

TSA 2012-68

Agreement

between

The Swedish Transport Agency, Civil Aviation Department

and

the Estonian Civil Aviation Administration

on

**The Implementation of Article 83^{bis}
of the Convention on International Civil Aviation**

The Swedish Transport Agency, Civil Aviation department (SCAA)

and

The Estonian Civil Aviation Administration (ECAA)

and

considering the Protocol of 6 October 1980 to amend Article 83^{bis} of the Convention on International Civil Aviation,

desiring, with a view to enhance the safety in civil aviation, to transfer to the State of the Operator of aircraft all or part of the State of Registry's functions and duties pertaining to Articles 12, 30, 31 and 32 (a) of the Convention on International Civil Aviation, as provided by Article 83^{bis} of the Convention on International Civil Aviation which was included with the Protocol of 6 October 1980.

convinced that, in line with Part V of ICAO Doc. 9760 and chapter 2.2 and chapter 10 of ICAO Doc 8335, it is necessary to establish precisely the international obligations and responsibilities of the Contracting States in compliance with the Convention on International Civil Aviation, when an aircraft registered in one Contracting State is operated by the holder of an operating licence issued by the other Contracting State including an air operator's certificate (AOC) under a dry-lease arrangement -

have agreed, on the basis of Articles 33 and 83^{bis} of the Convention on International Civil Aviation, as follows:

Article 1
Definitions

For the purposes of this Agreement, unless the text otherwise requires:

1. the term "Convention on International Civil Aviation" means the Convention on International Civil Aviation, opened for signature at Chicago on 7 December 1944, including any Annex adopted under Article 90 of that Convention and any amendment of the Annexes or of the Convention under Articles 90 and 94 thereof in so far as those Annexes and amendments have become effective for or have been ratified by both Contracting Parties,
2. the term "ICAO" means the International Civil Aviation Organization,
3. the term "EASA" means the European Aviation Safety Agency,
4. the term "dry-lease arrangement" means an arrangement between airlines for the lease of an aircraft for use against payment, without crew and with the aircraft being operated under the air operator's certificate of the lessee,
5. the term "lessor" means the registered owner or any legal or natural person transferring the use of an aircraft against payment to the lessee,
6. the term "lessee" means the operator to whom an aircraft is leased for use against payment and in whose operating licence including an air operator's certificate the aircraft is registered,
7. the term "civil aviation authority" means in the case of Estonia, the Estonian Civil Aviation Administration (ECAA), Republic of Estonia, Rävåla pst 8, Tallin 10143. ecaa@ecaa.ee, and in the case of the Kingdom of Sweden, the Swedish Transport Agency, Civil Aviation Department, SE-601 73 Norrköping Sweden, luffart@transportstyrelsen.se,

8. the term “State of Registry” means the state in whose aircraft register the aircraft leased for use against payment is entered,
9. the term “State of the Operator” means the state from which the lessee has received his operating licence.

Article 2

Scope of application

This Agreement shall be applicable to aircraft registered in the aircraft register of the State of one Contracting Party and are operated by an operator from the State of the other Contracting Party for commercial air transport and/or aerial work under a dry-lease arrangement.

Article 3

Transferred responsibilities

(1) The civil aviation authority of the State of Registry is, in accordance with the provisions of this Agreement, entitled to transfer the following responsibilities including oversight and control of the duties set out in the respective Annexes to the Convention on International Civil Aviation to the civil aviation authority of the State of the Operator.

1. Annex 1 – Personnel Licensing – other than the issuing and validation of licences.
2. Annex 2 – Rules of the Air – enforcement of compliance with applicable rules and regulations relating to the flight and manoeuvre of aircraft.
3. Annex 6 – Operation of Aircraft – all responsibilities which are normally incumbent on the State of Registry for the oversight and control of operations of aircraft entered on its aircraft register.

4. Annex 8 – Airworthiness of aircraft – all responsibilities which are normally incumbent on the State of Registry, and have not been assumed by EASA, for the oversight and control of aircraft entered on its aircraft register.

(2) The civil aviation authority of the State of the Operator shall inform the civil aviation authority of the State of Registry about any intended sublease of an aircraft for which the responsibilities were transferred in accordance with paragraph 1.

(3) Duties and functions in accordance with paragraph 1 must not be transferred to any other state.

Article 4

Procedure for the transfer of responsibilities

(1) Details concerning the transfer of responsibilities in accordance with Article 3, including the provisions and procedures to be applied, shall be laid down in writing between the civil aviation authorities of the Contracting Parties involved. Applications for the transfer of responsibilities by the civil aviation authority of the State of Registry shall require the written acceptance by the civil aviation authority of the State of the Operator. Applications may only be filed for single and specifically designated aircraft for the period of application of the dry-lease arrangement. Upon receipt of the notification of acceptance in accordance with the second sentence the transfer of the responsibility for the control of the designated aircraft shall become effective.

(2) In the case of a prolongation of a dry-lease arrangement paragraph 1 shall apply accordingly.

(3) The civil aviation authorities shall be entitled to revoke the transfer of responsibilities at any time. The revocation must be performed in writing. It shall become effective 24 hours upon receipt.

(4) An aircraft for which the responsibility for oversight and control was transferred by virtue of Article 3 (1) shall be subject to the requirements of the in each case applicable laws, as well as other regulations and procedures of the State of the Operator.

Article 5

Meetings between the civil aviation authorities

(1) If required, meetings shall be convened between the civil aviation authorities of the Contracting States to discuss both operations and airworthiness matters found as a result of the inspections of the aircraft. In this connection, the following subjects shall be especially discussed:

1. Air operations,
2. Control of continued airworthiness and maintenance of aircraft,
3. Operator's MCM procedures, if applicable,
4. Any other significant matters arising from inspections.

(2) At the request of the civil aviation authority of the State of Registry the other civil aviation authority shall, in compliance with applicable law, perform an inspection of the aircraft for which the responsibility for oversight and control was transferred on the basis of Article 3 (1). The requested civil aviation authority shall, as far as possible, permit the representatives of the civil aviation authority of the State of Registry to be present during the inspection of the aircraft. The civil aviation authorities shall make the necessary arrangements for this. The requested civil aviation authority shall inform the civil aviation authority of the State of Registry about the result of the inspection in writing.

Article 6

Obligation to carry Documents

The civil aviation authorities of the Contracting States shall make available a certified true copy of this Agreement as well as of the correspondence in accordance with Article 4 (1) to the lessee and to the lessor. Certified true copies of this Agreement, of the correspondence as well as of the air operator's certificate in which the aircraft concerned is registered shall be carried on board the aircraft for which the responsibility was transferred by virtue of this Agreement. If the lessee has obtained, from its authority, approval for a system to list the registration marks for aircraft operated and authorized under its air operator's certificate, this list and the relevant section of the Operator's Manual must be kept on board.

Article 7

Registration

(1) The Contracting States shall submit this Agreement as well as amendments thereto in accordance with Article 83 of the Convention on International Civil Aviation and in compliance with the Rules for Registration with ICAO of Aeronautical Agreements and Arrangements for registration to ICAO.

(2) Each civil aviation authority shall keep a list containing the aircraft for which the responsibility for oversight and control has been transferred by virtue of this Agreement, specifying the aircraft identification, type as well as the duration of the transfer. A copy of the lists shall, as Annex 1 of this Agreement, be submitted to ICAO for registration. The lists shall be updated twice annually, in each case together with the change of schedule and notified to ICAO.

Article 8

Charges

Each authority shall invoice charges and expenses according to its national provisions.

Article 9

Entry into Force, Period of Validity

(1) This Agreement shall enter into force on the date of its signature.

(2) Any modification to this Agreement shall be made in writing.

(3) The present Agreement shall be concluded for an indefinite period of time. It may be denounced at any time by the Contracting Parties in writing. It shall terminate 60 days after the date of receipt of the written notice of termination.


Done at Stockholm, 1 March 2012 in two originals in English.

For the Republic of Estonia
The Estonian Civil Aviation Administration



Koit Kaskel
Director General

For the Kingdom of Sweden
The Swedish Transport Agency,
Civil Aviation Department



Ingrid Cherfils
Civil Aviation Director

TSA 2012-68

Implementation Procedures to

the Agreement

between

the Swedish Transport Agency, Civil Aviation Department

(SCAA)

And

the Estonian Civil Aviation Administration

(ECAA)

on

the implementation of Article 83 bis of the Convention on International Civil Aviation (ICAO)

for the transfer of surveillance responsibilities (operations, maintenance and continuing airworthiness) for aircraft operated under dry-leasing contracts

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IMPLEMENTATION PROCEDURES TO AGREEMENT SCAA - ECAA

Article 1

PURPOSE

The purpose of this document is to provide detailed working arrangements between the Swedish Transport Agency, Civil Aviation Department (SCAA) and the Estonian Civil Aviation Administration (ECAA) to implement the Agreement between SCAA and ECAA for the transfer of certain functions, duties and surveillance responsibilities (operations, maintenance and continuing airworthiness) for aircraft operated under dry leasing contracts. They allow them to discharge their legal responsibilities for the surveillance of operations, personnel and continuing airworthiness of dry leased aircraft to be operated in commercial operations (for example commercial air transportation, flying school and aerial work operation) while avoiding undue burden by elimination of duplication of tasks. Cross reference table to identify competent authority in respect of Part M duties and responsibilities as resulting from duties and responsibilities transferred from State of registry Authority to State of Operator Authority according to Article 3 in the Agreement between SCAA and ECAA for the transfer of certain functions, duties and surveillance responsibilities (operations, maintenance and continuing airworthiness) for aircraft operated under dry leasing contracts, is reported in appendix B.

Article 2

APPLICABLE RULES AND REGULATIONS

Any European Union (EU) Regulation (i.e. Regulation of the European Parliament and of the Council or of the European Commission) or EASA measure to which this agreement directly or indirectly refers is to be applied, according to the pertinent effectiveness schedule, with the latest amendment/change as published in the Official Journal of the European Communities or on the EASA website, respectively (ref. ED Decision 2003/8/RM), effective at the date at which the specific regulation or measure needs to be complied with or referred to for fulfilling the terms and conditions of this agreement. Should the lessee Authority grant exemptions under the provisions of Article 14.4 of the Regulation (EC) No 216/2008, these exemptions shall be notified to the lessor Authority as soon as possible, unless explicitly otherwise established elsewhere in this agreement. Any JAA set of requirements, directly or indirectly called for in this agreement, to be referred to ensure compliance with the terms and conditions of this agreement, shall be those at the latest amendment/change published by the lessee Authority. It is intended that any JAA set of

IMPLEMENTATION PROCEDURES TO AGREEMENT SCAA - ECAA

requirements directly or indirectly called for in this agreement is replaced by the corresponding EU regulation, in accordance with its implementation scheme.

In respect of any certification activity or oversight responsibility related to EU regulations for which the lessee Authority is considered to be competent Authority, the lessee Authority may adopt or accept the lessee's alternative means of compliance with EU regulations other than those published by EASA when satisfied that the above material shows compliance with the EU Regulation concerned.

Article 3

IMPLEMENTATION

For the implementation of the Agreement, the points of contact of the Authorities are the following for all questions regarding airworthiness, major changes and matters of principle:

Lennuamet
Estonian Civil Aviation Administration
RÄVALA pst 8
TALLINN 10143
ESTONIA
tel +372 610 3500
faks +372 610 3501
e.mail: ecaa@ecaa.ee,

Swedish Transport Agency
Civil Aviation Department
SE-601 73
NORRKÖPING
SWEDEN
Tel. +46-11-4152100
Fax +46-11-4152250
e.mail: luffart@transportstyrelsen.se

As far as the current activities to be performed in accordance with these procedures are concerned, SCAA inspectors in charge of a specific Swedish registered aircraft or operator and the ECAA inspectors in charge of a specific Estonian operator or Estonian registered aircraft will coordinate their specific intervention and the necessary exchange of information related to the present procedures.

References of Lessor and Lessee Authority Services in charge of daily implementation of these procedures are provided in the initiation and acceptance letters for each leased aircraft to which the agreement between SCAA and ECAA applies. In Appendix A, references to SCAA and ECAA offices in charge of topics specified in the present agreement are provided.

Article 4

TYPE-DESIGN DEFINITION

The aircraft and any product or part thereof must comply with the relevant EASA approved type design (refer to provisions of Article. 2 of Regulation (EC) No 1702/2003).

The Authority of the State of Operator will be responsible for supervising continuous compliance with this requirement after delivery over the whole period in which the aircraft is being operated by the national operator under the foreign State's registration marks.

The Authority of the State of Registry and of the State of Operator shall ensure that mutual exchange of relevant information among them on the leased aircraft, as and when necessary, take place in accordance with Part M requirements (M.B.105 and relevant AMC material), at the delivery of the aircraft to the lessee and at the delivery of the aircraft back to the lessor.

Article 5

CHANGES TO TYPE DESIGN

The express permission of the registered owner of the aircraft is required prior to the incorporation of any modification.

a) The classification of major or minor changes to Type Design are defined in Regulation (EC) No 1702/2003 Part 21, paragraph 21A.91.

Changes to Type Design are classified as major or minor by the entity entitled to conduct technical investigations in accordance with Regulation (EC) No 1702/2003 Part 21, paragraph 21A.95 and 21A.97 and approved in accordance with the following procedure.

Changes may be performed on the aircraft when approved by EASA directly, via the Design Organisation Approval (DOA) system, or otherwise accepted in accordance with published EASA measures (e.g. refer to Executive Director Decision 2004/04/CF). A copy of a specific EASA approval will be forwarded by the lessee to the lessor Authority.

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The Authority of the State of operator shall ensure that the operator has adequate procedures in force to avoid changes to the leased aircraft contrary to the above provisions.

b) Approved changes to the aircraft will be performed in accordance with Article 10 "MAINTENANCE"

Article 6

APPROVAL OF SERVICE BULLETINS

The technical instructions and engineering contents of any Service Bulletin issued by the type-design certificate holder (TDCH) can be used by the lessee for the leased aircraft once evidence of their approval by the Authority of the State of Design or by the TDCH under the Authority of a DOA approval issued under Regulation (EC) No 1702/2003 Part 21 is available.

Any design implication of those documents has to be approved in accordance with the procedure established in Article 5 above.

Embodiment of Service Bulletins on aircraft will be performed in accordance with Article 10 "MAINTENANCE".

Article 7

CONFORMITY TO OPERATIONAL REQUIREMENTS

Leased aircraft have to be equipped in accordance with the operational requirements established by the State of the operator for the type of operations intended.

Conformity to national operational requirements, including those which may have an impact on aircraft design, will remain the responsibility of the Authority of the State of operator.

Design data related to the modification has to be approved in accordance with the procedure established in Article 5 above.

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The aircraft must be operated within the limitations described in the Aircraft Flight Manual approved by EASA, or deemed as EASA approved under Regulation (EC) No 1702/2003 in accordance with EASA procedures. The Aircraft Flight Manual may include amendments approved in accordance with EASA procedures relevant to equipment required by operational regulations of the State of the operator.

Article 8

CONTINUING AIRWORTHINESS

In accordance with ICAO Annex 8, the State of design will inform the Authority of the State of registry of all actions made mandatory in order to ensure continued airworthiness of the aircraft. The Authority of the State of registry shall adopt, or assess and take appropriate corrective action for, the mandatory airworthiness information issued by the Authority of the State of design. The Authority of the State of registry may issue and make mandatory other airworthiness measures, in addition to those mentioned before, if it should identify an unsafe condition affecting aircraft of the same type in its national fleet and calling for an immediate reaction.

Pursuant to the above, Regulations (EC) No 216/2008 and No 1702/2003 and the Decision No 2/2003 Of The Executive Director Of The Agency dated 14 October 2003 (or the latest published issue), the aircraft must be in compliance with all the Mandatory Continuing Airworthiness Information (MCAI), such as Airworthiness Directives (AD), Emergency Conformity Information (ECI), etc., applicable to that aircraft and to any components/parts thereof mandated either by EASA, by the relevant State of design Authorities, unless EASA has issued a different decision before the date of entry into force of that MCAI, or by the Authority of the State of registry under the provisions of Article 14 of Regulation (EC) No 216/2008. In the latter respect, the Authority of the State of registry will provide the lessee and the central department or regional office of the Authority of the State of the operator in charge of aircraft surveillance with the above ADs and other airworthiness measures (MCAI) mandated by the Authority of the State of registry for the aircraft type concerned and parts and products thereof. The lessee must keep and update a complete set of the above- mentioned applicable MCAI.

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The Authority of the State of the operator will also require that the leased aircraft complies with MCAI applicable to the relevant aircraft model or parts and products thereof issued by the Authority of the State of the operator under the provisions of Article 14 of Regulation (EC) No 216/2008 when an unsafe condition affecting aircraft of the same type has been identified which requires an immediate reaction and an equivalent airworthiness measures has not been made mandatory by EASA or the Authority of the State of design. In this regard, design or maintenance programme implications deriving from the above-mentioned mandatory airworthiness measures will be treated in accordance with the terms and conditions of the appropriate Articles of this agreement.

Any derogation from MCAI requirements must be approved in accordance with EASA regulations and procedures. The lessor authority shall inform the lessee if Article 14.4 of Regulation (EC) No 216/2008 is applied.

The lessee Authority shall verify that the lessee is in receipt of all the ADs or other mandatory airworthiness actions applicable to the leased aircraft and products, components or parts thereof. The Authority of the State of operator will be responsible for supervision that all applicable ADs and other mandatory airworthiness actions are properly applied to the leased aircraft. All ADs and any other mandatory continuing airworthiness information issued by SCAA are available on the SCAA website (<http://www.lfs.luftfartsstyrelsen.se/BASIS/lvdsad/lvdext/sad/sf>). All ADs and any other mandatory continuing airworthiness information issued by ECAA are available on the ECAA website (www.ecaa.eu). Therefore the lessee is requested to regularly check these sites as applicable to absolve their continuing airworthiness responsibilities in respect of this aspect. The lessee is also requested to regularly check the EASA website and other relevant State of Design Authorities' websites to absolve continuing airworthiness responsibilities in respect of the leased aircraft and aircraft components.

In-service events involving the aircraft shall be reported by the lessee operator to its Authority in accordance with the national occurrence reporting system requirements.

The Authority of the State of the operator is responsible for defining which service information is to be reported by the operator under the national occurrence reporting system. SCAA regulation LFS 2008:36 (JAR-OPS 3) and EU-OPS 1, EASA measure AMC 20-8, part M.A.202 and

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Estonian Regulation of Ministry of the Economic Affairs and Communications No 81, 22.07.2005 relevant to AOC/operating authorisation holders describe the type of in-service information to be reported under the Swedish and the Estonian regulatory systems, respectively and relevant reporting times. For delegated aircraft registered in Sweden, accidents and incidents shall be reported to the SCAA, and for delegated aircraft registered in Estonia, accidents and incidents shall be reported to ECAA and Ministry of the Economic Affairs and Communications, as soon as possible, and in particular with the quickest means available in case of any accident or serious incident.

The Authority of the State of operator will ensure that a copy of reports on significant events that affect or could affect the continuing airworthiness of leased aircraft, or which invalidate their C of A is also forwarded by the lessee operator to the Authority of the State of registry in order to allow proper corrective measures. In such cases, the Authority of the State of registry will accept that the Authority of the State of the operator is entitled to prevent the aircraft from resuming flight operations, on condition that the Authority of the State of the operator, as appropriate, will advise the Authority of the State of registry to allow adequate measures be taken. Authorisations to resume flights shall be released in accordance with Article 12 below.

The State of the operator Authority shall ensure that the lessee operator transmits information on significant events affecting continuing airworthiness of a leased aircraft to the organisation responsible for the type design (Regulation (EC) No. 2042/2003 Part M section M.A.202, EU OPS 1.420, JAR OPS 3.420, Estonian regulation of Ministry of the Economic Affairs and Communications No 81, 22.07.2005 and SCAA regulation LFS 2008:36).

The Authority of the State of the operator shall ensure transmission of information on significant events to the Authority of the State of design and EASA (Article 15 of Regulation (EC) No 216/2008). The follow-up of any reported occurrence that affects or could affect the continuing airworthiness of leased aircraft by the Authority of the State of design which proceeds to satisfactory closure shall be monitored by Authority of the State of the operator in co-ordination with EASA.

The Authority of the State of the operator and the Authority of the State of registry will ensure a timely mutual exchange of information on any results arising from the follow-up investigation phases of significance in service events in respect of leased aircraft.

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The Authority of the State of the operator will ensure that the operator obtains and assesses airworthiness information and recommendations available from the type-design organisations and implements resulting actions considered necessary by the Authority of the State of the operator and the Authority of the State of registry.

The Authority of the State of the operator will ensure that the operator monitors and assesses maintenance and operational experience with respect to continuing airworthiness, flight safety and accident prevention. Relevant procedures shall be described in the operator's Operations Manual (OM) and Continuing Airworthiness Maintenance Exposition (CAME).

The Authority of the State of the operator will ensure that the lessee shall be appropriately approved, as applicable, pursuant to Part M Section A, Subpart G or, for commercial operations other than commercial air transportation, contract such an organisation for the management of the continuing airworthiness of the aircraft it operates, including dry leased aircraft to which this arrangement applies.

Article 9

REPAIRS

- a) The classification of major or minor repairs shall be made in accordance with the criteria of Part 21 paragraph 21A.91 of Regulation (EC) No 1702/2003 for a change in type design.

Repairs are classified as major or minor in accordance with Part 21 paragraph 21A.435 of Regulation (EC) No 1702/2003. Repairs shall be approved in accordance with Part 21 paragraph 21A.437 of Regulation (EC) No 1702/2003. A copy of a specific EASA approval will be forwarded by the lessee to the lessor Authority.

The Authority of the State of the operator shall ensure that the operator has in force procedures to avoid accomplishment of any repairs on the leased aircraft contrary to the above provisions.

- b) The accomplishment of approved repairs on the aircraft will be performed in accordance with Article 10 "MAINTENANCE".

Article 10

MAINTENANCE

The Authority of the State of the operator shall ensure that the operator (or contracted CAMO) Continuing Airworthiness Management Exposition (CAME) and the operator aircraft maintenance programme comply with the requirements of the Authorities of the State of registry and the State of the operator as specified and laid down in these implementation procedures. The Authority of the State of operator shall approve the CAME, and any revision thereof in accordance with relevant requirements of Annex I (Part M) to Regulation (EC) No 2042/2003, as revised.

(a) Continuing airworthiness

A leased aircraft, its engines and its equipment, will be maintained in accordance with the lessee's maintenance programme approved by the lessee Authority in accordance with relevant requirements of Annex I (Part M) to Regulation (EC) No 2042/2003, as revised. Any permanent variation (e.g. interval escalations, changes to the content and classification or the deletion of maintenance tasks etc) to the aircraft maintenance programme shall be approved by the Authority of the State of operator in accordance with relevant requirements of Annex I (Part M) to Regulation (EC) No 2042/2003, as revised. The maintenance programme will be based on an MRBR, manufacturer/type certificate holder (TCH) recommendations (e.g. MPD, etc.), international recognised standards etc. Operational equipment will be maintained in accordance with the Authority of the State of operator' maintenance specifications if the equipment manufacturer maintenance documentation provides such an opportunity (e.g. TCH maintenance documentation requirements report "as requested by national rules/NAA"). In default of maintenance specifications of the Authority of the State of operator, the requirements of the Authority of the State of registry, if any and once notified by the Authority of the State of registry, will apply.

Where a reliability programme forms part of, or is a condition within the approved maintenance schedule approved by the Authority of the State of operator, the Authority of the State of operator will monitor the effectiveness of such a programme. The lessee shall provide a copy of the aircraft reliability report periodically to the Authority of the State of registry.

IMPLEMENTATION PROCEDURES TO AGREEMENT SCAA - ECAA

Due consideration, especially for dry lease agreements of six months or less, will be made by the Authority of the State of operator to validate the maintenance programme approved by the Authority of the State of registry, also taking into account the additional burden on the operator and technical aspects related to the return of the aircraft to the owner. Surveillance of aircraft maintenance programme will be performed by the Authority of the State of operator in accordance with its standard procedures developed in accordance with the relevant requirements of Annex I (Part M) to Regulation (EC) No 2042/2003, as revised.

(b) Performance of maintenance

All maintenance inspections, overhauls, modifications and repairs to be performed on the aircraft shall be carried out and released by any appropriately rated Maintenance Organisation (MO) approved/accepted under the Regulation (EC) No 2042/2003, Part 145 or Part M Subpart F, as requested in accordance with Part M provisions, taking into account aircraft classification or type of operations.

Maintenance and airworthiness records will be kept by the aircraft operator (lessee) in accordance with procedures approved by the Authority of the State of operator. The records will be transferred by the lessee to the lessor at the end of the leasing period.

Maintenance work must be accomplished by personnel licensed by, or qualified within the maintenance organisation in accordance with standards acceptable to, the lessee Authority. Aircraft or components will be released to service as applicable to personnel licensed in accordance with the Annex III (Part 66) to Regulation (EC) No 2042/2003, as revised.

Article 11

RECORDS

The Authority of the State of registry shall ensure that all the maintenance and in service records and documentation relevant to the leased aircraft are transferred or made available and/or accessible to the lessee at the time of aircraft delivery to allow complete and accurate selection of the information judged necessary to maintain the continued airworthiness of the aircraft throughout the duration of the lease agreement.

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The aircraft continuing airworthiness record system of the lessee shall comply with the relevant requirements of Annex I (Part M) to Regulation (EC) No 2042/2003, as revised.

The aircraft operations record system of the lessee shall comply also with the relevant State of operator national operational requirements, as applicable in relation to the specific type of operations and aircraft classification (for commercial air transportation Appendix III to Regulation (EEC) No 3922/1991 as revised (EU OPS 1) or JAR-OPS 3 requirements, as applicable in respect of the lease aircraft).

The Authority of the State of operator shall ensure that the lessee makes available all the aircraft maintenance records to the lessor and the Authority of the State of registry at the end of the leasing period and to the contracted appropriately approved CAMO (holding M.A.711(b) privileges) for the recommendation to the Authority of the State of Registry or, when applicable, to the Authority of the State of Registry for the issuance of the Airworthiness Review Certificate associated with aircraft Certificate of Airworthiness (CofA) of each aircraft to which the present agreement applies.

The Authorities will ensure that, at the time of aircraft transfer, the presentation of these records is arranged in the light of the indications and bearing in mind the principles laid down Part V of ICAO Doc. 9760 "Airworthiness Manual".

In the course of the activities leading to the approval of the lease agreement and preceding the delivery of the aircraft to the lessee, the SCAA and ECAA inspectors in charge, in conjunction with their respective senior management, and with the assistance of the lessor and the lessee, will co-operate to guarantee that the maintenance records and documentation used for the issuance of the aircraft Certificate of Airworthiness and/or an ARC are made available to the lessee for ensuring the continuing airworthiness of the aircraft during the lease period.

Article 12

FLIGHT OPERATIONS AND AUTHORISATION

The Authority of the State of operator shall be responsible for the authorisation of all operations in respect of a leased aircraft in accordance with applicable operational requirements in respect of aircraft type of operation or aircraft classification (for commercial air transportation Appendix III to the Regulation (EEC) No 3922/1991 as revised (EU OPS 1) or JAR-OPS 3 requirements, as applicable in respect of the lease aircraft). Above operations shall be conducted in accordance with the EASA approved aircraft Flight Manual, or deemed as EASA approved under Regulation (EC) No 1702/2003, and the Authority of the State of operator approved Operations Manual (or equivalent document requested for the specific operations under State of operator national requirements). Modifications of the aircraft to comply with operational requirements shall be treated in accordance with Article 5 of these implementation procedures.

The Minimum Equipment List (MEL) and any amendments thereto for each leased aircraft shall be approved by the Authority of the operator and shall not be less restrictive than the relevant EASA Master Minimum Equipment List (MMEL), or deemed as EASA approved/accepted. If an MEL does not exist, the use of an alternative MMEL (e.g. MMEL produced by the Type Certificate Holder and approved by the Authority of the State of Design, or MMEL produced or approved by another EU Member State Authority or by FAA) is subject to agreement with Authority of the State of operator. Any deviation from the approved MEL shall be evaluated and approved by the lessee Authority in accordance with its national procedures and taking into account prescriptions and guidelines on that issue published or notified by the EU Commission.

Permit to Fly in respect of the registered aircraft, where the aircraft is temporarily not in an airworthy condition, shall be issued by the State of Registry upon application by the entitled entity (lessee, etc.) in accordance with Regulation (EC) No 1702/2003 as amended by Regulation (EC) No 375/2007 and taking into account ED Decision 2007/006/R and Regulation (EC) No 376/2007, except when the Permit to Fly is issued by an appropriately approved and privileged C.A.M.O. in charge of the airworthiness surveillance of the aircraft, in accordance with M.A. 711 c) of Part M (Annex I to Regulation (EC) No 2042/2003, as amended), DOA or POA in accordance with 21A.711 of Part 21 (Regulation (EC) No 1702/2003, as amended).

IMPLEMENTATION PROCEDURES TO AGREEMENT SCAA - ECAA

Permit to Fly may prescribe particular limiting conditions to permit the aircraft to be flown without fare-paying passengers to an approved maintenance facility at which it will be restored to an airworthy condition (refer to Regulation (EC) No 375/2007, No 376/2007 and ED Decision 2007/006/R). Such an approval may be issued for example for the following purposes: accomplishment of mandatory airworthiness requirements, airworthiness directives, aircraft repairs, etc. which require the aircraft to be flown to an approved maintenance facility. The Authority of the State of registry shall notify any such approval at the earliest possible opportunity to the Authority of the State of operator by providing a copy of the relevant approval documentation.

Operation of the aircraft conducted under the lessee's operations authorization will be carried out in accordance with applicable national rules and regulations of the State of operator; surveillance will be accomplished by the competent Authority in accordance with the current national procedures.

Flight operations will be conducted by the lessee employing flight crew members holding an appropriately rated license, issued, or validated, by the appropriate department of the lessee Authority in accordance with national regulations or JAR-FCL and validated by the lessor Authority as described here below.

1. If the pilots hold lessee Authority National Flight Crew Licenses that are not issued in accordance with JAR-FCL, then they will either have to obtain individual lessor Authority Certificate of Validation or the lessor Authority may issue a block validation for the specific aircraft and operator's crew.
2. If the pilots hold JAR-FCL licenses, they are able to operate leased aircraft registered in the lessor Country under JAR-FCL recognition
3. If the pilots hold licenses other than Swedish or Estonian national or JAR-FCL licenses, they will be required to obtain individual lessor Authority Certificate of Validation as licenses would not be covered under a block validation for the specific aircraft and operator's crew.

IMPLEMENTATION PROCEDURES TO AGREEMENT SCAA - ECAA

In case of flight school training operations, any flying training activities will be conducted, as necessary and required by regulations, under the supervision, responsibility and authorization of Flight Instructors employed by the lessee holding the appropriate pilot license with the requested ratings, issued, accepted or validated by the operator lessee Authority, and validated by the lessor Authority.

Leased aircraft may be used by a lessee TRTO approved in accordance with JAR-FCL under the following conditions:

- the aircraft must be integrated in the TRTO manuals and procedures.
- all instructors using this aircraft must have their license validated by lessor Authority in accordance with above guidelines.
- if the aircraft is used for examination purposes, the examiner must also have his license validated if he has pilot/copilot responsibilities.

Any student pilot shall meet the requirements specified by the applicable regulations of the State of operator.

Permit to Fly for the purpose of testing a leased aircraft, where the standard Certificate of Airworthiness of the aircraft is not in force, in situations other than those mentioned before, shall be issued by the lessor Authority.

Article 13

SURVEILLANCE AND INSPECTION

During the term of a lease, the lessee Authority shall accomplish surveillance activities and inspections in respect of the leased aircraft and the lessee operator (e.g. product audit selected by the State of Operator authority under surveillance plan of the lessee's maintenance/continuing airworthiness/operational approvals, etc.) in accordance with its current procedures in order to verify that aircraft operations are conducted in accordance with the applicable standards of airworthiness, operational requirements and the terms and conditions specified in the present implementation procedures.

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At the specific request of the lessor Authority and for reasonable causes, the lessee Authority shall permit the lessor Authority to perform an inspection of the lessee operator or the leased aircraft (e.g. aircraft selected under the sample of the State of Registry Aircraft Continuing Airworthiness Monitoring Programme, etc.) and provide assistance in performing the inspection if requested, or may be requested by the lessor Authority to perform such an inspection.

Findings found during surveillance and inspection shall be promptly processed by the relevant authority according to relevant applicable requirements. Each Authority shall notify the other Authority of any finding or act which affects the validity status of any certificate or documentation issued in respect of the leased aircraft or the terms and conditions of the lease contract or the lessee operator authorisation. As far as possible in relation to the level of finding, proper and timely co-ordination will be ensured among State of Registry and State of Operator authorities in order to allow each party to adopt as applicable proper actions in respect of above findings in accordance with relevant applicable requirements.

State of Registry and State of Operator Authority shall ensure that appropriate records relevant to inspection and surveillance they performed according to Part M requirements and to this arrangement is appropriately kept on file of each Authority as requested by Part M, or when applicable national regulations.

Article 14

RENEWAL OR CONTINUED VALIDITY OF AIRCRAFT CERTIFICATES OF AIRWORTHINESS

The continued validity of the Certificate of Airworthiness of a leased aircraft shall be ensured in accordance with the relevant requirements in Regulation (EC) No 2042/2003, Part M.

Continuing Airworthiness Management Organisation (C.A.M.O.) appropriately approved and privileged in accordance with Part M Subpart G by State of Operator Authority may issue, extend, or make recommendations for the issue of Airworthiness Review Certificate of individual aircraft to which the provisions of the present agreement apply. A copy of the ARC issued or extended by the concerned C.A.M.O. shall be sent by that organisation to both the Authority of the State of Registry and the Authority of the State of Operator within ten days since ARC issuance or extension. The lessee operator shall monitor compliance with these provisions.

IMPLEMENTATION PROCEDURES TO AGREEMENT SCAA - ECAA

Similarly appropriately approved and privileged in accordance with Part M Subpart G by any EASA Member State once contracted by lessee may make recommendations to State of Registry Authority for the issue of Airworthiness Review Certificate of individual aircraft to which the provisions of the present agreement apply.

The recommendation, along with all the associated documentation requested in accordance with pertinent Part M provisions (including copy of the relevant application), for the issuance of the aircraft airworthiness review certificate (ARC) for the continued validity of the Certificate of Airworthiness of a leased aircraft to which the present agreement applies shall be sent to the Authority of the State of Registry (SCAA or ECAA in charge of surveillance) by the issuing appropriately approved and privileged C.A.M.O.. The relevant application for the issuance of Airworthiness Review Certificate (ARC) shall be sent by the lessee to the Authority of the State of Registry. When airworthiness review and recommendation for the issuance of ARC is contracted out to appropriately approved and privileged C.A.M.O. by lessee, a copy of the issued recommendation, along with all the associated documentation requested in accordance with pertinent Part M provisions shall be also provided by the issuing C.A.M.O. to the lessee to be kept in the continuing airworthiness records of the concerned aircraft.

When M.A.901 conditions for the issuance of the ARC by the competent authority occur, aircraft airworthiness review shall be conducted and the relevant ARC be issued by State of Registry Authority in accordance with Part M requirements. Copy of the ARC issued shall be sent by State of Registry Authority to State of Operator Authority within 10 day since ARC issuance.

Findings found during analysis of CAMO recommendation or performing airworthiness review shall be promptly processed by the Authority of the State of Registry according to Part M requirements (M.B.903, M.B.304) and notified to the Authority of the State of Operator in order to be taken into account in the Authority of the State of Operator as necessary. As far as possible, in relation to the level of finding, proper and timely co-ordination will be ensured among the authorities in the State of Registry and the State of Operator in order to allow each party to adopt as applicable proper actions in respect of above findings in accordance with Part M requirements.

Other aircraft certificates/licenses (i.e. aircraft radio station license etc) will be renewed by the competent Authority of the State of registry.

Article 15

COOPERATION

Each Authority shall ensure that the other Authority is kept informed of all applicable standards of airworthiness, operational requirements, design-related operational requirements of its State, and will consult the other Authority on any proposed changes thereto to the extent they may affect the implementation of these procedures.

Each Authority shall provide such assistance as may reasonably be required by the other Authority in its carrying out inspections, investigations and other functions in respect of the leased aircraft.

Done at Stockholm, 1 March 2012 in two originals in English.

For the Swedish Transport Agency,
Civil Aviation Department



Ingrid Cherfils
Civil Aviation Director

For the Estonian Civil Aviation Administration



Koit Kaskel
Director General

APPENDIX n° A - LIST OF ADDRESSES OF SCAA AND ECAA
OFFICES INVOLVED IN THE IMPLEMENTATION OF THE AGREEMENT

SCAA

For all matters of principle in relation to this agreement and coordination and daily implementation:

Swedish Transport Agency, Civil Aviation Department

SE-601 73

NORRKÖPING

SWEDEN

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Fax +46-11-4152250

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**IMPLEMENTATION PROCEDURES TO AGREEMENT SCAA-ECAA
APPENDIX B - Transfer of responsibilities Matrix 83Bis to Regulation (EC) No 2042/2003 Annex 1 Part M**

Part M Requirement Reference	Part M Requirement Detail	83 bis Delegation Agreement Reference	Responsible NAA	Note or remarks
M.B. 201	Responsibilities of Each NAA			Each applicable Part B requirement for the aircraft delegated under 83Bis agreements are referenced below
M. 1				
1.	Oversight of continuing airworthiness of individual aircraft and the issue of ARC	All applicable articles of Implementation Procedures Implementation Procedures - Art 14 "Continued validity of aircraft certificate of Airworthiness"	State of Operator NAA (only operation of aircraft) See Note 1. State of Registry NAA when ARC is to be issued by the competent authority upon recommendation of appropriately approved and privileged continuing airworthiness management organisations as specified under M.A. Subpart G (CAMO) or directly after a satisfactory full airworthiness review according to Part M requirements 2. State of Operator NAA when ARC is issued directly or extended by the appropriately approved and privileged CAMO of the lessee under Part M requirements	Note: State of Registry NAA remains in charge of Aircraft Continuing Airworthiness Monitoring (ACAM) – see M.B.303
2	Oversight of Maintenance organisations as specified under M.A. Subpart F (AMO – F)	All applicable articles of Implementation Procedures in relation to the approval of Maintenance organisations as specified under M.A. Subpart F	State of Operator NAA Authority for those AMO-F located in its territory	Note: Oversight of other AMO-F maintenance organisation eventually used by the lessee is ensured by the competent authority issuing that AMO-F approval under EU regulatory system
3	Oversight of continuing airworthiness management organisations as specified under M.A. Subpart G	All applicable articles of Implementation Procedures in relation to approval of lessee's CAMO	State of Operator NAA	Note: This includes oversight that lessee (Commercial Air Transportation) shall use only Part 145 Approved maintenance organisation under EU regulatory system. Oversight of each Part 145 AMO is ensured by

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APPENDIX B - Transfer of responsibilities Matrix 83Bis to Regulation (EC) No 2042/2003 Annex 1 Part M

Part M Requirement Reference	Part M Requirement Detail	83 bis Delegation Agreement Reference	Responsible NAA	Note or remarks
4.	Approval of maintenance Programmes	Art. 10(a) of Implementation Procedures	State of Operator NAA	the authority issuing that part 145 approval under EU regulatory system Oversight of other CAMO's eventually used to recommend issuance of ARC o for the management of continuing airworthiness is ensured by the competent authority issuing that CAMO approval under EU regulatory system.
M.B. 301	Maintenance Programme	Art 10(a) of Implementation Procedures	State of Operator NAA	
M.B. 302	Exemptions granted under art. 14.4 of the basic Regulation	Not applicable to 83Bis agreement	Not applicable to 83Bis agreement	Note: under Art 2 of Implementation Procedures State of Operator NAA is requested to send as soon as possible information on art. 14.4 exemptions issued to State of Registry NAA Note: under Art 13, 14 and 15 of Implementation Procedure co-operation between State of Registry and Operator NAA is reinforced in line with M.B.105 provisions.
M.B. 303	Aircraft Continuing Airworthiness Monitoring (ACAM)	Art 13 of Implementation Procedure	State of Registry NAA	Note: Action will be taken on ARC as necessary by State of Registry NAA directly against findings resulting from its ACAM activities or following notification by State of Operator' NAA of finding as resulting from its surveillance activities. Under art. 8 of Implementation Procedure, whenever the State of Operator NAA is aware or notified that a condition is in place that affect the continuing airworthiness of leased aircraft or invalidate their Certificate of Airworthiness/related airworthiness review certificate, the State of Operator NAA is in any case allowed to prevent aircraft from resuming flights until appropriate actions are taken according to Part M provisions.
M.B. 304	Revocation, Suspension and Limitation	Art 8, 13 and 14 of Implementation Procedure	State of Registry NAA	

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APPENDIX B - Transfer of responsibilities Matrix 83Bis to Regulation (EC) No 2042/2003 Annex 1 Part M**

Part M Requirement Reference	Part M Requirement Detail	83 bis Delegation Agreement Reference	Responsible NAA	Note or remarks
M.B. 601	Application for AMO -F approval organization located in State of operator		State of Operator NAA	See notes under M.1.2 for other AMO-F
M.B. 602	Initial Approval of AMO -F organization located in State of operator - Process of		State of Operator NAA	See notes under M.1.2 for other AMO-F
M.B. 603	Issue of Approval of AMO -F approval organization located in State of operator		State of Operator NAA	See note under M.1.2 for other AMO-F
M.B. 604	Continued Oversight of AMO -F approval organization located in State of operator	All applicable articles of Implementation Procedures	State of Operator NAA	See note under M.1.2 for other AMO-F
M.B. 605	Findings on AMO -F approval organization located in State of operator		State of Operator NAA	See note under M.1.2 for other AMO-F
M.B. 606	Changes in relation to approval of AMO -F approval organization located in State of operator		State of Operator NAA	See note under M.1.2 for other AMO-F
M.B. 607	Revocation, Suspension and Limitation of Approval of AMO -F approval organization located in State of operator		State of Operator NAA	See note under M.1.2 for other AMO-F
M.B. 701	Application for lessee's CAMO approval		State of Operator NAA	See note under M.1.3 for other CAMO's
M.B. 702	Initial Approval of lessee's CAMO - Process of		State of Operator NAA	See note under M.1.3 for other CAMO's
M.B. 703	Issue of Approval of lessee's CAMO		State of Operator NAA	See note under M.1.3 for other CAMO's
M.B. 704	Continued Oversight of lessee's CAMO	All applicable articles of Implementation Procedures	State of Operator NAA	See note under M.1.3 for other CAMO's
M.B. 705	Findings on lessee's CAMO	Art. 13 of Implementation Procedures	State of Operator NAA	See note under M.1.3 for other CAMO's
M.B. 706	Changes in relation to approval of lessee's CAMO		State of Operator NAA	See note under M.1.3 for other CAMO's
M.B. 707	Revocation, Suspension and Limitation of Approval of lessee's CAMO	Art 13 of Implementation Procedures	State of Operator NAA	See note under M.1.3 for other CAMO's
M.B. 901	Assessment of Recommendations by	Art 14 of Implementation	State of Registry NAA	

**IMPLEMENTATION PROCEDURES TO AGREEMENT SCAA-ECAA
 APPENDIX B - Transfer of responsibilities Matrix 83Bis to Regulation (EC) No 2042/2003 Annex 1 Part M**

Part M Requirement Reference	Part M Requirement Detail	83 bis Delegation Agreement Reference	Responsible NAA	Note or remarks
M.B. 902	Competent Authority Airworthiness Review by Competent Authority	Procedures Art 14 of Implementation Procedures	State of Registry NAA	
M.B. 903	Findings	Art 8, 13 and 14 of Implementation Procedures	State of Registry NAA	<p>Note: Action will be taken on ARC as necessary by State of Registry NAA directly against findings resulting from its ACAM activities or following notification by State of Operator' NAA of finding as resulting from its surveillance activities.</p> <p>Under Chapter VII, whenever the State of Operator NAA is aware or notified that a condition is in place that affect the continuing airworthiness of leased aircraft or invalidate their Certificate of Airworthiness/related airworthiness review certificate, the State of Operator NAA is in any case allowed to prevent aircraft from resuming flights until appropriate actions are taken according to Part M provisions.</p>