

Implementation Procedures to

the Agreement

between

the Swedish Civil Aviation Authority

(Transportstyrelsen, SCAA)

and

the Civil Aviation Authority of Italy

(Ente Nazionale per l'Aviazione Civile, ENAC)

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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Article 1

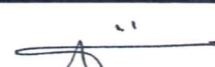
PURPOSE

The purpose of this document is to provide detailed working arrangements between the Swedish Civil Aviation Authority (SCAA) and the Civil Aviation Authority of Italy (ENAC) to implement the Agreement between ENAC and SCAA 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 the Authority of the State of registry to the Authority of the State of Operator according to article 3 the Agreement ENAC-SCAA 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 (EC) 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 of the European Parliament and of the Council in respect of aircraft to which provisions of this agreement applies, 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



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

In respect of any certification activity or oversight responsibility related to EC 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 EC regulations other than those published by EASA when satisfied that the above material shows compliance with the EC 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:

Ente Nazionale per l'Aviazione Civile
Direzione Manutenzione e Produzione-TMP
Via di Villa Ricotti, 42
00161 - ROMA
ITALY
Tel. +39-06-44185730
Fax +39-06-44185731
e.mail: manutenzione.produzione@enac.gov.it

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 ENAC inspectors in charge of a specific Italian operator or Italian registered aircraft will coordinate their specific intervention and the necessary exchange of information related to the present procedures.



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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 ENAC and SCAA applies. In Appendix A, references to ENAC and SCAA Central Departments or regional offices in charge of topics specified in the present agreement are listed.

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.

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



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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.

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 ENAC AD's or INFORMATIVE on AD's, issued starting from 1995 (for AD issued before 1995, copies shall be required by the lessee to ENAC), are only made available on the ENAC website (<http://www.enac.gov.it>). 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.

