LEASING OUT AND / OR INTER-CHANGE AN EA REGISTERED AIRCRAFT

1.0 PURPOSE

This Advisory Circular (AC) is issued to provide general information and guidance to Air Operators on the requirements when leasing out a EA registered aircraft to another State. Aircraft may be “Dry or Wet” leased out.

2.0 REFERENCES.

2.1 Regulations 24(1) of the Civil Aviation (Air Operator| Certification and Administration) Regulations provide that a holder of an air operator certificate shall not interchange aircraft with another AOC holder without the approval of the Authority.

2.2 Regulations 25(1) of the Civil Aviation (Air Operator| Certification and Administration) Regulations provide that a holder of an air operator certificate may enter into a Wet –Lease agreement with another air operator subject to the approval of the Authority and any terms, conditions or limitations imposed by the Authority.

3.0 GUIDANCE AND PROCEDURES

3.1 Dry and Wet Lease Out
a) The Owner/Operator registered in EA (the lesser) may Dry-Lease Out a EA registered aircraft to another operator in EA or an operator in another Contracting State provided that:

i) The Authority is notified about the lease of the aircraft at least thirty (30) days before the intended date of the aircraft positioning at the lessee’s station.

ii) A copy of the lease agreement detailing the terms of and condition of dry lease is submitted to the Authority for evaluation and acceptance.

iii) It is indicated party is responsible for operational control; maintenance; and servicing of the aircraft.

c) The lesser shall remains responsible for ensuring that the relevant operation and airworthiness Regulation requirements are complied with during the period of the lease.

d) The licenses of Control Cabin; Passenger Cabin; and maintenance certifying staff are validated by the Authority of the State of Operation if applicable.

e) The lesser has established that the Contracting State Authority of the lessee’s has an enabling Regulation permitting Dry and Wet Lease Arrangements.

f) The lesser has established that the lessee and the State of Operation has satisfactory operational and safety oversight capability for the type aircraft.

3.2 83bis Lease Arrangements

a) Lease Out:

i) In case of long term lease period (more than six months) where the Authority may not be able to carry out effective safety oversight on the leased out aircraft. The authority may require to apply the provisions of Article 83bis of the Chicago Convention and surrender some or all aircraft safety oversight functions to the State of Operation.

ii) The lesser will be required to facilitate the conclusion of the 83bis agreement requirements as explained in the CAA 83bis Implementation Manual.

3.3 Aircraft Interchange

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