



Grant of Exemption

Aircraft Maintenance Organization, Aviation Training Organization and FSTD Certificate/Approval Validity Requirements

WHEREAS:

Section 5.060(a) which states, in pertinent part, that: - A certificate or rating issued to a maintenance organisation is effective for 12 calendar months.

Section 9.025(a) which states, in pertinent part, that “Except as shown in paragraph (b), the Authority will issue an ATO certificate which expires, unless surrendered, suspended, or revoked—
(1) On the last day of the 24th calendar month from the month the certificate was issued;

Section 9.025(b) which states, in pertinent part, that “Except for an organisation approved by the Authority for training its own flight crews, no organisation may conduct training, testing, or checking in flight simulation training devices without, or in violation of, the certificate and training specifications required by this Part”.

The Aviation Industry requests an exemption from the RCARs Section 5.5.060(a), 9.025(a) and (b) pertaining to the extension of the period of validity of AMOs, ATOs and FSTDs certificates/approvals (herewith referred as Certificate/Approval Holders). For the reasons explained herein, the Authority is granting the requested relief to the extent necessary to allow Certificate/Approval Holders that submit a Letter of Intent (in the form and manner described below) to continue operating until the COVID-19 situation improves and that each exempted entity complies with the conditions listed herein.

1.1 THE PETITIONER SUPPORTED THE REQUEST FOR EXEMPTION BASED ON

This grant of exemption was initiated by the RCAA after extensive discussions with RwandAir and Rwanda Airport Company regarding the ability of the Authority to conduct physical inspections of these Certificates/Approvals Holders during the Coronavirus (COVID-19) outbreak which was characterised as a pandemic by the World Health Organization (WHO), with the rates of infection continued to rise in many locations around the world and in Rwanda.

1.2 THE AUTHORITY HAS THEREFORE

- A. Due to the extraordinary circumstances associated with the outbreak, construed the above discussions, which included a request for expedited relief, as a petition for exemption under Article 13 of the Law Establishing Regulations Governing Civil Aviation.
- B. Found that granting this exemption supports the restart and recover of air transportation industry.
- C. Given the immediacy of the public health concerns and the urgency of sustaining continuity in air transportation, support restart and recover of scheduled commercial air transportation, found it not be feasible for the RCAA to timely address ad-hoc requests for relief from certificate holders individually.



1.3 RCAA'S ANALYSIS, DECISION AND CONDITIONS PERTAINING TO THE EXEMPTION

The RCAA's analysis is as follows:

- A. The RCAA finds that there is good cause not to publish a summary of the petition in the Public Register because delaying action on the petition would have an adverse and potentially immediate impact on the petitioner's ability to ensure continuity of critical aviation operations essential to the public interest.
- B. Accordingly, the RCAA grants the relief requested by the petitioner in accordance with the conditions and limitations below.
- C. To make this exemption effective, each affected certificate holder must submit a Letter of Intent requesting to use this exemption and affirm its intentions to comply with the conditions and limitations of this exemption.
- D. The Authority determines that Certificate/ Approval Holders may operate beyond the current validity period of their certificates/ approvals during the effective period of this exemption without creating a risk to aviation safety that is unacceptable under the extraordinary circumstances surrounding the COVID-19 pandemic.

This applies only to holders of an RCAA-issued licenses/certificates serving as a certificated or approved organization.

1.4 DETAILS OF RELIEF

The RCAA will grant the following Relief to Certificate/Approval Holders under the listed conditions:

- 1) Until 31 March 2021, due to extraordinary circumstances related to the COVID-19 pandemic, the RCAA will not take legal enforcement action against any Certificate/Approval Holders for failing to receive an onsite renewal inspection.
- 2) Unless otherwise authorized, the entity operating under this exemption continues to comply with all other regulatory provisions and conditions listed in the Conditions and Limitations to ensure safe and secure flight operations.
- 3) RCAA extends the Certificate/Approval Holder certificate/approval following a validation process as a minimum.
- 4) The RCAA finds that limited relief is justified, subject to the Conditions and Limitations outlined below.
- 5) In view of the extraordinary situation presented by the COVID-19 public health emergency, the RCAA finds that the relief granted here does not present a risk to aviation safety that cannot be mitigated under the Conditions and Limitations of this grant of exemption. The RCAA finds that granting this exemption supports the restart and recovery of the aviation industry.
- 6) Letters of Intent with risk assessment reports should be submitted by email to info@caa.gov.rw. The RCAA will place the letters in the exemption docket.
- 7) A key factor for obtaining authorization to use this exemption is that the assigned principals track and mitigate the potential risk of extending validity of these certificates/approval without onsite inspections conducted by RCAA.

These conditions and limitations ensure that certificate holders demonstrate a plan to mitigate any potential risk introduced by extending the validity period of certificates and approval.



1.5 THE RCAA'S DECISION

In consideration of the foregoing, I find that a grant of exemption is in the public interest. Therefore, pursuant to the authority contained in Article 13 of the Law Establishing Regulations Governing Civil Aviation, Certificate/Approval Holders are granted an exemption from RCARs Section 5.060(a), 9.025(a) and (b).

This exemption is subject to the Conditions and Limitations listed below:

- 1) This exemption applies to Part 5 and Part 9 certificate/approval holders who have submitted a Letter of Intent to the RCAA at the following address: info@caa.gov.rw.
- 2) Each Certificate/Approval Holders seeking to use this exemption must:
- 3) Be contracted by an organization certificated or approved by the Authority.
 - (a) Obtain authorization in Operations Specification.
 - (b) Demonstrate and document how the potential risk associated with this exemption will be assessed and mitigated.
 - (c) Have record of this grant of exemption when exercising the relief provided
- 4) Any Part 5 and Part 9 Certificate/Approval Holders requesting to use this exemption must provide a plan to its assigned principal operations inspector with the following information.
 - (a) For certificate holders with an accepted SMS, a safety risk assessment.
 - (b) For certificate holders without an accepted SMS, a safety analysis and corresponding risk mitigations to be implemented by the certificate holder.

This exemption terminates on 31 March 2021, unless sooner superseded or rescinded.

Issued in Kigali, on 31 December 2020.



Silas Udahemuka
Director-General
Rwanda Civil Aviation Authority