ENAC
ENTE NAZIONALE PER L'AVIAZIONE CIVILE

AESA AGENCIA ESTATAL DE SEGURIDAD AÉREA

Implementation Procedures to

the Agreement

between the

Agencia Estatal de Seguridad Aérea (Spain)

and the

Ente Nazionale per l'Aviazione Civile (Italy)

on the implementation of art. 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 or by virtue of ownership of the concerned aircraft or any other agreement in the spirit of article 83bis of the Convention on International Civil Aviation

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Article 1

PURPOSE

The purpose of this document is to provide detailed working arrangements between the Agencia Estatal de Seguridad Aérea, (AESA) of Spain and the Ente Nazionale per l'Aviazione Civile (ENAC) of Italy to implement the Agreement ENAC-AESA for the transfer of certain functions, duties and surveillance responsibilities (operations, maintenance and continuing airworthiness) for aircraft operated under dry leasing contracts or by virtue of ownership of the concerned aircraft or any other agreement in the spirit of article 83bis of the Convention on International Civil Aviation. They allow them to discharge their legal responsibilities for the surveillance of operations, personnel and continuing airworthiness of aircraft to be operated in commercial air transportation while avoiding undue burden by elimination of duplication of tasks. Cross reference table to identify competent authority in respect of Part M and ICAO duties and responsibilities as resulting from duties and responsibilities transferred from Authority of the State of Registry to the Authority of the State of operator according to article 3 of the ENAC-AESA Agreement for the transfer of certain functions, duties and surveillance responsibilities (operations, maintenance and continuing airworthiness) for aircraft operated under dry leasing contracts or by virtue of ownership of the concerned aircraft or any other agreement in the spirit of article 83bis of the Convention on International Civil Aviation, is reported in Appendix B and Appendix C.

Article 2

APPLICABLE RULES AND REGULATIONS

Any European Union (EU) Regulation (i.e. Regulation of the European Parliament and of the Council or of European Commission) or EASA measures this agreement, directly or indirectly, refers to, is to be applied, according to the pertinent effectiveness schedule, at the latest amendment/change as published in the Official Journal of the European Communities or 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 operator Authority grant exemptions under the provisions of art 14.4 of the Regulation (EU) No 216/2008 of the European Parliament and of the Council, these exemptions shall be notified to the State of registry 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 for ensuring compliance with the terms and conditions of this agreement shall be those at the latest amendment/change published by the operator authority. Any JAA set of requirements directly or indirectly called for in this agreement is to be intended as replaced by the correspondent EU regulation according to its implementation scheme.

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

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:

ENAC Ente Nazionale per l'Aviazione Civile	**AESA– Agencia Estatal de Seguridad Aerea**
Direzione Regolazione Navigabilità e Operazioni	**Direccion de Seguridad de Aeroneves**
Via di Villa Ricotti, 42	**P de la Castellana, 67**
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As far as the current activities to be performed in accordance with these procedures are concerned AESA inspectors in charge of a specific Spanish registered aircraft or operator and the ENAC structures in charge of a specific Italian operator or Italian registered aircraft, will co-ordinate their

specific intervention and the necessary exchange of information related to the present procedures. References of State of registry and State of operator authority Services in charge of daily implementation of these procedures are provided in the initiation and acceptance letters for each concerned aircraft to which the agreement ENAC - AESA applies. In Appendix A, references of ENAC and AESA regional offices or Central Departments 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 art. 2 of the EU Regulation 1702/2003).

The Authority of the State of operator will be responsible for supervising that the aircraft operator ensures continuous compliance with this requirement after delivery over the whole period of time 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 concerned 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 operator and at the delivery of the aircraft back to the lessor.

Article 5

CHANGES TO TYPE DESIGN

The express permission of the aircraft registered owner is required prior to the incorporation of any modification unless it is mandated by any MCAI, by Regulations (including modification requested as a result of approved reliability program or of any periodic review of effectiveness of the approved maintenance programme) , by EASA or by any concerned counterpart Authority.

a) The classification of major or minor changes to Type Design are defined in the part 21 paragraph 21A.91 of EU Regulation 1702/2003.

Changes to Type Design are classified as major or minor by entitled entity to conduct technical investigations in accordance with part 21 paragraph 21A.95 and 21A.97 of EU Regulation 1702/2003 and approved in accordance with the following procedure.

Changes may be performed on the aircraft once approved by EASA directly, through 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 operator to the State of registry authority.

The State of the operator Authority shall ensure that the operator has in force adequate procedures to avoid the accomplishment of changes on the concerned 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 operator on the concerned aircraft once evidence of their approval by the State of Design Authority or by the TDCH under the Authority of a DOA approval issued under EU Regulation 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

Aircraft to which this agreement applies have to be equipped in accordance with the operational requirements established by the State of the operator for the intended type of operations.

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

Design data related to the modification have 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 (EU) 1702/2003 regulation 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, - the mandatory airworthiness information issued by the State of design Authority. The State of registry Authority may issue and make mandatory other airworthiness actions, in addition to those mentioned before, should it identify an unsafe condition affecting aircraft of the same type in its national fleet which requires an immediate reaction.

Pursuant to the above, the EU Regulations 216/2008 and 1702/2003 and the Decision No. 2/2003 Of The Executive Director Of The Agency dated 14 October 2003 (or 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, 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 State of registry Authority under the provisions of art 14 of Regulation (EU) No 216/2008 of the European Parliament and of the Council of 20 February 2008. To this late regard, the State of registry Authority will timely provide the operator and the regional office of the State of the operator Authority in charge of aircraft surveillance with the above ADs and other airworthiness action mandated by the State of registry Authority (MCAI) for the aircraft type concerned and parts/products thereof. The operator must hold and keep up-to-date a complete set of the above mentioned applicable (MCAI).

The Authority of the State of the operator will also require that the concerned aircraft complies with MCAI applicable to the subject aircraft model or parts/products thereof issued by the State of the operator Authority under the provisions of art 14 of Regulation (EU) No 216/2008 of the European Parliament and of the Council when an unsafe condition affecting aircraft of the same type has been identified which requires an immediate reaction and an equivalent airworthiness action has not been made mandatory by EASA or the State of design Authorities. In this regard, design or maintenance programme implications deriving from the above mentioned mandatory airworthiness actions 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 State of registry authority shall inform the operator if § 14.4 of the EU-Regulation 216/2008 is applied.

The operator Authority shall verify that the operator, according to applicable regulations, is in receipt of, has available or has access to all the ADs or other mandatory airworthiness actions applicable to the concerned aircraft and products, components or parts thereof.
The Authority of the State of operator will be responsible to supervise that all ADs and other mandatory continuing airworthiness actions applicable to the aircraft are complied with by the operator. All mandatory continuing airworthiness information issued by AESA are available on the AESA website (http://www.seguridadaerea.es/AESA/LANG_CASTELLANO/AERONAVES/CERTIFICACION/DIRECTIVAS_AERONAVEGABILIDAD). ENAC AD's, or INFORMATIVE on AD's, as well as any other mandatory continuing airworthiness information are only made

available on the ENAC website (http://www.enac.gov.it). Therefore the operator is requested to regularly look at those sites as applicable to absolve their continuing airworthiness responsibilities in respect of this aspect. The operator is also requested to regularly look at EASA and other relevant State of Design Authority web sites to absolve their continuing airworthiness responsibilities in respect of the concerned aircraft and their components

Significant in-service events with the aircraft shall be reported, written in the English language, by the 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. The 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", EASA measure AMC 20-8, part M.A.202, ENAC Regolamento Tecnico Terzo/30/F, Appendix III to Regulation 3922/1992 (EU OPS 1), JAR OPS3 and relevant ENAC Circolari (latest issue) relevant to AOC/operating license holders and reporting system (eE-MOR), describe the type of in-service information to be reported under the Spanish and the Italian regulatory system and relevant reporting times. *For* delegated aircraft registered in Spain, accidents and incidents shall be reported to CIAIAC (Comisión de Investigación de Accidentes e Incidentes de Aviación Civil) and Agencia Estatal de Seguridad Aérea (AESA) and for delegated aircraft registered in Italy, accidents and incidents shall be reported to the ENAC Direzione Operazioni in charge of a specific concerned Italian registered aircraft and to the Agenzia Nazionale per la Sicurezza del Volo (ANSV) , as soon as possible, but in any case no later than time constraints mandated by applicable operational and continuing airworthiness requirements and in particular with the quickest means available in case of any accident or serious incident.

The Authority of the State of operator will supervise that a copy of reports on significant events that affect or could affect the continuing airworthiness of concerned aircraft or invalidate their Certificate of Airworthiness/related airworthiness review certificate is also forwarded by the operator to the Authority of the State of registry in order to allow proper corrective actions. 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 the condition that the State of the operator Authority appropriately will advise the State of registry Authority to allow adequate actions be taken. Authorisations to resume flights to permit the aircraft to be flown to an approved maintenance facility at which it will be restored to an airworthy condition shall be released in accordance with article 12 below.

The Authority of the State of operator shall supervise that the operator ensures transmission of information on significant events affecting continuing airworthiness of a concerned aircraft to the organisation responsible for the type design (EU regulation 2042/2003 part M point M.A.202, EU OPS 1.420 JAR OPS 3.420, RT ENAC TERZO/30/F and Spanish Real Decreto 279/2007).

The Authority of the State of operator shall ensure the transmission of information on significant events to the Authority of the State of Design and EASA. The follow-up of any reported occurrence that affects or could affect the continuing airworthiness of concerned aircraft by the Authority of the State of Design progressing to satisfactory closure shall be monitored by the Authority of the State of operator in co-ordination with EASA.

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

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

The Authority of the State of operator will supervise 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 operator shall supervise that the operator is appropriately approved, as applicable pursuant to Subpart G of Annex I (Part M) to Regulation (EU) 2042/2003 as revised or, for commercial operations other than commercial air transportation, has contracted such an organisation (thereinafter referred to as CAMO) for the management of the continuing airworthiness of the aircraft it operates, including any dry leased aircraft which this arrangement applies to.

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 EU Regulation 1702/2003 for a change in type design.

Repairs are classified as major or minor in accordance with Part 21 paragraph 21A.435 of EU Regulation 1702/2003. Repairs shall be approved in accordance with Part 21 paragraph 21A.437 of EU Regulation 1702/2003. A copy of a specific EASA approval will be forwarded by the operator to the Authority of the State of Registry.

The Authority of the State of the operator shall supervise that the operator has in force procedures to avoid accomplishment of any repairs on the concerned 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 supervise that the operator's (or contracted CAMO's) 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 Part M of EU Regulation 2042/2003 requirements. The Authority of the State of operator shall supervise

that a copy of approved CAME is sent by the operator to the Authority of the State of Registry upon their request.

(a) Continuing airworthiness

A concerned aircraft, its engines and its equipment, will be maintained in accordance with the maintenance programme established by the operator and approved by the Authority of the State of operator in accordance with relevant requirements of Annex I (Part M) of EU Regulation 2042/2003 (M.A.302 and M.B. 301 provisions), as revised, including the use of indirect approval procedure. Any 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) of EU Regulation 2042/2003, as revised. Operational equipments will be maintained in accordance with the Authority of the State of the operator maintenance specifications if the equipment manufacturer/design holder maintenance documentation gives such an opportunity (e.g. TCH maintenance documentation requirements report "as requested by national rules/NAA") or does not provide for any maintenance requirements. In lack of maintenance specifications by the Authority of the State of the operator, the requirements of the State of registry Authority , 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 operator 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, taking also 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 will be performed by the Authority of the State of operator in accordance with its standard procedures developed in accordance with relevant Part M requirements of EU Regulation 2042/2003.

(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 provisions of Annex I (Part M) or Annex II (Part 145) of EU regulation 2042/2003, as revised, 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 in accordance with procedures approved by the Authority of the State of operator. The records will be transferred by the operator 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 operator Authority.
Aircraft or components will be released to service as applicable by personnel licensed in accordance with the Annex III (Part 66) of EU Regulation 2042/2003 or , when applicable, the regulations of the State of the operator Authority pursuant to the applicable EU Regulation 2042/2003 provisions.

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 concerned aircraft are transferred or made available and/or accessible to the operator at the time of aircraft delivery to allow complete and accurate selection of the information judged necessary to manage the continued airworthiness of the aircraft all through the duration of this agreement in respect of the specific aircraft.

The aircraft continuing airworthiness record system of the operator shall comply with the relevant EU regulation 2042/2003 Part M requirements.

The aircraft operations record system of the operator 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).

The Authority of the State of operator shall supervise that the operator 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), or when applicable, to the Authority of the State of registry, for the recommendation for issuance of the Airworthiness Review Certificate associated with Certificate of Airworthiness (CofA) of each aircraft to which the present agreement applies to.

The Authorities will supervise that, at the time of aircraft transfer, the presentation of these records is arranged looking at 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 or to the extension of this agreement in respect of specific aircraft and preceding the aircraft delivery to the operator, the AESA and ENAC inspectors in charge, in conjunction with their respective senior management, with the assistance of the lessor and the operator, will co-operate to guarantee that the maintenance records and documentation used for the issuance of the aircraft Certificate of Airworthiness by the Authority of the State of registry are those made available to the operator for ensuring the continuing airworthiness of the aircraft during the validity period of this agreement in respect of a specific aircraft.

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 concerned aircraft according to 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 concerned aircraft, for training school activities JAR-FCL (or equivalent EU requirements), for aerial work in Italy "Regolamento Certificato di Operatore di Lavoro Aereo" and "Regolamento per il rilascio della licenza di esercizio di Lavoro Aereo", for aerial work in Spain the "Reglamento de Circulación Aérea", approved by Royal Decree 57/2002 and the "Resolución de 5 de Julio de 2002 por la que se establecen procedimientos operativos específicos para operaciones de

trabajos aéreos y agroforestales"), taking into account relevant applicable acceptable means of compliance and guidance material (AMC/GM/IEM, or as applicable relevant implementation Circulars/regulations)). Above operations shall be conducted in accordance with the EASA approved Aircraft Flight Manual, or deemed as EASA approved under (EU) 1702/2003 regulation, 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 concerned aircraft shall be approved by the Authority of the State of operator and shall not be less restrictive than the relevant EASA approved Master Minimum Equipment List, or deemed as EASA approved/accepted. If this 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, MMEL produced or approved by another EU Member State Authority or by FAA) is subject to agreement with operator's Authority; Any deviation from the approved MEL shall be evaluated and approved by the operator Authority according to 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 airworthy condition, shall be issued by the Authority of the State of Registry (or by other entities entitled under applicable EU Commission Regulations) upon application by the Permit to Fly holder (operator, etc.) in accordance with Annex I (Part 21) Commission Regulation (EU) 1702/2003 as revised. 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 Annex I (Part 21) Commission Regulation (EU) 1702/2003 as revised). 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. Flight conditions associated to Permit to fly shall be approved in accordance with appropriate provisions of Annex I (Part 21) to Commission Regulation (EU) 1702/2003 as amended. The Authority of the State of registry shall notify any such approval at the

earliest possible opportunity to the Authority of the State of the operator by providing a copy of the relevant approval documentation.

Permit to Fly for the purpose of testing a concerned aircraft, where the Certificate of Airworthiness of the aircraft is not in force, in situations other than those mentioned before shall be issued by the State of registry authority.

Operation of the aircraft conducted under the operator's AOC or under the relevant operator's authorization issued by the competent Authority for operations other than commercial air transport will be carried out in accordance with applicable national rules and regulations of the State of operator (e.g. for commercial air transport Operations, Appendix III to the Regulation 3922/1991 as revised (EU OPS 1) or JAR OPS 3 requirements, as applicable in respect of the concerned aircraft; for flying school operations, JAR FCL requirements, etc.). Surveillance will be accomplished by the Authority of the State of the Operator in accordance with the current relevant national procedures.

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

1. If the pilots hold operator Authority National Flight Crew Licenses that are not issued in accordance with JAR-FCL, then they will either have to obtain individual State of registry authority Certificate of Validation or the State of registry 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 concerned aircraft registered in the State of registry under JAR-FCL recognition.

3. If the pilots hold licenses other than Spanish or Italian national or JAR-FCL licenses, they will be required to obtain individual State of registry authority Certificate of Validation as they would not be covered under a block validation for the specific aircraft and operator's crew.

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

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

- the aircraft must be integrated in the TRTO manuals and procedures
- all instructors and examiners using this aircraft must hold JAR-FCL licenses

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

Article 13

SURVEILLANCE AND INSPECTION

During the term of validity of this agreement in respect of a specific aircraft, the operator Authority shall accomplish surveillance activities and inspections in respect of the concerned aircraft and the operator (e.g. product audit selected by the Authority of the State of operator under surveillance plan of the operator'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 airworthiness standards, operational requirements and the terms and conditions specified in the present implementation procedures. On the specific request of the State of registry authority and for reasonable causes, the operator Authority shall permit the State of registry authority to perform an inspection of the operator or the concerned aircraft (e.g. aircraft selected under the sample of the State of Registry Aircraft Continuing Airworthiness Monitoring Programme, etc.) and provide assistance in performing that inspection if requested, or may be requested by the state of registry authority to perform such an inspection.

Findings found during surveillance activities 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 concerned aircraft or, when applicable, of the terms and conditions of the lease contract or the 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 Authorities shall ensure that appropriate records relevant to inspection and surveillance they performed according to Part M and operational requirements and to this arrangement is appropriately kept on file of each Authority as requested by Part M and relevant operational requirements.

Article 14

CONTINUED VALIDITY OF AIRCRAFT CERTIFICATES OF AIRWORTHINESS

The continued validity of the Certificate of Airworthiness of a concerned aircraft shall be ensured by the concerned operator in accordance with the relevant EU regulation 2042/2003 Part M requirements.

Continuing Airworthiness Management Organisation (C.A.M.O.), appropriately privileged and approved in accordance with Part M Subpart G by any EASA Member State, may issue, extend, or make recommendations to Authority of the State of registry for the issuance of, the Airworthiness Review Certificate of individual aircraft to which the provisions of the present agreement apply when the relevant conditions as laid down in Part M requirements occur. A copy of the ARC issued or extended by the concerned C.A.M.O. shall be sent by that organisation to both State of registry and State of Operator Authorities within ten days since ARC issuance or extension. The operator shall monitor compliance with that provision.

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 concerned aircraft to which the present agreement applies shall be sent to the Authority of the State of registry (AESA or Direzione Operazioni ENAC 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 operator 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 operator, 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 operator to be kept by him 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 Authority of the State of registry in accordance with Part M requirements. A copy of the issued ARC shall be sent by Authority of the State of registry to the Authority of the State of operator 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 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 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 Part M requirements.

However, on a case by case basis and with EASA concurrence, proper arrangements could be made between the two Authorities to decide on alternative procedures to allow ARC be issued by the Authority of the State of operator instead of the Authority of the State of Registry.

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

Article 15

CO-OPERATION

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 concerned aircraft.

Done on 3 November 2010 in two originals in English.

For E.N.A.C.

Mr. Enea L.Guccini

Head, Airworthiness and Operations Regulation Division

For AESA

Ms. Isabel Maestre Moreno

Aviation Safety State Agency Director

APPENDIX n° A - LIST OF ADDRESSES OF ENAC AND AESA OFFICES INVOLVED IN THE IMPLEMENTATION OF THE AGREEMENT

ENAC

For matters of principle in relation to the main agreement, these implementation procedures and the co-ordination for specific issues with the other interested ENAC HQ's Services and with regard to operational requirements

Direzione Regolazione Navigabilità e Operazioni (SNO)

Via di Villa Ricotti 42
00161 Roma
Tel: +39-06-44185741
Fax: +39-06-44185731
e-mail: regolazione.navigabilita@enac.gov.it

Point of contact for daily implementation of that agreement are:
with regard to the subject aircraft maintenance and operations surveillance (e.g . maintenance programme acceptance etc.).

Direzione Operazioni (AOM) of Milan

Via Caldera 21
20153 Milano
Tel. +39-02-482781
Fax +39-02-48278200
e-mail: operazioni.milano@enac.gov.it

Direzione Operazioni (AOR) of Rome:

Piazzale Luigi Sturzo, 15
00144 Roma
Tel.: +39-06-5439-3502
Fax: +39-06-5923-017
e-mail: operazioni.roma@enac.gov.it

Direzione Operazioni (AON) of Naples:

C/o Blocco Tecnico ENAV- CAV Napoli
Viale Ruffo di Calabria
80144 Capodichino Napoli
Tel. +39-081 5999621
Fax: +39-081 7802038
e-mail: operazioni.napoli@enac.gov.it

Direzione Operazioni (AOT) Turin:

Via Montecuccoli,2
10121 Torino
Tel.: 39-011-5613-621
Fax: 39-011-5628-296
e-mail: operazioni.torino@enac.gov.it

Direzione Operazioni (AOV) Venice:

Aeroporto "Marco Polo"
Via Galileo Galilei, 1630173 Venezia Tessera
Tel.: +39 041 2606702
Fax: +39 041 2606701
e-mail: operazioni.venezia@enac.gov.it

with regard to flight and cabin crew licenses (validation, requirements, etc.)

Direzione Regolazione Personale di Volo (SPV)

Via di Villa Ricotti 42
00161 Roma
Tel: +39-06-44185714
Fax: +39-06-44185701
e-mail: regolazione.personalevolo@enac.gov.it

with regard to type design issues

Direzione Regolazione Certificazione Prodotti Aeronautici (SCP)

Via di Villa Ricotti 42

00161 Roma

Tel.: +39-06-44185724

Fax: +39-06-44185611

e-mail: regolazione.prodottiaeronautici@enac.gov.it

Agencia Estatal de Seguridad Aerea (AESA)

Points of Contact:

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

Mr. Andrés Sánchez Sánchez
Maintenance and Inspection Department
email: assanchez@fomento.es
tlfn: +34 91 597 5321
Fax: +34 91 597 8584

Mr. Manual Varela Blanco
Head of Maintenance and Inspection Department
email: mvarela@fomento.es
tlfn: +34 91 597 5232
Fax: +34 91 597 8584

Mr. Ismael Pacheco Serrano
Chief of the Safety Control in Maintenance Division
e-mail: ipacheco@fomento.es

Mr. Jose Luis Lozano Lozano
Safety Inspection Coordinator
e-mail: jllozano@fomento.es

APPENDIX B - Transfer of responsibilities Matrix 83Bis to 2042 Annex 1

ICAO Reference	Part M Requirement Reference	Part M Requirement Detail	83 Bis Delegation Agreement Reference	Responsible NAA	
	M. 1				
Annex 8, Part II, Chapter 3	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 (operation of aircraft) 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 [redacted]	

APPENDIX B - Transfer of responsibilities Matrix 83Bis to 2042 Annex 1 Part M

ICAO Reference	Part M Requirement Reference	Part M Requirement Detail	83 Bis Delegation Agreement Reference	Responsible NAA	Note or remarks
Part I, 8.3 Annex 6, Part III, 6.3					
	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
Annex 8, Part II, Chapter 4	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
Annex 8, Part II, Chapter 3.5 and 6	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 concerned 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

APPENDIX B - Transfer of responsibilities Matrix 83Bis to 2042 Annex 1 Part M

ICAO Reference	Part M Requirement Reference	Part M Requirement Detail	83 Bis Delegation Agreement Reference	Responsible NAA	Note or remarks
See M.1.2	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
See M.1.2	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
See M.1.2	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
See M.1.2	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
See M.1.2	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
See M.1.2	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
See M.1.2	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
Annex 6, Part I, Chapters 5 and 8	M.B. 701	Application for operator's CAMO approval		State of Operator NAA	See note under M.1.3 for other CAMO's
	M.B. 702	Initial Approval of operator'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 operator's CAMO		State of Operator NAA	See note under M.1.3 for other CAMO's
	M.B. 704	Continued Oversight of operator'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 operator'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 operator'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 operator's CAMO	Art 13 of Implementation Procedures	State of Operator NAA	See note under M.1.3 for other CAMO's
Annex 8, Part II, Chapter 3	M.B. 901	Assessment of Recommendations by Competent Authority	Art 14 of Implementation Procedures	State of Registry NAA	
Annex 8,	M.B. 902	Airworthiness Review by Competent	Art 14 of Implementation Procedures	State of Registry NAA	

APPENDIX B - Transfer of responsibilities Matrix 83Bis to 2042 Annex 1 Part M

ICAO Reference	Part M Requirement Reference	Part M Requirement Detail	83 Bis Delegation Agreement Reference	Responsible NAA	Note or remarks
Part II, Chapter 3		Authority			
Annex 8, Part II, Chapter 3	M.B. 903	Findings	Art 8, 13 and 14 of Implementation Procedures	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 Chapter VII, whenever the State of Operator NAA is aware or notified that a condition is in place that affect the continuing airworthiness of concerned 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 ENAC-AESA
APPENDIX C - RESPONSIBILITIES OF AUTHORITY OF STATE OF REGISTRY AND AUTHORITY OF STATE OF OPERATOR REGARDING AIRWORTHINESS AND OPERATION (Commercial Air Transport)
(According to Chicago Convention)

ICAO Requ. Ref.	Description	Operation Regulation (EU OPS1 and JAR OPS 3) and Part M Requirement	State of Registry NAA responsibility	State of Operator NAA responsibility	83 Bis Delegation Agreement Reference - Note or remarks
Annex 1, Annex 2, Annex 6 Part I and III- Operational Requirement		Appendix III to Regulation 3922/1991 and JAROPS 3	Ensures that the operational and crew member licensing requirements of the State of Registry are known to both State of Operator and operator	Ensures that the operator complies with relevant operational requirements and employs crew members holding appropriately rated and valid license/attestation issued, recognised or validated by State of Registry Authority	**Automatically ensured through adoption of common rules by virtue of EU Treaty and former JAA membership** Article 12
Annex 8, Part II, Chapter 4; Doc 9760, Volume II, Part B, Chapter 81	Mandatory continuing airworthiness information	Part M Section A Subpart C - M.A.303 Part M Section B Subpart G M.A.303 Airworthiness Directives M.A.708 Continuing airworthiness management M.A.709 Documentation	Ensure that State of Operator and the operator receives all applicable mandatory continuing airworthiness information	Ensures that the operator complies with mandatory continuing airworthiness information diffused/transmitted by State of Registry Authority.	Article 8
Annex 6, Part I, 5.2.3 and 5.2.4 Part III, 3.2.3 and 3.2.4	Operation of aircraft in compliance with its Certificate of Airworthiness (CofA)	EU OPS 1/JAR OPS 3 Part M Section B Subpart G Part M Section A Subpart G		Assumes State of Registry's responsibility as defined in 5.2.4 of Annex 6, Part I.	Article 12
Annex 6, Part I, Chapter 8, 8.1 Part III,	Operator's maintenance responsibilities	M.B.701 Application M.B.702 Initial Approval M.A.704 Continuing airworthiness management exposition		Ensures that the responsibilities are contained in the Operator's Continuing Airworthiness Management Exposition (CAME)	All articles of the Agreement and in particular Article 8 and 10

ICAO Requ. Ref.	Description	Operation Regulation (EU OPS1 and JAR OPS 3) and Part M Requirement	State of Registry NAA responsibility	State of Operator NAA responsibility	83 Bis Delegation Agreement Reference - Note or remarks
Chapter 6, 6.1					
Annex 6, Part I, 8.1.2 Part III, Chapter 6, 6.1.2	Operator's maintenance responsibilities	M.B.702 Initial Approval M.A.201(h) Responsibilities M.A.708(c) Continuing airworthiness management		Ensures that the maintenance organizations used by the operator are approved in accordance with Parte 145.	Article 10 (b)
Annex 6, Part I, 8.2.1 to 8.2.4 Part III, Chapter 6, 6.2.1 to 6.2.4	Operator's maintenance control manual (MCM).	M.B.701 Application M.B.702 Initial Approval M.A.704 Continuing airworthiness management exposition		Ensures that guidance is contained in the CAME, approves the CAME and ensures transmission of a copy to State of Registry Authority.	Article 8 and 10
Annex 6, Part I, Chapter 8, 8.3 Part III, Chapter 6, 6.3	Maintenance Program	M.B.301 Maintenance Programme M.B.701 Application M.B.702 Initial Approval M.A.302 Maintenance Programme M.A.704 Continuing airworthiness management exposition M.A.708(b)1 & 2 Continuing airworthiness management – development and approval		Approves the Operator's Maintenance Programme Ensures that the maintenance programme responsibilities and the development procedures are contained in the CAME.	Article 10 (a)
Annex 6, Part I, 8.4.1 to 8.4.3 Part III, Chapter 6, 6.4 e 6.8	Maintenance records	M.B.303 Aircraft continuing airworthiness monitoring M.B.901 Assessment of recommendations M.B.902 Airworthiness review by the competent authority	Possibility to inspect maintenance records and documents.		Article 11

ICAO Requ. Ref.	Description	Operation Regulation (EU OPS1 and JAR OPS 3) and Part M Requirement	State of Registry NAA responsibility	State of Operator NAA responsibility	83 Bis Delegation Agreement Reference - Note or remarks
		M.B.701 Application M.B.702 Initial Approval M.A.714 Record-keeping M.A.305 Aircraft continuing airworthiness record system M.A.306 Operator's technical log system		Ensure that records are kept in accordance with 8.4.1 to 8.4.3 of Annex 6, Part I, and inspects in accordance with the requirements of the Part M and AOC.	
Annex 6, Part I, 8.5.1 to 8.5.2 Part III, Chapter 6, 6.5.1 & 6.5.2	Continuing airworthiness information	EU regulation 216/2008; 1702/2003, 2042/2003 as revised M.B.301 Maintenance Programme M.B.701 Application M.B.702 Initial Approval M.A.302 Maintenance Programme M.A.401 Maintenance data M.A.704 Continuing airworthiness management exposition M.A.708 Continuing airworthiness management M.A.709 Documentation		Ensures that the airworthiness requirements of State of Registry and State of Operator are complied with and adequate procedures are incorporated in the CAME.	Evidence that the airworthiness requirements of State of Registry are known to both State of Operator and operator is **automatically ensured through adoption of common rules by virtue of EU Treaty** Article 8 and 10
Annex 6, Parte I, 8.6; Doc 9760, Volume II, Part B, Chapter 10,	Modifications and repairs	M.B.701 Application M.B.702 Initial Approval M.A.403 M.A.704 Continuing airworthiness		Ensures that they have been previously approved by the States of Design and of Manufacture. Ensures that the requirements are	Articles 4, 5, 6, 7 and 9

ICAO Requ. Ref.	Description	Operation Regulation (EU OPS1 and JAR OPS 3) and Part M Requirement	State of Registry NAA responsibility	State of Operator NAA responsibility	83 Bis Delegation Agreement Reference - Note or remarks
Attachment 10-A. Doc 9642, Part VIII, Attachment A, 3.7 Part III, Chapter 6, 6.6		management exposition M.A.708 (b)3 - Continuing airworthiness management – Modification and repairs M.A.714 Record-keeping M.A.710 (a)6 – Airworthiness review – Modification and repairs	Verifies that they have been previously approved by the States of Design and of Manufacture.	contained in the CAME and approve the CAME.	
Annex 6, Part I, 8.7 Part III, Chapter 6, 6.1.2	Approved maintenance organization and maintenance release	EU regulation 216/2008, 2042/2003 as revised Part 145 requirements M.B.702 Initial Approval M.A.201(h) Responsibilities M.A.708(c) Continuing airworthiness management	Ensures that the maintenance organization approval requirements of State of Registry are known to both State of Operator and operator: **automatically ensured through adoption of common rules by virtue of EU Treaty**	Approval of the operator's maintenance organization and procedures in accordance with 8.7 and 8.8 of Annex 6, Part I or Chapter 6, 6.1.2,Part III,.	**Compliance with ICAO provisions are automatically ensured through adoption of common rules on maintenance organization approval for commercial air transportation by virtue of EU Treaty** Article 10
Annex 6, Part I, and 8.8 Part III, Chapter 6, 6.7	Maintenance approval	Part 145.A.50 requirement		Ensures that the maintenance organizations used by the operator are approved in accordance with Parte 145, and that procedures are contained in the CAME and approves the CAME.	