. The assigned inspector shall record the granted exemption, together with the evaluation record and associated application package, in the appropriate service provider file.

iv. SSP Section shall maintain an Exemption Registry Database on all exemptions issued by the Brunei DCA. The database shall record the following information:

- Exemption Number
- Description of Exemption
- Responsible section/inspector
- Applicable reference to regulations/requirements
- Operator's name
- Validity Duration (including effective and expiry date)

Appendix A – Exemption Application Form

SECTION 1: TO BE COMPLETED BY THE APPLICANT		
APPLICANT INFORMATION:		
Name of Applicant <i>(Operator/ organisation name or person name)</i>		
Certificate/Approval/ License No. and Expiry Date (if applicable)		
Contact Details	Name:	
	Title/Position:	
	Tel:	
	Email:	
	Address:	
RELATED DIVISION TO THE EXEMPTION BEING SOUGHT		
Flight Operations ☐	Airworthiness ☐	Air Navigation Services ☐
Aviation Security ☐	Aerodrome and Ground Aids ☐	Personnel Licensing ☐
Others (specify):		
APPROVED TYPE OF OPERATIONS (if applicable)		
Schedule ☐	Non – Schedule ☐	Passenger ☐
Cargo ☐	Approved Organisation ☐	Others (specify):
REGULATORY REQUIREMENT FOR WHICH EXEMPTION IS SOUGHT:		
Regulation/ Requirement / Standard <i>(cite exact paragraph or provision and titles)</i>		
DETAILS OF THE PROPOSED EXEMPTION:		
Requested Relief <i>(Describe exactly what compliance requirement is to be exempted and the proposed extent of the exemption)</i>		
Individuals/ Operations Affected <i>(Specify who or what will be covered by the exemption (aircraft, routes, personnel, etc.))</i>		
REASON AND JUSTIFICATION		

Operational Justification (Explain why this exemption is necessary. What circumstances prevent compliance?)	
Associated Implication if Not Granted (Briefly describe the consequences if the exemption is not approved)	
RISK ASSESSMENT REPORTS	
Safety and Risk Assessments, Analysis, Aeronautical Studies (attached reports if applicable): Mitigation Measures Adopted: Indication as to when compliance can be expected: [] attached reports in separate documents	
HOW THE EXEMPTION WILL BENEFIT THE PUBLIC (PUBLIC INTEREST):	
What factors were considered by the applicant in the determination of Public Interest? a) _____ b) _____ c) _____ [] additional factors, attached in separate documents Are conditions related to Public Interest required? 	
PROPOSED METHOD FOR ACHIEVING AN EQUIVALENT LEVEL OF SAFETY/SECURITY	
What factors were considered by the applicant to ensure equivalent level of Safety/Security? Identify criteria and formulate as conditions of the exemption: d) _____ e) _____ f) _____ [] additional factors, attached in separate documents	

Any Known Safety/ Security Concerns (including relevant accidents/ incidents)			
DURATION OF EXEMPTION			
Requested Start Date			Requested End Date
Is this a one-time exemption or are you planning to apply for renewal if needed?		Yes ☐ No ☐	
Indicate which other parties may be affected by the grant of exemption		Airlines ☐	Air Traffic Control ☐
		Air Crew ☐	Maintenance Organisation ☐
		Security ☐	Training Organisation ☐
		Aerodromes ☐	Rescue and Fire Fighting ☐
		General Public ☐	Other (Specify):
PREVIOUS OR RELATED EXEMPTIONS			
Have you or your organization previously been granted a similar exemption?		Yes ☐ No ☐	
If yes, provide reference number or details:			
If this is a renewal of a current exemption, list the current exemption reference:			
ATTACHMENTS CHECKLIST			
☐	Detailed Safety Risk Assessment Document		
☐	Supporting documentation (e.g., maintenance reports, training records, third-party letters, etc.)		
☐	Existing exemption, <i>if applicable</i>		
☐	Copy of relevant current certificate or license (if needed for context)		
☐	Any other pertinent documentation:		
Declaration			
<i>I hereby certify that the information provided above and in attached documents is true and complete to the best of my knowledge. I understand the safety obligations associated with the granting of an exemption and commit to implementing any conditions imposed by Brunei DCA to ensure safety. I acknowledge and agree that the details of this exemption, if granted, will be published on the Brunei DCA website for public information.</i>			
Name/Position		Sign/Date	

SECTION 2: FOR DCA USE ONLY			
Date Application Received			
Application Complete?		Yes ☐ No ☐ If No, date additional info requested:	
Assigned Evaluation Team/Inspector			
Remarks:			
Recommendation to accept			Not Acceptable (Remarks Required)
Legal Advisor's Office Feedback/Recommendation			
Remarks:			
In-favour of exemption			Not in-favour of exemption
Head of Division			
Remarks:			
Recommendation to approve			Recommendation to Reject (Remarks Required)
Final Decision	Approved / Denied	Exemption Ref.	
		Date of Decision	

Appendix B – Exemption Issuance Process

Below is the checklist for processing an exemption request and can be used as a reference to ensure that all critical actions are completed during the evaluation and issuance of an exemption.

No.	Step	Action/ Requirement	Status (✓/ X / N/A)	Remarks
1	Application Received	Exemption request letter/form received from applicant; logged with reference number.		(Date received, reference)
2	Initial Completeness Check	Application reviewed for all required information (rule citation, justification, duration, risk assessment, etc.).		(If incomplete, info requested on [date])
3	Acceptability Screening	Confirm request falls within CAA authority and is not for a non-exemptible requirement.		(If not, inform applicant/redirect)
4	Acknowledgment Sent	Acknowledge receipt to applicant, outline expected timeline or additional info needed		(Sent via email/letter on [date])
5	Assign Technical Team	Relevant technical experts/inspectors assigned to evaluate (ops, airworthiness, etc. as needed).		[Name]
6	Risk Assessment Performed	Hazard identification and safety risk assessment completed (with mitigations identified).		(Risk assessment doc ref no.)
7	Internal Consultation	Multi-section review/meeting held for consensus and input (including legal if needed).		(Meeting date, key points)
8	Draft Decision Prepared	Draft determination made (approve or deny) with rationale. If approving, conditions drafted.		(Draft exemption text ready)
9	Management Approval	Decision elevated to appropriate authority (DDCA/DCA) for review and sign-off		(Approved/Denied on [date])
10	Exemption Document Issued	Official exemption letter/order signed and issued to applicant with all conditions.		(Letter ref no., date sent)
11	ICAO/External Notification	If required, notify ICAO of difference and/or other States of the exemption		(State letter or EFOD updated on [date])

Appendix C – Risk Assessment Template for Exemption Evaluation

OVERVIEW OF EXEMPTION REQUEST:	
Name of Applicant/Organizations	
Exemption Reference (if assigned)	
Rule form which Exemption is Sought	
Brief Description of Proposed Exemption	
Duration	From _____ to _____
HAZARD IDENTIFICATION	
List the potential hazards or failure modes introduced by the exemption. Consider what could go wrong because the normal requirement is not met. For each hazard, identify the consequence in the worst-case scenario.	
Hazard 1:	
Potential Consequence:	
Hazard 2:	
Potential Consequence:	
Hazard 3:	
Potential Consequence:	
(Add more as needed)	
INITIAL RISK ANALYSIS (WITHOUT MITIGATIONS)	
List the potential hazards or failure modes introduced by the exemption. Consider what could go wrong because the normal requirement is not met. For each hazard, identify the consequence in the worst-case scenario.	
For each hazard identified, assess:	
• Likelihood (Probability) of the hazard leading to an occurrence under exemption conditions. (Use qualitative terms: Frequent, Occasional, Remote, etc., or numerical if available.) • Severity of the consequence if it occurs. (Use standard severity classes: e.g., Catastrophic, Major, Minor, etc.) • Initial Risk Level: Determine the risk level or index from the combination of likelihood and severity (using the State's risk matrix or methodology). Indicate if it falls in Acceptable, Tolerable (with mitigation), or unacceptable region prior to mitigation.	

MITIGATION MEASURES	
List the safety measures that will be in place to reduce the risk of each hazard. Mitigations can be proposed by the applicant or added by the CAA. They might include operational restrictions, additional inspections, backup systems, increased monitoring, etc. For clarity, map each mitigation to the hazard(s) it addresses:	
Mitigation 1:	
Addresses Hazard(s):	
Mitigation 2:	
Addresses Hazard(s):	
Mitigation 3:	
Addresses Hazard(s):	
(Ensure all high/tolerable risks have at least one mitigation. Some mitigations may cover multiple hazards.)	
RESIDUAL RISK ANALYSIS (WITH MITIGATIONS)	
Re-assess the Likelihood and Severity for each hazard after implementing the above Mitigations:	
- Hazard 1: New Likelihood – Remote; Severity – Major; Residual Risk: Medium (Tolerable) - Hazard 2: New Likelihood – Extremely Improbable; Severity – Catastrophic; Residual Risk: Medium (Tolerable) - Hazard 3: (if unchanged, copy as is) Likelihood – Occasional; Severity – Minor; Residual Risk: Low (Acceptable)	
Evaluate if the Residual Risk Level is acceptable per State’s criteria. (Typically, high risks must be reduced; medium may be tolerated with management decision; low are acceptable.) In this example, assume Hazard 1 and 2 have been reduced to a tolerable level with strong oversight, and Hazard 3 was already acceptable.	
ADDITIONAL CONSIDERATIONS	
Cumulative or Interactive Effects: Consider if multiple exemptions or other concurrent issues could compound risk.	(Example: Pilot’s training interval extended and aircraft maintenance check extended at same time – combined effect on safety.)
Impact on Other Parties: Does the exemption pose any risk to others (e.g., other operators, general public) beyond the applicant’s operation? If so, addressed by mitigation?	
Human Factors and Organizational Factors: Any concern about human performance or organizational capability that could affect the outcome (e.g., reliance on pilot judgment, workload issues, company’s SMS robustness)?	

RISK ASSESSMENT CONCLUSION		
Given the above analysis, is the risk of granting the exemption acceptable with the identified mitigations in place?	Yes / No	
Summary Statement	(e.g., "With the conditions proposed (extra training, limited operations, monitoring), the operational safety risk is reduced to an acceptable level for the duration of the exemption. It is concluded that the exemption can be granted without compromising safety.")	
If no, state reasons and what would be required to achieve acceptability (or conclude exemption cannot be granted safely).		
RECOMMENDED CONDITIONS FOR EXEMPTION		
Based on the mitigation measures and any other regulatory considerations, list the conditions that should be imposed if the exemption is approved. These should correlate with the mitigations:		
(Note: These conditions will be inserted into the exemption letter. E.g., "Aircraft XYZ shall only be operated on daytime cargo flights under VFR during the exemption period.")		
1.		
2.		
3.		
EVALUATION TEAM SIGN-OFF		
(The sign-off signifies that the risk assessment has been completed and reviewed as per Brunei DCA procedures.)		
Lead Evaluator	Name/Position	Signature:
		Date:
Other Team Members	Name/Position	Signature:
		Date:
Reviewed/Concurred by (Supervisor/Manager)	Name/Position	Signature:
		Date:

Appendix D – Sample Exemption Approval Letter

[Official CAA Letterhead]

Ref: CAA/EXEMPT/2025-xx (e.g. reference number of exemption)

Date: XX November 2025

To:

Mr. ABC XYZ, Director of Operations

XYZ Airlines

P.O. Box 12345, [City], [State]

Subject: Exemption Approval – [Brief Description, e.g. Extension of Pilot Proficiency Check Interval]

Dear Mr. XYZ,

Introduction

We refer to your application dated DD-MONTH-YYYY, in which XYZ Airlines requested an exemption from [Brunei Aviation Requirements, BAR X Para XX], which requires that flight crew proficiency checks be conducted every 6 months. Your request was to allow an extension of this interval to 8 months for certain pilots, due to the temporary closure of the ABC Training Simulator Center.

Authority

Under the powers granted to the Brunei Department of Civil Aviation by Section XX of the Civil Aviation Act and Part XX of the Civil Aviation Regulations, Brunei DCA may grant exemptions to regulatory requirements on a case-by-case basis, provided such action is in the public interest and does not compromise safety.

Approval

After careful review of your application, including the safety risk assessment and mitigation measures proposed, the CAA has decided to grant the requested exemption. This exemption allows XYZ Airlines to operate specified flights with pilots who are overdue for proficiency check, subject to the conditions below:

Details of Exemption

- Regulation Exempted: [Civil Aviation Regulations, Reg XX, Para XX], which prescribes a 6-month interval for flight crew proficiency checks.
- Nature of Exemption: Authorizes an extension of the proficiency check interval up to a maximum of 8 months for eligible pilots under conditions stipulated herein.
- Effective Period: This exemption is effective from 01 December 2025 until 31 March 2026. Unless renewed, it will automatically expire at 23:59 LT on 31 March 2026, after which all pilots must fully comply with the 6-month proficiency check requirement.
- Applicability: This exemption applies only to flight crew of XYZ Airlines who held valid proficiency checks as of 01 September 2025 that have since lapsed or will lapse before they can complete recheck due to simulator unavailability. It is not transferable to any other airline or personnel.

Conditions

XYZ Airlines is required to comply with the following conditions as part of this exemption approval:

- a. **Additional Training:** Prior to operating beyond the normal 6-month limit, each affected pilot shall undergo a structured refresher training program. This program (as described in your letter) must include at least 4 hours of classroom/theoretical training and 2 supervised line flights in a non-command role. Documentation of completion for each pilot must be retained and made available to the CAA on request.
- b. **Operational Limitation:** Pilots operating under this exemption **shall not serve as Pilot-in-Command (PIC)** on any flight beyond 6 months since their last proficiency check. They may

operate in the co-pilot role only. A currently qualified PIC (within 6-month proficiency) must be on board as the commander for all flights where an exempted pilot is part of the crew.

- c. **Route Restrictions:** Exempted pilots shall only operate on routes within [State] or routes to [Neighboring State] (as specified in your request). They are not permitted to operate to any other international destinations under this exemption unless specifically approved by the Brunei DCA.
- d. **Monitoring and Reports:** XYZ Airlines shall closely monitor the performance of pilots flying under this exemption. Any abnormal events, safety concerns, or pilot proficiency issues must be reported to the Brunei DCA immediately. Additionally, XYZ Airlines must submit a **brief report every 30 days** during the exemption period summarizing how many flights were conducted under this exemption and confirming that conditions were met on each flight. The first report is due by 01 January 2026.
- e. **Simulator Scheduling:** XYZ Airlines must provide the CAA with evidence by 31 January 2026 that all affected pilots have been scheduled for proficiency checks at the earliest possible date once the ABC Simulator Center resumes operation (or an alternate training arrangement is made).
- f. **Safety Standards:** All other operational and safety regulations remain in effect. This exemption in no way waives compliance with any requirement except the specific proficiency check interval stated. Pilots must continue to meet all other fitness for duty requirements (rest, medical fitness, etc.).

ICAO Compliance

It is acknowledged that by extending pilot proficiency beyond 6 months, Brunei Darussalam is temporarily not in full compliance with ICAO Annex 1, Chapter 3, Standard 3.7.3 (which implies recurrent training proficiency within a given period). The CAA will file a difference with ICAO for the duration of this exemption, in accordance with Article 38 of the Chicago Convention, and notify concerned States as necessary.

Rights and Limitations

The CAA reserves the right to revoke or modify this exemption at any time prior to 31 March 2026 if it is deemed in the interest of safety or if XYZ Airlines fails to adhere strictly to the conditions herein. Should the circumstances that necessitated this exemption abate (e.g., simulator training opportunities become available sooner), the CAA expects XYZ Airlines to promptly return to normal compliance and cease use of the exemption.

This exemption is a temporary measure granted based on the specific facts and mitigation strategies presented. It reflects the CAA's commitment to supporting continued operations during challenging circumstances while maintaining an acceptable level of safety. The CAA appreciates XYZ Airlines' proactive safety risk management in this process.

Conclusion

Please signify your agreement to the terms and conditions of this exemption by written confirmation of acceptance via email. By using this exemption, XYZ Airlines and its pilots agree to comply with all stated conditions. We look forward to your continued cooperation.

For any questions regarding this exemption, you may contact [Brunei DCA focal point name] at [contact info].

Sincerely,
[Signature]

[Name of DG/Authorized Officer]
Director of Civil Aviation

(End of Exemption Letter Template)

Appendix E – Flow Chart for Approval of Exemptions

The flow chart describing the evaluation and approval process is described below.

