

TSA 2010-504

Agreement

between

the Swedish Transport Agency, Civil Aviation Department

(SCAA)

and

the Spanish Aviation Safety State Agency

(AESA)

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

PREMISES

The Swedish Transport Agency, Civil Aviation Department (SCAA)

and

the Spanish Aviation Safety State Agency (AESA)

Whereas the Protocol of 6 October 1980 to amend to Article 83^{bis} of the Convention on International Civil Aviation (Chicago Convention) of which Sweden and Spain are Contracting Parties entered into force on 20 June 1997,

Whereas Sweden and Spain are members of the European Union (EU) and signed the multilateral Airworthiness Agreement of Paris on 22 April 1960 providing for the approval or acceptance by the importing authority of approvals or findings of compliance made by the exporting authority in respect of airworthiness,

Whereas the European Parliament and the Council of the European Union (EU) have adopted Regulation (EC) No 216/2008 to establish and maintain a high uniform level of civil aviation safety in Europe by the adoption of common safety rules and by measures ensuring that products, persons and organisations in the Community comply with such rules and those adopted to protect the environment,

Whereas the European Aviation Safety Agency (EASA) has been established pursuant to Regulation (EC) No 1592/2002 (after replaced by European Parliament and The Council of The European Union (EU) have adopted Regulation (EC) No 216/2008) and has been operational since 28 September 2003 to carry out on behalf of every EU Member State, under article 15 paragraph 1 of the above mentioned EU Regulation, the functions and tasks of the state of design, manufacture or registry when related to design approval,

Whereas the European Commission has adopted Regulation (EC) No 1702/2003 laying down implementation regulations for the airworthiness and environmental certification of aircraft and related products, parts and appliances, as well as for the certification of design and production organisations,

Whereas the European Commission has adopted Regulation (EC) No 2042/2003 on the continuing airworthiness of aircraft and aeronautical products, parts and appliances, and on the approval of organisations and personnel involved in these tasks,

Whereas the Council of European Communities has adopted the new Appendix III (OPS1) to the Council Regulation (EEC) No 3922/1991 on the common technical requirements and administrative procedures applicable to commercial transportation by aircraft and that regulation became binding for EU Member State since 16 July 2008,

Whereas each Authority has determined, pursuant to the above mentioned European Common regulations, that the standards of airworthiness and systems for airworthiness, environmental certification and maintenance of the other Authority are equivalent to its own to make this arrangements practicable;

Whereas each authority has determined, pursuant to the above mentioned European Common regulations, that the operational requirements and design-related operational requirements of the other authority are sufficiently equivalent to its own to make this arrangement practicable,

Whereas Article 83^{bis} of the Chicago Convention which was included with the Protocol of 6 October 1980 provides, with a view to enhanced safety, for the possibility of transferring to the state of the operator all or part of the State of registry's functions and duties pertaining to Articles 12, 30, 31, and 32 letter a of the Chicago Convention,

Whereas, in line with ICAO Document 9642, Part VIII, Chapter 1, and in the light of ICAO Document 8335, Chapter 10, it is necessary to precisely establish the international obligations and responsibilities of Sweden and of Spain in accordance with the Chicago Convention when an aircraft registered in Sweden is operated by the holder of an operating licence (or authorisation) including an air operator's certificate (AOC) issued by the Spanish Aviation Safety State Agency (AESA) or when an aircraft registered in Spain is operated by the holder of an operating licence (or authorisation) including an AOC issued by the Swedish Civil Aviation Department (SCAA) under a leasing contract,

Whereas, with reference to the relevant Annexes to the Chicago Convention, this Agreement specifies the transfer from the lessor authority to the lessee authority of responsibilities normally assumed by the state of registry, as set out in paragraphs 3 and 4 below,

Whereas the Protocol was ratified by Spain through the “Instrumento de ratificación del Protocolo relativo a una enmienda al Convenio sobre Aviación Civil Internacional (artículo 83 bis), hecho en Montreal el 6 de octubre de 1980”, published in the “Boletín Oficial del Estado” on the 5th of February 1999, has given effect to the agreement in relation to article 83^{bis} of the Chicago Convention,

Whereas the Protocol was ratified by Sweden by amendment (SFS 1986:166) of the Aviation Law of 1 January 1987 published in the “Svensk Författningssamling” on 22 April 1986 and has given effect to the agreement in relation to Article 83^{bis} of the Chicago Convention,

Have agreed, on the basis of Articles 33 and 83^{bis} of the Chicago Convention as follows:

Article 1

GENERAL

(1) The following definitions apply:

- lessor: registered owner or the party from which the aircraft is leased,
- lessee: operator under whose operating licence (or authorisation) including an air operator’s certificate (AOC) the leased aircraft is operated,
- authority of the state of registry: The national civil aviation authority of the state where the relevant aircraft is registered,
- authority of the state of the operator: The national civil aviation authority of the state where the operator of the aircraft has domicile or head-office,
- authority of the state of the lessee: The national civil aviation authority of the state where the lessee has domicile or head-office,
- authority of the state of the lessor: The national civil aviation authority of the state where the lessor has domicile or head-office,
- commercial air transport(ion): it is relevant to those aircraft operations involving the transport of passengers, cargo or mail for remuneration or hire performed by licensed

air carrier as defined in Regulation (EC) No 1008/2008, as revised, of the Council of European Communities

- commercial operations: refer to definitions provided in Regulation (EC) No. 216/2008 of the European Parliament and of the Council.

- EASA Member State: any European Union Member State and any other State adhering to EASA system as identified by EASA

(2) Spanish or Swedish operators are entitled to operate aircraft registered in Sweden or in Spain, respectively, under a leasing contract for the purpose of commercial operations. In accordance with ICAO Annex 8 and with the national regulations, the State of registry retains legal responsibility for maintaining the validity of the certificate of airworthiness for the aircraft. For the aircraft included in the provisions of the Regulation (EC) No 216/2008 of the European Parliament and of the Council, the validity of the certificate of airworthiness is controlled in accordance with relevant provisions of Annex I (Part M) to Regulation (EC) No 2042/2003, as revised.

(3) In pursuance of Article 83^{bis} of the Chicago Convention, Sweden shall be relieved of the responsibility in respect of the functions and duties transferred to Spain upon publication or notification of this Agreement.

(4) In pursuance of Article 83^{bis} of the Chicago Convention, Spain shall be relieved of the responsibility in respect of the functions and duties transferred to Sweden upon publication or notification of this Agreement.

Article 2

SCOPE OF APPLICATION

The scope of application of this Agreement shall be limited to aircraft on the register of civil aircraft of Sweden or Spain and operated in commercial operations under a leasing agreement by a Spanish or a Swedish operator, respectively.

Article 3

TRANSFERRED RESPONSIBILITIES

(1) Under this agreement, the Parties agree that the lessor authority transfers to the lessee authority the following responsibilities, including oversight and control of relevant functions contained in the respective Annexes to the Convention on International Civil Aviation:

Annex 1 – Licensing of Aviation Personnel (Personal Licensing) - issuance and validation of licenses.

Annex 2 – Air Traffic Rules (Rules of the Air) - enforcement of compliance with applicable rules and regulations relating to the flight and manoeuvre of aircraft.

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 register.

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 register. Under this agreement, the responsibility for the supervision of maintenance and continuing airworthiness of leased aircraft operated under the air operator's certificate (AOC) or, as applicable, other national approval or authorisation for the specific operations of the lessee is hereby transferred to the lessee Authority.

(2) The issuance and validation of licenses shall not be transferred to the lessee Authority. From the date when the mutual recognition of joint airworthiness rules, and flight crew licensing (JAR-FCL), are in force the validation of licenses is no longer necessary.

Article 4

NOTIFICATION

(1) This agreement and its relevant implementation regulations, as well as any amendments to them, shall be submitted to ICAO for registration by both AESA and SCAA, as required by Article 83 of the Chicago Convention and in accordance with the Rules for the Registration of Aeronautical Agreements and Arrangements of ICAO (ICAO Doc. 6685).

(2) A certified true copy of this Agreement and its relevant implementation regulations, as well as any amendments to them, shall be made available by the lessee authority to the aircraft operators to which this Agreement applies. A copy of the Agreement and the implementation regulations, as well as a copy of the relevant acceptance letter must be kept on board the aircraft concerned.

(3) A certified true copy of the air operator's certificate (AOC) (or equivalent document including a list of the aircraft registration marks authorized for the specific operations) or other operating licence/authorisation issued to the lessee by the State of the operator authority in which the aircraft concerned is duly and properly identified, shall also be carried on board each aircraft concerned. If the lessee has obtained, from its authority, an approval for a system for listing the registration marks for aircraft operated and authorized under its AOC or, as applicable, other national approval or authorisation for the specific operations, this list and the relevant section of the operations manual describing this system must be kept on board each aircraft to which the present agreement applies.

(4) Aircraft to which the present Agreement applies are listed in the "Schedule of Swedish registered aircrafts and Spanish operators (schedule I A)" and "Schedule of Spanish registered aircraft and Swedish operators (Schedule II A)". They are kept and maintained updated by SCAA and AESA respectively. A copy of the above lists showing the aircraft to which the present Agreement applies at the time of its signature shall also be provided to the ICAO by each of the two depository authorities as an attachment to the Agreement when the latter is registered in accordance with paragraph 1 above. The lists registered with the ICAO shall be

updated by the depository authority every time the validity of the present Agreement is extended by a new aircraft, or by a new lease period.

(5) During the implementation of this Agreement, and prior to any aircraft subject to it being made the object of a sub-lease, the State of the operator shall inform the State of registry of this. None of the duties and functions transferred from the State of registry to the State of the operator may be carried out under the authority of a third state without the express written agreement of the State of registry.

Article 5

AUTHORISATION OF LEASING CONTRACTS

Each authority shall ensure that leasing contracts are only authorized if they are in compliance with the terms and conditions laid down in the present Agreement.

Article 6

CO-ORDINATION

Meetings between SCAA and Spain shall be arranged as necessary to discuss both operations and airworthiness matters resulting from inspections that have been conducted by the relevant inspectors. The following subjects may be discussed during these meetings:

- Flight operations,
- Continuing airworthiness surveillance and aircraft maintenance,
- Operator Maintenance Control Manual procedures as applicable,
- Any other significant matters arising from inspections.

Article 7

INITIATION

The transfer of functions related to the surveillance of leased aircraft shall be initiated by the authority of the State of registry by a letter referring to the Agreement between AESA and SCAA and the specific aircraft and formally accepted by the authority of the State of operator. In the case of a prolongation of the leasing contract, the continued transfer of functions and their acceptance shall be confirmed in writing by both the authority of the State of registry and the authority of the State of operator before the beginning of the new lease period. A certified true copy of these letters shall be provided to the lessee by the authority of the State of operator, and a copy of these letters must be kept on board the aircraft during the validity period of this Agreement in respect of that specific aircraft as established in accordance with the provisions of Article 9.

Article 8

CHARGES

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

Article 9

FINAL CLAUSES

(1) The implementation of this Agreement shall be effected on the basis of implementation provisions agreed between the Parties.

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

(3) The definition of SCAA and AESA regulatory responsibilities shall come into effect, for each individual case, when the transfer of the functions is formally accepted by the operator's authority on the basis of this Agreement. For this purpose, a formal reply letter regarding the transfer of functions shall be sent by the lessee authority to the lessor authority indicating acceptance or refusal. Before the start of operations, the authority of the state of registry shall send a request concerning the transfer of functions to the authority of the state of operator. Contacts for the exchange of correspondence are laid down in the implementation regulations to this Agreement.

(4) The regulatory responsibilities of SCAA and AESA, determined for a leased aircraft to which this Agreement applies shall cease to be in effect 24 hours after notice given by either the authority of the State of registry or the authority of the State of the operator, but not later than by the date of expiry established by either of the Parties. Such date shall be mentioned by the authority in the request concerning acceptance of functions or in the acceptance letter.

(5) Any amendment to this Agreement shall be made in writing.

(6) The responsibility for the registration of amendments to this Agreement with ICAO shall be assumed by both the authority of the State of registry and the authority of the State of operator.

(7) The Agreement shall be terminated 60 days after written notice of the termination of this Agreement by either of the two Parties.


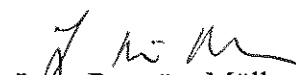
Done at Stockholm / Madrid on 30 June 2010 in two originals in English.

For the Spanish Aviation Safety State Agency



M. Isabel Maestre Moreno
Aviation Safety State Agency Director

For the Swedish Transport Agency,
Civil Aviation Department



Lena Byström Möller
Civil Aviation Director

Implementation Procedures to

the Agreement

between

the Swedish Transport Agency, Civil Aviation Department

(SCAA)

and

the Spanish Aviation Safety State Agency

(AESA)

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

TABLE OF CONTENTS

Cover Page	1
Article 1	4
PURPOSE	4
Article 2	4
APPLICABLE RULES AND REGULATIONS	4
Article 3	5
IMPLEMENTATION	5
Article 4	6
TYPE-DESIGN DEFINITION	6
Article 5	6
CHANGES TO TYPE DESIGN	6
Article 6	7
APPROVAL OF SERVICE BULLETINS	7
Article 7	7
CONFORMITY TO OPERATIONAL REQUIREMENTS	7
Article 8	8
CONTINUING AIRWORTHINESS	8
Article 9	11
REPAIRS	11
Article 10.....	12
MAINTENANCE	12
Article 11.....	13
RECORDS	13
Article 12.....	14
FLIGHT OPERATIONS AND AUTHORISATION	14
Article 13.....	17
SURVEILLANCE AND INSPECTION.....	17
Article 14.....	18
RENEWAL OR CONTINUED VALIDITY OR AIRCRAFT CERTIFICATES OF AIRWORTHINESS	18
Article 15.....	19
COOPERATION.....	19

IMPLEMENTATION PROCEDURES TO AGREEMENT SCAA - AESA

APPENDIX n° A - ADDRESSES TO SCAA AND AESA OFFICES
INVOLVED IN THE IMPLEMENTATION OF THE AGREEMENT 21

APPENDIX B - TRANSFER OF RESPONSIBILITIES MATRIX 83BIS TO
REGULATION (EC) No 2042/2003, ANNEX 1 PART M 22

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 Spanish Aviation Safety State Agency (AESA) to implement the Agreement between SCAA and AESA 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 AESA 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

IMPLEMENTATION PROCEDURES TO AGREEMENT SCAA - AESA

the latest amendment/change published by the lessee Authority. It is intended that any JAA set of 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:

Spanish Aviation Safety State Agency

AESA

Paseo de la Castellana, 67

28071 Madrid

SPAIN

Tel. +34 91 597 8787

Fax. +34 91 597 8573

e.mail: atencionciudadano@fomento.es

Swedish Transport Agency

Civil Aviation Department

SE-601 73

NORRKÖPING

SWEDEN

Tel. +46-11-4152100

Fax +46-11-4152250

e.mail: luftfart@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 AESA inspectors in charge of a specific Spanish operator or Spanish 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 AESA applies. In Appendix A, references to SCAA and AESA 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.

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.

IMPLEMENTATION PROCEDURES TO AGREEMENT SCAA - AESA

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.

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.

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.

IMPLEMENTATION PROCEDURES TO AGREEMENT SCAA - AESA

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 AESA are available on the AESA website (http://www.seguridadaerea.es/AESA/LANG_CASTELLANO/AERONAVES/CERTIFICACION/DIRECTIVAS_AERONAVEGABILIDAD). 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 Spanish "Real Decreto 279/2007, por el que se determinan los requisitos exigibles para la realización de las operaciones de transporte aéreo comercial por helicópteros civiles" (JAR-OPS 3) and "Real Decreto 1334/2005, por el que se establece el sistema de notificación obligatoria de sucesos en la aviación civil" relevant to AOC/operating authorisation holders describe the type of in-service information to be reported under the Swedish and the Spanish 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 Spain, accidents and incidents shall be reported to CIAIAC (Comisión de Investigación de Accidentes e Incidentes de Aviación Civil), as soon as possible, and in particular with the quickest means available in case of any accident or serious incident.

IMPLEMENTATION PROCEDURES TO AGREEMENT SCAA - AESA

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, Spanish Real Decreto 279/2007 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.

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).

IMPLEMENTATION PROCEDURES TO AGREEMENT SCAA - AESA

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

IMPLEMENTATION PROCEDURES TO AGREEMENT SCAA - AESA

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.

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

IMPLEMENTATION PROCEDURES TO AGREEMENT SCAA - AESA

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.

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 OPS1) or JAR OPS3 requirements, as applicable in respect of the lease aircraft).

IMPLEMENTATION PROCEDURES TO AGREEMENT SCAA - AESA

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 in Appendix A to Part VIII of ICAO Doc. 9642-AN/941 "Continuing 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 AESA 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 OPS1) or JAR OPS3 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

IMPLEMENTATION PROCEDURES TO AGREEMENT SCAA - AESA

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).

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

IMPLEMENTATION PROCEDURES TO AGREEMENT SCAA - AESA

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 Spanish 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.

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. 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.

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 AESA 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

IMPLEMENTATION PROCEDURES TO AGREEMENT SCAA - AESA

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.


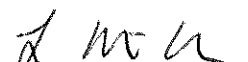
Done at Stockholm / Madrid, on 30 June 2010 in two originals in English.

For the Spanish Aviation Safety State Agency



M. Isabel Maestre Moreno *
Aviation Safety State Agency Director

For the Swedish Transport Agency,
Civil Aviation Department



Lena Byström Möller
Civil Aviation Director

**APPENDIX n° A - LIST OF ADDRESSES OF SCAA AND AESA
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

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**IMPLEMENTATION PROCEDURES TO AGREEMENT SCAA-AESA
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

**IMPLEMENTATION PROCEDURES TO AGREEMENT SCAA-AESA
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
M.B. 303	Aircraft Continuing Airworthiness Monitoring (ACAM)	Art 13 of Implementation Procedure	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. 304	Revocation, Suspension and Limitation	Art 8, 13 and 14 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.

**IMPLEMENTATION PROCEDURES TO AGREEMENT SCAA-AESA
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-AESA
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>