Priloga 2:

Osnutek sporazuma v slovenskem jeziku

**SPORAZUM**

**MED**

**JAVNO AGENCIJO ZA CIVILNO LETALSTVO REPUBLIKE SLOVENIJE**

**IN**

**IRSKIM URADOM ZA CIVILNO LETALSTVO**

**O**

**IZVAJANJU 83. *bis* ČLENA**

**KONVENCIJE O MEDNARODNEM CIVILNEM LETALSTVU**

**ZA PRENOS ODGOVORNOSTI ZA NADZOR:**

**(DELOVANJE, VZDRŽEVANJE IN STALNA PLOVNOST)**

**ZRAKOPLOVOV,**

**KI SE UPORABLJAJO PO NAJEMNIH POGODBAH BREZ POSADKE**

1. **PREGLEDI**

|  |  |  |
| --- | --- | --- |
| **Pregled** | **Spremembe** | **Datum** |
| **A** | **začetni** | .. december 2021 |

**I** - **UVOD**

Ker je protokol z dne 6. oktobra 1980 v zvezi s 83. *bis* členom Konvencije o mednarodnem civilnem letalstvu (Čikago, 1944, v nadaljnjem besedilu: Čikaška konvencija), katerega pogodbenici sta Slovenija in Irska, začel veljati 20. junija 1997,

ker sta Slovenija (Javna agencija za civilno letalstvo Republike Slovenije – CAA SI) in Irska (Irski urad za civilno letalstvo – IAA) članici Evropske konference civilnega letalstva (ECAC),

ker sta Evropski parlament in Svet Evropske unije (EU) sprejela Uredbo (EU) 2018/1139 o vzpostaviti in ohranjanju visoke enotne ravni varnosti v civilnem letalstvu v Evropi s sprejetjem skupnih varnostnih predpisov in z ukrepi, ki zagotavljajo skladnost vsega blaga, oseb in organizacij v Skupnosti s takimi predpisi, in ukrepi, sprejetimi za varstvo okolja,

ker je bila Evropska agencija za varnost v letalstvu (EASA) ustanovljena v skladu z Uredbo (EU) 2018/1139 v imenu vsake države članice EU po zgoraj navedeni uredbi EU, funkcijah in nalogah v državi projektiranja, proizvodnji, ko je povezana z odobritvijo projekta,

ker je Evropska komisija izvedla Uredbo Komisije (EU) št. 748/2012, kakor je bila spremenjena, o določitvi izvedbenih določb za certificiranje zrakoplovov in sorodnih proizvodov, delov in naprav glede plovnosti in okoljske ustreznosti ter potrjevanje projektivnih in proizvodnih organizacij,

ker je Evropska komisija sprejela Uredbo Komisije (EU) št. 1321/2014, kakor je bila spremenjena, o stalni plovnosti zrakoplovov in letalskih izdelkov, delov in naprav ter o potrjevanju organizacij in osebja, ki se ukvarjajo s temi nalogami,

ker je Svet Evropskih skupnosti sprejel Uredbo Sveta (EGS) št. 3922/91, kakor je bila spremenjena z Uredbo Komisije (EU) št. 965/2012 (kakor je bila spremenjena), o skupnih tehničnih zahtevah in upravnih postopkih v zvezi s civilnim letalstvom ki veljajo za komercialni prevoz z zrakoplovi za države članice EU,

ker sta Slovenija in Irska v skladu z zgoraj navedenimi uredbami Evropske komisije ob najnovejši reviziji in/ali s spremembi uredbe, ki jo je izdala komisija, ugotovili, da so standardi plovnosti in sistemi za plovnost, okoljsko certificiranje in vzdrževanje druge države enakovredni njenim lastnim za vzpostavitev in omogočanje takega dogovora o prenosu,

ker sta Slovenija in Irska ugotovili, da so operativne zahteve in operativne zahteve povezane s projektno zasnovo druge države dovolj enakovredne njenim lastnim, da je ta dogovor o prenosu izvedljiv,

ker 83. *bis* člen Čikaške konvencije s protokolom z dne 6. oktobra 1980 določa možnost prenosa funkcij in dolžnosti države registracije v zvezi z 12., 30., 31. in 32. členom (a) Čikaške konvencije na državo operaterja za večjo varnost,

ker je v skladu z dokumentom ICAO 9760 »Priročnik o plovnosti«, del IV, poglavje 6 »Najemne pogodbe«, dokumentom ICAO 10057 »Priročnik o izvedbi 83. *bis* člena Čikaške konvencije« in dokumentom ICAO 8335, del V »Najemne in čarterske operacije« treba natančno določiti mednarodne obveznosti in odgovornosti Slovenije in Irskev skladu s konvencijo,

ker ta sporazum v zvezi z ustreznimi prilogami K Čikaški konvenciji ureja prenos odgovornosti, ki jih običajno opravlja država registracije, z organa najemodajalca na organ najemnika, kot je določeno v zgornjih odstavkih,

ker je Slovenijaprotokol ratificirala z Uredbo o ratifikaciji protokolov o spremembah Konvencije o mednarodnem civilnem letalstvu (Uradni list RS – Mednarodne pogodbe, št. 3/00), s katerim je bil uveljavljen sporazum v zvezi s 83. *bis* členom,

ker je Irskaprotokol ratificirala s prenosom določenih funkcij, kot je opredeljeno v podzakonskem aktu S.I. 322 iz leta 1989 »NAVIGACIJA ZRAČNEGA PROMETA« (prenos določenih funkcij in dolžnosti države registracije zrakoplovov) Odredba 989, ki je uveljavila sporazum v zvezi s 83. *bis* členom.

Javna agencija za civilno letalstvo Republike Slovenije  JAVNA AGENCIJA ZA CIVILNO LETALSTVO

REPUBLIKE SLOVENIJE (CAA SI)

Kotnikova ulica 19A

Ljubljana

Slovenija

in

Irski urad za civilno letalstvo IRISH AVIATION AUTHORITY (IAA)

The Times Building,

11-12 D’Olier Street,

Dublin 2,

Irska

v nadaljnjem besedilu tudi »pogodbenika« ali organ države registracije in države operaterja sta se na podlagi 33. in 83. *bis* člena Čikaške konvencije dogovorili, da bosta zagotovili sprejemanje in izpolnjevanje nekaterih funkcij, predvsem opravljanje inšpekcijskih in nadzornih dejavnosti, potrebnih za zagotovitev, da se zrakoplovi v času najema uporabljajo in vzdržujejo v obojestransko zadovoljstvo.

**II - SPLOŠNO**

Uporabljajo se naslednji pomeni izrazov:

* **najemodajalec**: registrirani lastnik ali pogodbenik, ki daje zrakoplove v najem;
* **najemnik**: letalski prevoznik, pod katerega operativno licenco, vključno s spričevalom letalskega prevoznika (AOC), najeti zrakoplovi opravljajo prevoze;
* **organ države registracije (organ najemodajalca):** nacionalna agencija za civilno letalstvo države, kjer so zadevni zrakoplovi registrirani, Irski urad za civilno letalstvo (IAA) ali Javna agencija za civilno letalstvo Republike Slovenije (CAA SI);
* **organ države operaterja (organ najemnika):** nacionalna agencija za civilno letalstvo države, kjer ima letalski prevoznik zrakoplovov (najemnica) glavni sedež podjetja in ki je izdala spričevalo letalskega prevoznika, pod katerim najeti zrakoplovi opravljajo prevoze (Irslki urad za civilno letalstvo (IAA), ali Javna agencija za civilno letalstvo Republike Slovenije (CAA SI);
* **komercialni zračni prevoz (CAT):** pomemben je za operacije zrakoplovov, ki izvajajo prevoz potnikov, tovora ali pošte, za katere plača ali jih najame letalski prevoznik z licenco, kot je določeno v spremenjeni Uredbi (ES) št. 1008/2008 Evropskega parlamenta in Sveta o skupnih pravilih za opravljanje zračnih prevozov v Skupnosti;
* **država članica EASA:** ali država članica EU in vsaka država, ki sodeluje v sistemu EASA, kot ga priznava EASA.

1. V skladu s Čikaško konvencijo ter 4. in 5. členom podzakonskega akta S.I. 322 iz leta 1989 je Irska oproščena odgovornosti glede funkcij in dolžnosti, prenesenih na Javno agencijo za civilno letalstvo Republike Slovenije (CAA SI), ob ustrezni objavi ali obvestilu o tem sporazumu, kot je določeno v odstavku (b) 83. *bis* člena.
2. V skladu z Uredbo o ratifikaciji protokolov o spremembah Konvencije o mednarodnem civilnem letalstvu (Uradni list RS – Mednarodne pogodbe, št. 3/00) bo Slovenija oproščena odgovornosti glede funkcij in dolžnosti, prenesenih na Irsko, ob ustrezni objavi ali obvestilu o tem sporazumu, kot je določeno v odstavku b 83. *bis* člena.

**III – PODROČJE UPORABE SPORAZUMA**

Področje uporabe tega sporazuma je omejeno na zrakoplove v registru civilnih zrakoplovov na Irskem ali v Sloveniji, s katerimi slovenski ali irski letalski prevoznik opravlja komercialni zračni prevoz in določene nekomercialne operacije po najemni pogodbi brez posadke.

**IV – PRENESENE ODGOVORNOSTI**

Po tem sporazumu se pogodbenika dogovorita, da organ države registracije prenese na organ države operaterja odgovornosti, vključno z nadzorom in kontrolo nad ustreznimi odgovornostmi iz ustreznih prilog h konvenciji:

**Čikaška konvencija 12. člen:**

**Priloga 2**

***Pravila zračnega prometa*** – uveljavitev skladnosti z veljavnimi pravili in predpisi v zvezi z letenjem in manevriranjem zrakoplovov.

**Čikaška konvencija 30.b in 32.a člen:**

**Priloga 1**

***Licenciranje osebja* –** izdaja in potrjevanje licenc.

Poglavja 1, 2, 3 in 6

**Priloga 6**

***Upravljanje zrakoplova.***

Del I Mednarodni komercialni zračni prevoz – letala

Odstavek 9.1.2 *Licenca radijskega operaterja*

**Čikaška konvencija 31. člen:**

**Priloga 6**

***Upravljanje zrakoplova.***

Del I Mednarodni komercialni zračni prevoz – letala

Poglavja 5, 6, 7, 8 in 11

**Opomba:**

Vse odgovornosti, ki so običajno odgovornosti države registracije. Če so odgovornosti iz dela I priloge 6 v navzkrižju z odgovornostmi iz priloge 8 Plovnost zrakoplova, je porazdelitev nekaterih odgovornosti opredeljena v priloženem dodatku 1.

**Priloga 8**

**Plovnost zrakoplova – del II**

Poglavje 3 Oddelek 3: 2 Obnova spričevala o plovnosti.

Poglavje 3 Oddelek 3: 4 Omejitve zrakoplova in informacije o njem (AFM).

Poglavje 3 Oddelek 3: 5 Začasna izguba plovnosti.

Poglavje 3 Oddelek 3: 6 Škoda na zrakoplovu.

Poglavje 4 Stalna plovnost zrakoplova.

Prenos zgoraj navedenih odgovornosti je izveden v skladu s pogoji, določenimi v izvedbenih postopkih, pomembnih za ta sporazum.

Postopki v zvezi s stalno plovnostjo najetih zrakoplovov, ki jih mora najemnik upoštevati, so navedeni v priročniku za vodenje stalne plovnosti (CAME) in operativnem priročniku (OP).

**V – REGISTRACIJA IN PRIGLASITEV**

Sporazum ter vse spremembe bo organ države registracije registriral pri ICAO, kot zahteva 83. člen konvencije, in v skladu s predpisi za registracijo letalskih sporazumov in dogovorov pri ICAO (dokument ICAO 6685).

Overjena kopija tega sporazuma in ustrezni izvedbeni postopki ter njihove spremembe bo dal organ države operaterja na voljo letalskim operaterjem, za katere velja ta sporazum.Overjena kopija povzetka sporazuma (dodatek 4) mora biti na krovu vsakega zrakoplova. Tudi overjena kopija spričevala letalskega prevoznika (AOC), ki ga letalskemu prevozniku najemniku izda organ države operaterja, v kateri bodo zadevni zrakoplovi ustrezno in primerno opredeljeni, mora biti na krovu vsakega zrakoplova. Če je najemnik od svojega organa pridobil odobritev za sistem za navedbo registrskih oznak zrakoplovov, ki delujejo in so odobreni po tem spričevalu, morata biti seznam in ustrezni del operativnega priročnika, v katerem je ta sistem opisan, na krovu vsakega zrakoplova, za katerega velja ta sporazum.

Zrakoplovi, za katere velja ta sporazum, so navedeni na seznamu slovenskih letalskih prevoznikov in tipov zrakoplovov, registriranih na Irskem (seznam IA), in seznamu irskih letalskih prevoznikov in tipov zrakoplovov, registriranih v Sloveniji (seznam IIA). Sezname hranita in posodabljata Irski urad za civilno letalstvo (IAA) oz. Javna agencija za civilno letalstvo Republike Slovenije (CAA SI). Kopijo zgoraj navedenih seznamov, na katerih so zrakoplovi, za katere velja ta sporazum v času podpisa, mora depozitarni organ najemodajalca ali najemnika registrirati pri ICAO kot dodatek sporazumu, če je registriran po tem odstavku.

Depozitarni organ posodablja seznam prenesenih zrakoplovov, registriranih pri ICAO, vsakič ko se veljavnost tega sporazuma podaljša z najemom zrakoplova ali najemom dodatnega zrakoplova ali z novim obdobjem najema ali četrtletno, če je transakcij več, kot se dogovorita organa.

V času izvajanja tega sporazuma in preden se zrakoplov, ki je predmet tega sporazuma, odda v podnajem (najem s posadko ali brez posadke), organ države operaterja obvesti organ države registracije o tem predlogu.

Nobena dolžnost in funkcija, prenesena z organa države registracije na organ države operaterja, se ne sme izvajati pod vodstvom tretje države, pogodbenice ICAO, brez izrecnega pisnega dogovora z organom države registracije zadevnega zrakoplova.

**VI – DOVOLJENJE ZA NAJEM**

Vsaka organ zagotovi, da so najemne pogodbe dovoljene le, če so v skladu s pogoji iz tega sporazuma.

**VII – USKLAJEVANJE**

Sestanki organov bodo organizirani po potrebi, kjer se bo razpravljalo o operacijah in plovnosti, ki izhajajo iz inšpekcijskih pregledov, ki so jih opravili inšpektorji zadevnega organa. Na teh sestankih se lahko pregledajo naslednje zadeve:

* ta sporazum o 83 *bis*;
* letalske operacije;
* nadzor stalne plovnosti in vzdrževanje zrakoplovov;
* po potrebi priročniki letalskih prevoznikov za vodenje stalne plovnosti;
* vse druge zadeve, ki izhajajo iz inšpekcijskih pregledov;
* inšpekcijski pregledi SAFA;
* razno.

**VIII – ZAČETEK**

Prenos funkcij v zvezi z nadzorom najetih zrakoplovov bo začel organ države registracije z dopisom, ki se bo nanašal na sporazum ICAO o 83. *bis* členu s sklicevanjem na določen zrakoplov za uradni sprejem organa operaterja. V primeru sporazuma o podaljšanju najema bosta prenos in ustrezno sprejetje nalog pisno potrdila organa države registracije in operaterja pred začetkom novega obdobja najema. Organ najemnika zagotovi overjeno kopijo teh dopisov najemniku. (Vzorci teh dopisov so v dodatkih.)

**IX – UČINKOVANJE**

Pred začetkom operacij organ države registracije pošlje prošnjo za prenos funkcij na organ države operaterja. Organ najemodajalca navede datum poteka najema v začetni prošnji za prenos ali sprejemnem pismu organa najemnika.

Regulativne odgovornosti organov za vsak posamezen prenesen zrakoplov začnejo učinkovati, ko organ operaterja uradno sprejme prošnjo za prenos na podlagi tega sporazuma. Zato organ države operaterja pošlje uradni odgovor glede prenosa funkcij organu države registracije, v katerem navede sprejetje ali zavrnitev določenega zrakoplova pod pogoji 83. *bis* člena sporazuma o prenosu.

Elektronski prenos (e-pošta) prošnje države registracije in njenega sprejema države operaterja je sprejemljiv za oba pogodbenika.

Regulativne odgovornosti organov za najete zrakoplove, za katere velja ta sporazum, prenehajo učinkovati 24 ur po obvestilu organa države registracije ali organa države operaterja, vendar najpozneje do datuma poteka sporazuma o najemu zrakoplovov, kot določi kateri koli od pogodbenikov.

**X – DAJATVE**

Vsak organ bo pristojbine in stroške zaračunaval v skladu s svojimi predpisi.

**XI – SPREMEMBE IN PRENEHANJE VELJAVNOSTI SPORAZUMA**

Organ države registracije je odgovoren za registracijo sporazuma o 83. *bis* členu in sprememb pri ICAO, kot je dogovorjeno z organom države operaterja. Vsebina splošnega sporazuma in dodatkov se lahko spremeni s pisnim soglasjem in podpisom obeh pogodbenikov. Sporazum preneha veljati po šestdesetih (60) dneh od pisnega obvestila katerega koli pogodbenika o prenehanju tega sporazuma.

Ob prenehanju veljavnosti sporazuma ali odstranitve zrakoplova iz tega sporazuma se bodo odgovornosti, podrobno opisane v poglavju IV (Prenesene odgovornosti), vrnile z države operaterja na državo registracije. Država registracije bo ICAO obvestila o prenehanju veljavnosti sporazuma o 83. *bis* členu za deaktivacijo vpisa v sistem registracije in objave ICAO. Če 83. *bis* člen preneha veljati iz razlogov, ki niso povezani s prenehanjem veljavnosti osnovnega sporazuma o najemu ali drugega sporazuma, mora o tem pristojni organ obvestiti lastnika/operaterja.

**XII – SKLEP**

Ta sporazum bo začel veljati na dan podpisa in prenehal veljati z dogovori o najemu letal, v skladu s katerimi se upravljajo zrakoplovi, najeti brez posadke.

Izvedbeni postopki tega sporazuma so vključeni v priložene dodatke.

Po potrebi ima država registracije pravico opraviti inšpekcijske preglede ali revizije države operaterja, s tem zagotovi, da država operaterja izpolnjuje obveznosti nadzora varnosti, ki so prenesene s tem sporazumom. Država registracije ima dostop do osnovne varnostne dokumentacije o zadevnih operaterjih države operaterja.

Nesoglasja glede razlage ali uporabe sporazuma pogodbenika rešita s posvetovanji in ne bodo posredovana mednarodnemu sodišču, razsodišču ali tretji stranki.

Sporazum se uporablja z dnem podpisa obeh pogodbenikov.

Sporazum sprejmeta in podpišeta pogodbenika v dveh izvirnikih, v slovenskem in angleškem jeziku, s tem da sta enakovredni obe jezikovni različici.

**SLOVENIJA:** Javna agencija za civilno letalstvo Republike in **IRSKA:** Irski urad za civilno letalstvo (IAA)

Slovenije (CAA SI)

Za Za

Javno agencijo za civilno letalstvo Republike Slovenije Irski urad za civilno letalstvo

ga. Andreja Kikec Trajković **[Ime]**

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v. d. direktorja Javne agencije za civilno letalstvo Direktor varnostnih predpisov

Republike Slovenije

Irski urad za civilno letalstvo

Datum …. Datum … December 2021

Žig organa; Žig organa;

**Dodatek 1**

**I - NAMEN**

Namen tega dodatka je zagotoviti podrobne delovne dogovore med organoma države registracije in operaterja o izvajanju sporazuma ICAO o 83. *bis* členu, ki bodo organoma omogočali opravljanje zakonskih obveznosti za stalno plovnost zrakoplovov, najetih brez posadke, in izogibanje neupravičeni obremenjenosti z odpravo podvajanja nalog.

Uporablja se uredba Evropske unije (EU) (tj. uredba Evropskega parlamenta in Sveta ali Evropske komisije) ali ukrepi EASA, za katere ta sporazum posredno ali neposredno velja, v skladu z ustreznim veljavnim seznamom ob najnovejši spremembi, kot je objavljena v Uradnem listu Evropskih skupnosti oz. na spletni strani EASA (ref. Sklep izvršnega direktorja 2003/8/RM), ki začne veljati na dan, ko je treba določeno uredbo ali ukrep upoštevati ali posredovati za izpolnjevanje pogojev tega sporazuma. Če organ države operaterja odobri izjeme v skladu z določbami 71. člena Uredbe (EU) 2018/1139 Evropskega parlamenta in Sveta glede zrakoplovov, za katere veljajo določbe tega sporazuma, je treba izjeme priglasiti pri organu države registracije, takoj ko je mogoče, razen če drugje v tem sporazumu ni izrecno določeno drugače. Vse zahteve EASA, ki so posredno ali neposredno zahtevane v tem sporazumu in na katere se je treba sklicevati za zagotovitev skladnosti s pogoji tega sporazuma, so zahteve ob najnovejši spremembi.

Glede dejavnosti certifikacije ali nadzora odgovornosti v zvezi z uredbami EU, za katere se organ države operaterja šteje za pristojni organ, lahko organ države operaterja sprejme drugačne načine za skladnost z uredbami EU, poleg tistih, ki jih objavi EASA, ko se prepriča, da zgoraj navedeni material izkazuje skladnost z zadevno uredbo EU.

Tabela navzkrižnih referenc za opredelitev pristojnega organa glede dolžnosti in odgovornosti iz dela M, ki izhajajo iz dolžnosti in odgovornosti, prenesenih z organa države registracije na organ države operaterja v skladu s 3. členom tega sporazuma, je v dodatku 3.

**II – IZVEDBA**

Za izvedbo so kontaktne točke organov za vsa vprašanja o plovnosti in večjih spremembah ter načelna vprašanja:

**Irski urad** **za civilno letalstvo Javna agencija za civilno letalstvo Slovenija**

**The Times Building, Kotnikova ulica 19A**

**11-12 DOlier Street 1000 Ljubljana,**

**Dublin 2**

**Irska Slovenija**

**g. Nicholas Butterfield g. Matej Dolinar**

Tel. +353-1-603 1520 Faks. +353-1-6793349**.** Tel. +386-1- 244 66 34 **/** +386-1-244 66 00

E-poštni naslov: [registration@iaa.ie](mailto:registration@iaa.ie) E-poštni naslov: [matej.dolinar@caa.si](mailto:matej.dolinar@caa.si) / info@caa.si

Opomba: Kontaktne podatke posameznega organa bosta zagotovila organa najemodajalca in najemnika, ko bodo posamezni zrakoplovi preneseni na operaterje najemnika.

Glede trenutnih dejavnosti, ki jih je treba izvesti v skladu s temi postopki, bodo inšpektorji organa, odgovorni za določen zrakoplov, ali operaterji uskladili posebne intervencije in potrebno izmenjavo informacij.

**III – OPREDELITEV PROJEKTA TIPA**

Zrakoplov in vsak izdelek ali del morata biti skladna s projektom tipa, ki ga je odobrila EASA (nanaša se na določbe Uredbe Komisije (EU) št. 748/2012).

Organ države registracije bo odgovoren za preverjanje skladnosti s to zahtevo ob dostavi zrakoplova najemniku, če je najete zrakoplove prej upravljal operater iz tretje države.

Organ operaterja najemnika bo odgovoren za nadzor stalne skladnosti s to zahtevo v obdobju, ko za zrakoplov velja ta sporazum.

**IV – SPREMEMBE PROJEKTA TIPA**

Pred kakršno koli spremembo je treba izrecno dovoljenje registriranega lastnika zrakoplova, ki se uporablja za ta sporazum.

Razvrstitev večjih ali manjših sprememb projekta tipa je v delu 21 Uredbe Komisije (EU) št. 748/2012.

Spremembe projekta tipa v večje ali manjše razvrsti subjekt, ki lahko izvaja tehnične preiskave v skladu z delom 21 Uredbe Komisije (EU) št. 748/2012 in je odobren po naslednjem postopku:

* spremembe zrakoplova se lahko izvedejo po neposredni odobritvi EASA ali prek sistema odobritve projektivne organizacije, ali če so drugače sprejete v skladu z dvostranskimi sporazumi ali delovnimi pogodbami z EASA, ki veljajo v času spremembe projekta tipa.

Organ države operaterja zagotovi, da operater sprejme ustrezne postopke za preprečitev izvedbe sprememb najetega zrakoplova v nasprotju z zgornjimi določbami.

Spremembe, ki jih uvede organizacija, odgovorna za projekt tipa (običajno v obliki servisnega biltena proizvajalca zrakoplova), in odobri organ države projektiranja, so odobrene za izvedbo v zrakoplovih, na katere se nanašajo.

Spremembe projekta, odobrene v skladu s tem postopkom, bodo v zrakoplov vključene v skladu s poglavjem VII Vzdrževanje.

**V – SKLADNOST Z OPERATIVNIMI ZAHTEVAMI**

Najeti zrakoplovi so opremljeni v skladu z operativnimi zahtevami, ki jih določi država operaterja za predvideno vrsto operacij.

Skladnost z nacionalnimi operativnimi zahtevami, vključno z zahtevami, ki lahko vplivajo na konstrukcijo zrakoplova, bo ostala odgovornost organa operaterja, s katerim so spremembe povezane, če so bili projektni podatki odobreni v skladu s postopkom, določenim v poglavju IV.

Zrakoplove je treba upravljati v okviru omejitev, opisanih v priročniku za letenje zrakoplova (AFM), ki ga odobri EASA, ali se šteje, kot da ga je odobrila EASA po Uredbi Komisije (EU) št. 748/2012 v skladu s postopki EASA. Priročnik za letenje zrakoplova lahko zajema spremembe, odobrene v skladu s postopki EASA glede opreme, ki jo zahtevajo operativni predpisi države operaterja.

Koda države operaterja se uporablja kot koda oddajnika signala na kraju nesreče (ELT).

**VI – STALNA PLOVNOST**

V skladu s prilogo 8 ICAO bo država projektiranja obvestila organ države registracije o vseh obveznih dejavnostih za zagotovitev plovnosti zrakoplova. Organ države registracije sprejme obvezne informacije o plovnosti, ki jih izda organ države projektiranja, ali jih oceni in sprejme ustrezne ukrepe proti njim. Poleg prej navedenih lahko organ države registracije izda in določi kot obvezne tudi druge dejavnosti za plovnost, če ugotovi nevarno okoliščino, ki vpliva na zrakoplov istega tipa v svoji nacionalni floti, ki zahteva takojšnje ukrepanje.

**Plovnostne zahteve in neskladnosti**

V skladu z zgoraj navedenim, Uredbo (EU) 2018/1139 in Uredbo Komisijo (EU) št. 1321/2014, kakor sta bili spremenjeni in sklepom izvršnega direktorja organa št. 2/2003 z dne 14. oktobra 2003 (ali poznejša objava) mora biti zrakoplov skladen z vsemi plovnostnimi zahtevami, ki veljajo za ta zrakoplov in vse njegove sestavne dele in jih nalaga EASA ali ustrezen organ države projektiranja, razen če je EASA izdala drugačen sklep pred datumom začetka veljavnosti te plovnostne zahteve, ali organ države operaterja/registracije po določbah 70. člena Uredbe (EU) 2018/1139 Evropskega parlamenta in Sveta z dne 20. februarja 2008. Organ države operaterja preveri, da je operater zrakoplovov (najemnik) sprejel vse plovnostne zahteve in druge dejavnosti za plovnost, ki jih nalagajo EASA, država projektiranja, država registracije/organ operaterja za tip zadevnega zrakoplova in njegove dele/izdelke. Najemnik mora hraniti in posodabljati vse zgoraj navedene veljavne plovnostne zahteve.

Organ države operaterja bo zahteval tudi skladnost najetih zrakoplovov s plovnostnimi zahtevami, ki veljajo za zadevni model zrakoplova ali njegove dele/izdelke in jih izda organ države operaterja v skladu z določbami 70. člena Uredbe (EU) 2018/1139 Evropskega parlamenta in Sveta, če je bila ugotovljena nevarna okoliščina, ki vpliva na zrakoplov istega tipa, ki zahteva takojšnje ukrepanje, in EASA ali organ države projektiranja ni naložil enakovredne dejavnosti za plovnost. Tako se bodo posledice programa projetkiranja ali vzdrževanja, ki izhajajo iz zgoraj navedenih obveznih dejavnosti za plovnost, obravnavale v skladu s pogoji ustreznih členov tega sporazuma.

Organ operaterja bo moral zagotoviti, da se vse veljavne plovnostne zahteve in druge obvezne dejavnosti za plovnost primerno uporabljajo za najete zrakoplove. Vse plovnostne zahteve in druge informacije o obveznih dejavnostih za stalno plovnost, ki jih izdata organa države registracije in države operaterja, so objavljene na njunih spletnih straneh. Vse plovnostne zahteve in obvezne zahteve EASA in države projektiranja so objavljene na njunih spletnih straneh. Operater redno pregleduje vse te spletne strani, da zagotovi skladnost s temi zahtevami glede najetih zrakoplovov in njihovih sestavnih delov.

Odstopanja od plovnostnih zahtev ali drugih obveznih dejavnosti za plovnost bosta na prošnjo uskladila organa države operaterja in države registracije za vsak posamezen primer, odobrena pa morajo biti v skladu s predpisi in postopki EASA.

Vse neskladnosti, ki izhajajo iz pomanjkljivosti pri proizvodnji ali vzdrževanju, upravljata organa države operaterja in države registracije v skladu s politiko EASA. Preventivna usklajevalna politika med organoma države operaterja in države registracije bo uvedena, če so vpleteni zrakoplovi, za katere velja ta sporazum.

**Dogodki med delovanjem**

O dogodkih med delovanjem letala mora operater najemnika poročati svojemu organu v skladu z zahtevami nacionalnega sistema poročanja o dogodkih.

Organ države operaterja mora za operaterja določiti vrsto servisnih informacij, o katerih je treba poročati organu države registracije. Po nacionalnem sistemu poročanja o dogodkih (priloga 6 8.5.1 in priloga 8 4.2.3(f) in 4.2.4 ICAO) spodaj navedeni dokumenti vključujejo opise vrste servisnih informacij in ustreznega časa poročanja, ki je enak v obeh državah, o katerih je treba poročati glede na regulatorne sisteme držav registracije in operaterja:

* Uredba (EU) 376/2014
* Izvedbena Uredba Komisije (EU) 2015/1018 (kakor je bila spremenjena)
* Uredba Komisije (EU) št. 1321/2014 (kakor je bila spremenjena), dela M.A.202 in 145.A.60
* Izvedbena Uredba Komisije (EU) 965/2012 (kakor je bila spremenjena), ORO.GEN.160
* Izvedbena Uredba Komisije (EU) 1178/2011 (kakor je bila spremenjena), ORA.GEN.160

Za prenesene zrakoplove je treba o nezgodah, incidentih in dogodkih poročati organu države registracije/EASA prek njunega portala za poročanje o dogodkih na spletnih straneh. Naslovi spletnih strani so navedeni v dodatku 1.

Organ operaterja bo zagotovil, da operater najemnika pošlje kopijo poročil o pomembnih dogodkih, ki vplivajo ali bi lahko vplivali na stalno plovnost najetega zrakoplova ali spričevalo o plovnosti ali potrdilo o pregledu plovnosti, organu države registracije, da mu omogoči izvedbo ustreznih korektivnih ukrepov. V takih primerih organ države registracije prizna, da lahko v skladu s prilogo 8 3.6.2 ICAO organ države operaterja prepreči nadaljevanje leta zrakoplova, če organ države operaterja obvesti organ države registracije, da je sprejel ukrepe, in omogoči, da organ države registracije sprejme ustrezne ukrepe v skladu s prilogo 8 3.6.1 ICAO. Dovoljenja za nadaljevanje letov, ki zrakoplovu dovolijo, da odleti do odobrenega objekta za vzdrževanje, kjer bo povrnjen v stanje plovnosti, se izdajo v skladu s poglavjem VIII.

Organ države operaterja zagotovi, da operater najemnika prenese informacije o pomembnih dogodkih, ki vplivajo na stalno plovnost najetega zrakoplova, organizaciji, odgovorni za projekt tipa (Uredba Komisije (EU) št. 1321/2014, del M, točka M.A.202, Izvedbena Uredba Komisije (EU) 965/2012, ORO.GEN.160, priloga 6 8.5.1 in priloga 8 4.2.3(f) ICAO).

Organ države registracije zagotovi prenos informacij o pomembnih dogodkih organu države projektiranja. Spremljanje vsakega prijavljenega dogodka, ki vpliva ali bi lahko vplival na stalno plovnost najetega zrakoplova, organa države projektiranja do zadovoljivega zaključka, nadzira organ države operaterja skupaj s pristojnim organom po sistemu EASA.

Organa države operaterja in države registracije bosta zagotovila pravočasno izmenjavo informacij o vseh rezultatih poznejših preiskovalnih faz pomembnih dogodkov med delovanjem najetega zrakoplova.

Organ države operaterja bo zagotovil, da operater pridobi in oceni informacije in priporočila o plovnosti, ki so na voljo pri organizacijah za projektiranje tipa, in izvede dejavnosti, za katere organa države operaterja in države registracije menita, da so potrebne.

Organ države operaterja bo zagotovil, da operater nadzira in oceni vzdrževanje in operativno izkušnjo glede stalne plovnosti, varnosti letov in preprečevanja nezgod (priloga 6 3.21 in priloga 8.5.1 ICAO). Ustrezni postopki so opisani v operativnem priročniku operaterja in priročniku za vodenje stalne plovnosti (CAME).

**Priročnik za vodenje stalne plovnosti in program vzdrževanja**

Organ države operaterja bo zagotovil, da bo najemojemalec ustrezno potrjen, kot je potrebno skladno s poddelom G dela M.A. ali delom CAMO (Organizacija za vodenje stalne plovnosti) za upravljanje neprekinjene plovnosti zrakoplova, s katerim upravlja, vključujoč najem zrakoplova brez posadke (»dry lease«), na katerega se dogovor nanaša.

Organ države operaterja bo zagotovil, da operaterji priročnika vodenja stalne plovnosti (CAME) in program vzdrževanja zrakoplova ustrezajo zahtevam države upravljavca. Agencija države operaterja bo odobrila CAME in vse njegove revizije skladno z ustreznim delom M Uredbe EU 1321/2014 z dopolnitvami.

Organ države operaterja bo odobril enkratno odstopanje od odobrenega programa vzdrževanja skladno z veljavnimi postopki. Program vzdrževanja bo, kot velja, temeljil na MRBR, priporočilih za nosilca certifikata proizvajalca/tipa (TCH) (npr. MPD), mednarodnih standardih itd. (glejte M.A.302).

Kjer program zanesljivosti predstavlja del ali je pogoj razporeda vzdrževanja, ki ga odobri organ države operaterja, bo organ države operaterja spremljal učinkovitost programa.

Najemojemalec (letalski prevoznik) bo na podlagi soglasja organu države operaterja periodično predložil kopijo poročila o zanesljivosti zrakoplova organu v državi registracije.

Organ države operaterja in organi registracije bodo še posebej pri dogovorih o najemu zrakoplovov brez posadke za šest mesecev ali manj in pri potrjevanju/sprejemu programa vzdrževanja upoštevali dodatno breme za operaterja in s tehničnih vidikov, povezanih s kratkoročnim najemom in ponovno dostavo najetega zrakoplova lastniku. Nadzor vzdrževanja zrakoplova bo izvajal organ države operaterja skladno s standardnimi postopki, pripravljenimi v skladu z ustreznim delom M Uredbe EU 1321/2014.

**VII – POPRAVILA**

Prošnja za popravila zrakoplova se bo izvedla pod nadzorom in odgovornostjo organa države operaterja skladno z običajnimi postopki.

Kategorizacija večjih in manjših popravil bo izvedena skladno s kriteriji dela 21 Uredbe EU 748/2012 za spremembo tipske zasnove.

Organ države operaterja bo zagotovil, da najemojemalec (operater) izvaja postopke za preprečevanje popravil najetega zrakoplova v nasprotju z zgornjimi določili. Organ države registracije mora biti pred izvajanjem popravil obveščen o vsakršni škodi, ki bi nastala zaradi večje nezgode. Doseganje odobrenih popravil na zrakoplovu se izvaja skladno s poglavjem VIII »Vzdrževanje«.

**VIII – VZDRŽEVANJE**

Najeti zrakoplov, njegovi motorji in oprema se vzdržujejo skladno s programom vzdrževanja operaterja najemojemalca, ki ga odobri organ države operaterja skladno z ustreznimi zahtevami dela M Uredbe EU 1321/2014 in njenih dopolnitev. Organ države operaterja mora potrditi vsakršno stalno spremembo (npr. povečanje števila intervalov, spremembe vsebine in kategorizacija ali izbris vzdrževalnih nalog itd.) programa vzdrževanja zrakoplovi skladno z ustreznimi zahtevami dela M Uredbe EU 1321/2014.

Operativna oprema se vzdržuje skladno s specifikacijami za vzdrževanje organa države operaterja, kadar dokumentacija vzdrževanja proizvajalca opreme navaja take zahteve (npr. zahteve v dokumentaciji vzdrževanja proizvajalca/nosilca certifikata tipa, kakor določajo nacionalni predpisi/NAA). Če ne obstajajo zahteve za operativno opremo specifikacije vzdrževanja proizvajalca ali organa države operaterja, veljajo zahteve organa države operaterja, če obstajajo.

Organizacija za vzdrževanje (OV), ki je potrjena/sprejeta skladno z Uredbo EU 1321/2014, del 145, bo izvajala in izdajala vse vzdrževalne preglede, spremembe in popravila na zrakoplovu.

Vzdrževalna dela mora izvajati osebje, ki ga ustrezno licencira oziroma kvalificira organizacija za vzdrževanje skladno s standardi, sprejemljivimi za organ države operaterja. Zrakoplov ali komponente bodo primerne za delovanje, kakor določi osebje, licencirano skladno z delom 66 Uredbe EU 1321/2014, ali kakor to prizna ali potrdi organ države operaterja skladno z veljavnimi določili Uredbe EU 1321/2014.

**IX – EVIDENCE**

Organ države operaterja bo zagotovil, da se prenesejo vse evidence servisiranja in vzdrževanja za najeti zrakoplov, kot je določeno v delu I priloge 6 ICAO, oziroma da so na voljo in/ali dosegljive najemojemalcu operaterju v času dobave zrakoplova in da dovoli popoln in natančen izbor informacij, za katere presodi, da so potrebne za upravljanje stalne plovnosti zrakoplova v najemnem obdobju.

Evidenčni sistem za stalno plovnost zrakoplova najemojemalca mora izpolnjevati ustrezne zahteve dela M Uredbe EU 1321/2014. Evidence o vzdrževanju in plovnosti bo vodil letalski prevoznik zrakoplova (najemojemalec) skladno s postopki, ki jih odobri organ države operaterja. Evidence bo najemojemalec operater prenesel na najemodajalca zrakoplova ob koncu obdobja najema.

Evidenčni sistem operacij zrakoplova najemojemalca se mora skladati z nacionalnimi operativnimi zahtevami ustrezne države operaterja, kakor velja v povezavi s posebno vrsto operacij in kategorizacijo plovila (tj. zahteve za zračne operacije).

Organ operaterja bo zagotovil, da najemojemalec (operater) da na razpolago te evidence najemodajalcu zrakoplova in organi države registracije ob koncu obdobja najema. Dodatno bo organ operaterja zagotovil, da bo najemojemalec (operater) dal na razpolago te evidence, kot je primerno, pristojnemu organu, ali če se stranki tega sporazuma dogovorita drugače, skladno z določilom dela M, ali kot velja za pogodbeno odobren CAMO za izvajanje periodičnih pregledov plovnosti zrakoplova za izdajo ali priporočanje izdaje potrdila o pregledu plovnosti (ARC).

Organi bodo zagotovili, da so v času prenosa zrakoplova te evidence predstavljene skladno z načeli iz priloge D k poglavju 6 ICAO Doc. 9670/AN967 *Priročnik o plovnosti*.

Če operater zrakoplov prenese na drugo državo članico EASA ali je pred najemom zrakoplov registriran v kateri koli državi, bo organ države registracije odobril evidence o vzdrževanju in zgoraj navedeno dokumentacijo, preden organ najemojemalca pooblasti najem.

Izdaja prvega certifikata plovnosti in s tem povezanega ARC, ki ga izda organ države registracije za zrakoplov, se upošteva kot odobritev stanja dokumentacije o zrakoplovu in povezanih evidencah o vzdrževanju.

Med izvajanjem dejavnosti, ki vodijo do odobritve sporazuma o najemu, in pred dobavo zrakoplova najemojemalcu (operaterju), bodo pristojni inšpektorji skupaj z višjim vodstvom in s pomočjo najemodajalca in najemojemalca sodelovali pri zagotavljanju, da se evidence o vzdrževanju in dokumentacija za izdajo certifikata o plovnosti ali povezanega organa države registracije ARC predložijo najemojemalcu (operaterju) za zagotavljanje stalne plovnosti zrakoplova med obdobjem najema.

**X – LETALSKE OPERACIJE IN POOBLASTILO**

Organ operaterja bo odgovoren za pooblastitev vseh operacij v zvezi z najetim zrakoplovom skladno z veljavnimi operativnimi zahtevami. Operacije se bodo izvajale skladno s potrjenim letalskim priročnikom EASA (AFM), ki se upošteva kot EASA, potrjenim skladno z Uredbo (EI) 748/2012, in z operativnim priročnikom, ki ga potrdi organ operaterja. Spremembe zrakoplova za skladnost z operativnimi zahtevami se obravnavajo skladno s poglavjem V tega dodatka.

**Potrjeni seznam minimalne opreme** in njegove spremembe za vsak najeti zrakoplov mora potrditi organ operaterja in ni nič manj omejevalen kot potrjeni/sprejeti glavni seznam minimalne opreme EASA. Če ta glavni seznam minimalne opreme ne obstaja, se lahko uporabi alternativni glavni seznam minimalne opreme (npr. glavni seznam minimalne opreme, ki ga pripravi nosilec certifikata tipa in ki ga potrdi organ države projekta, glavni seznam minimalne opreme, ki ga pripravi ali potrdi drug organ države članice EU ali FAA), za kar velja odobritev/dogovor z organom operaterja; vsak odklon od potrjenega seznama minimalne opreme mora oceniti in potrditi organ najemojemalca skladno z nacionalnimi postopki.

Kopijo seznama minimalne opreme operaterja, vključno z dopolnili, mora zagotoviti operater zrakoplova organu države registracije.

**Dovoljenje za letenje** registriranega zrakoplova, kadar ta zrakoplov začasno ni v stanju plovnosti, izda organ države registracije na podlagi prošnje upravičenega subjekta (najemodajalec ali najemojemalec itd.) skladno z Uredbo Komisije (EU) 748/2012.

Dovoljenje za letenje EASA lahko predpisuje omejevalne pogoje, ki dovoljujejo letenje zrakoplova brez potnikov, ki plačajo za let, potrjeni ustanovi za vzdrževanje, pri tem se zrakoplov obnovi v stanje plovnosti (glejte Uredbo Komisije (EU) 748/2012, »Pogoji letenja«). Tako potrdilo se na primer lahko izda za: doseganje obveznih zahtev plovnosti, smernice plovnosti, popravila zrakoplova itd., ki zahtevajo, da zrakoplov leti v potrjeno ustanovo za vzdrževanje. Organ države registracije bo skupaj z organom države operaterja, takoj ko bo mogoče, koordiniral izdajo dovoljenja za letenje s posredovanjem kopije ustrezne dokumentacije za odobritev.

**Letalske operacije** bo izvajal operater najemojemalca, ki zaposluje letalsko posadko in druge operativne člane posadke z licenco ustrezne stopnje, ki jo izda ali potrdi letalski organ države operaterja »najemojemalca« ali pogodbena država ICAO in jo za veljavno sprejme letalski organ države operaterja skladno z nacionalno zakonodajo.

Skladno z Uredbo Komisije (EU) št. 1178/2011 se licence za letalsko posadko, ki jih izda organ najemojemalca, potrdijo samodejno. Vsaka licenca člana letalske posadke mora pod postavko XIII imeti naslednjo opombo: »Ta licenca je samodejno potrjena skladno s prilogo ICAO k tej licenci.« Licenci mora biti priložena kopija priloge ICAO, prikazane v dodatku 6.

Najeti zrakoplov lahko upravlja najemojemalec TRTO/ATO skladno z naslednjimi zahtevami:

* zrakoplov mora biti vključen v priročnike in postopke TRTO/ATO;
* licence vseh inštruktorjev, ki letijo s tem zrakoplovom, mora potrditi organ najemodajalca skladno z zgoraj navedenimi smernicami,
* če zrakoplov leti zaradi preiskave, mora biti licenca preiskovalca tudi potrjena,

če je preiskovalec odgovoren pilot/sopilot.

* zrakoplov ostane na Spričevalu letalskega prevoznika (AOC) za operacije TRTO/ATO, ki jih izvaja najemojemalec.

Organ najemodajalca izda dovoljenje za letenje zaradi »demonstracije leta« najetega zrakoplova, kadar spričevalo o plovnosti zrakoplova ni veljavno, in sicer v situacijah, ki niso navedene zgoraj.

**XI –PREGLED IN NADZOR**

Med trajanjem najema mora organ najemojemalca izpolnjevati nadzorne dejavnosti in izvajati preglede za najeti zrakoplov (npr. revizija izdelka, ki ga izbere organ države operaterja skladno z načrtom nadzora CAMO/AOC najemojemalca itd.) in operaterja najemojemalca skladno z veljavnimi postopki za preverjanje, da se operacije zrakoplova izvajajo skladno z veljavnimi standardi plovnosti, operativnimi zahtevami in določili ter pogoji, določenimi v tem dodatku.

Na izrecno zahtevo najemodajalca in ob razumnem vzroku bo organ najemojemalca dovolil organu najemodajalca, da izvede pregled najemojemalca (operaterja) in najetega zrakoplova ter da bo zagotavljal pomoč pri izvajanju pregleda, če bo taka zahteva. Kadar tako zahteva organ najemodajalca, te preglede izvede organ najemojemalca.

Ugotovitve, sprejete med izvedbo zgoraj navedenega pregleda in nadzora, mora nemudoma obdelati ustrezen organ skladno z ustreznimi veljavnimi zahtevami. Vsak organ bo obvestil drug organ o ugotovitvah ali dejanjih, ki vplivajo na veljavnost spričevala ali dokumentacije, izdane za najeti zrakoplov, ali določila in pogoje pooblastila za najem ali najemojemalca (operaterja). Če bo to mogoče in odvisno od stopnje ugotovitev, bodo država registracije in organi države operaterja izvedli ustrezno in pravočasno koordinacijo ter omogočili vsakemu pogodbeniku, da sprejme ustrezne ukrepe glede ugotovitev skladno z veljavnimi zahtevami.

Organi države registracije in države operaterja bodo zagotovili, da bo evidence za pregled in nadzor, ki jih izvajajo skladno z zahtevami dela M in tem dogovorom, arhiviral vsak organ, kot določa del M.

**XII –** **STALNA VELJAVNOST** **SPRIČEVALA O PLOVNOSTI**

Stalna veljavnost spričevala o plovnosti najetega zrakoplova bo zagotovljena skladno z zahtevami dela M Uredbe EU 1321/2014.

Organizacija za vodenje stalne plovnosti (C.A.M.O.), ki jo organ države operaterja ustrezno potrdi in privilegira skladno s poddelom G dela M CAMO, lahko izda, podaljša ali predloži priporočila za izdajo Potrdila o pregledu plovnosti (ARC) za posamezen zrakoplov, za katerega veljajo določila tega sporazuma. Kopija ARC, ki jo izda ali podaljša zadevna CAMO, se predloži organizaciji organa države registracije in organu države operaterja v desetih dneh po izdaji ali podaljšanju ARC. Operater najemojemalca bo spremljal skladnost s temi določili.

Ko nastanejo pogoji M.A.901, ki jih za izdajo ARC izda pristojni organ, se izvede pregled plovnosti zrakoplova in organ države registracije izda ustrezno ARC skladno z zahtevami dela M. Organ države registracije pošlje kopijo ARC organu države operaterja ali prek najemojemalca (operaterja) zrakoplova v 10 delovnih dneh od datuma izdaje ARC.

Ugotovitve, pridobljene med analizo priporočila CAMO in izvajanjem pregleda plovnosti, mora organ države operaterja nemudoma obdelati skladno z zahtevami dela M (M.B.903, M.B.304).

Organ države operaterja bo, če bo mogoče glede stopnje ugotovitev, pravočasno izvedel koordinacijo, da se najemojemalcu omogočita sprejem in izvedba ustreznih ukrepov skladno s temi ugotovitvami in zahtevami dela M.

Na podlagi vsakega posameznega primera in ob hkratnem upoštevanju pristojnosti EASA lahko organa države registracije in države operaterja sprejmeta ureditve in se dogovorita o alternativnih postopkih, ki omogočajo izdajo ARC za najeti zrakoplov.

Organi države registracije ali nacionalni državni organi bodo izdali/obnovili dopolnilna potrdila za zrakoplove/dovoljenja (tj. za hrup, radijsko licenco za zrakoplov itd.).

Ko sporazum za specifičen zrakoplov preneha veljati, se zrakoplov vrne organu države operaterja na polno odgovornost organa države registracije in z veljavnim potrdilom o pregledu plovnosti (ARC).

**XIII – SODELOVANJE**

Vsak organ bo zagotovil, da je drug organ obveščen o vseh veljavnih standardih plovnosti, operativnih zahtevah, operativnih zahtevah glede zasnove in povezanih zahtevah svoje države, in se bo z drugim organom posvetoval o predlaganih spremembah, če te lahko vplivajo na izvajanje tega sporazuma in dodatka.

Vsa odstopanja/izjeme, izdane skladno z 71. členom Uredbe EU 2018/1139, ki zadevajo zrakoplov, za katerega veljajo določila tega sporazuma, bosta koordinirala organ države registracije in organ države operaterja, pri tem se bosta morali obe državi o tem strinjati pred izdajo.

Vsak organ bo zagotovil razumno pomoč, ki jo zahteva drug organ pri izvajanju pregledov, preiskav in drugih funkcij za najetje zrakoplov.

Ob nasprotujočih si razlagah veljavnih standardov stalne plovnosti, operativnih zahtev, operativnih zahtev glede zasnove ali povezanih zahtev za zrakoplov bosta organ države registracije in organ države operaterja skupaj določila ustrezne ukrepe ob upoštevanju smernic EASA/EU in ICAO.

Za CAA SI – Slovenija Za IAA – Irska

Javna agencija za civilno letalstvo Republike Slovenije Irski urad za civilno letalstvo

Slovenija Irska

------------------------------------------------------------------------------------------------------------------------------------

ga. Andreja Kikec Trajković g. Diarmuid Ó Conghaile

vršilka dolžnosti direktorja regulator letalstva/imenovani izvršni direktor

*Žig* *Žig*

Datum: Datum: …

**Dodatek 2**

**VZOREC DOPISA O ZAHTEVI ZA PRENOS**

Datum:

REF: REF: AWSD/poddel/37/1/000

ali

v. d. direktorja Javne agencije za civilno letalstvo Direktor za varnost in regulativo

Republike Slovenije (CAA SI) Irski urad za civilno letalstvo

Kotnikova ulica 19A The Times Building,

1000 Ljubljana, Dublin 2,

Slovenija Irska

Zadeva:

prenos zahteve za nadzor registracije za zrakoplov, registriran na Irskem/v Sloveniji

»EI- AAA ali S5-AAA (MSN XXXXX)« za operacijo z letalsko družbo xxxxxxx na Irskem/v Sloveniji.

Spoštovani,

v skladu s splošnimi pogoji, navedenimi v 83. *bis* členu Konvencije o mednarodnem civilnem letalstvu in Statutornim instrumentom S.I. 322 Odloka o zračni plovbi 1989 (Prenos nekaterih funkcij in nalog države registracije zrakoplova), ta organ želi prenesti naslednje funkcije na Agencijo za civilno letalstvo Slovenije/Irske glede najema irskega/slovenskega registriranega zrakoplova, medtem ko ga upravlja letalska družba XXXXX, Slovenija/Irska.

**1 Priloga 1 Licenciranje osebja**

Poglavje 2 Licence in ocene za pilote

Poglavje 3 Licence za člane letalske posadke, ki niso licence za pilote

Poglavje 4 Licence in ocene za osebje, ki ni član letalske posadke

Poglavje 6 Zdravstvene določbe za licence

**2 Priloga 2 Pravila zračnega območja**

**3 Priloga 6 Delovanje zrakoplova.**

Poddel 1 Mednarodni komercialni zračni transport – letala

**4 Priloga 8 Plovnost zrakoplova.**

Poddel II

Poglavje 3 Oddelek 3 2 Podaljšanje spričevala o plovnosti.

Poglavje 3 Oddelek 3 4 Omejitve in informacije o zrakoplovu (AFM).

Poglavje 3 Oddelek 3 5 Začasna izguba plovnosti.

Poglavje 3 Oddelek 3 6 Škoda na zrakoplovu.

Poglavje 4 Stalna plovnost zrakoplova.

Ta organ prosi, da v pisni obliki sprejmete ali drugače potrdite prenesene funkcije, kot je navedeno v sporazumu skladno s 83. *bis* členom.

Zahvaljujemo se vam za sodelovanje in pomoč pri tej zadevi.

S spoštovanjem

-----------------------

Uradnik za plovnost pri Irskem uradu za civilno letalstvo

ali

v. d. direktorja, Javna agencija za civilno letalstvo Republike Slovenije

**VZOREC PISMA O SPREJEMU**

Datum:

REF:

[ime] ali [ime]

Direktor za varnost in regulativo Vršilka dolžnosti direktorja

Irski urad za civilno letalstvo Javna agencija za civilno letalstvo Republike Slovenije

The Times Building Kotnikova ulica 19A

11-12 D’Olier St 1000 Ljubljana

Dublin 2,

Irska Slovenija

Kopija:

g.

Operativni oddelek (AO[X])

[NAA]

**Zadeva: Prenos nadzora za irski (slovenski) registrirani zrakoplov EI-XXX (S5-XXX), ki deluje z XXXXXXXXXX Slovenija (Irska).**

Spoštovani,

glede na vaš dopis yyyyyyyy vas želimo obvestiti, da je CAA SI (IAA) pripravljena sprejeti prenos odgovornosti nadzora za zadevni zrakoplov, medtem ko ga upravlja XXXXXXXXXX Slovenija (Irska) od ...... do .......... Prenos bo izveden skladno s pogoji in določili v Sporazumu CAA SI-IAA-001, podpisanem dne xx. xx. xxxx.

[Nacionalni urad [NAA]/IAA, ki vodi nadzor operaterja in dnevno izvajanje sporazuma, tudi njegovo podaljšanje za zadevni zrakoplov, je:

[(.......) Operativni oddelek

]

S spoštovanjem

-----------------------

(Ime)

(Položaj)

**VZOREC DOPISA ZA NEPREKINJENI PRENOS ODGOVORNOSTI NADZORA**

Datum:

REF:

[ime] ali [ime]

Direktor za varnost in regulativo  Vršilka dolžnosti direktorja

Irski urad za civilno letalstvo  Javna agencija za civilno letalstvo Republike Slovenije

The Times Building Kotnikova ulica 19A

11-12 D’Olier St 1000 Ljubljana

Dublin 2, Slovenija

Irska

Kopija:

M.

Operativni oddelek (AO[X])

[NAA]

**Zadeva: Podaljšanje sporazuma – prenos nadzora za irski (slovenski) registrirani zrakoplov EI-XXX (S5-XXX), ki deluje z XXXXXXXXXX Slovenija (Irska).**

Spoštovani,

obveščeni smo bili, da zadevni operater/najemojemalec namerava podaljšati pogodbo za najem zadevnega zrakoplova brez posadke za [izvajanje operacij].

Navedite nov končni datum

Prosimo, potrdite, da CAA SI (IAA) želi sprejeti stalni prenos odgovornosti nadzora, kot je določeno v Sporazumu CAA SI-IAA-001, podpisanem dne xx. xx. xxxx za zadevni zrakoplov, medtem ko z njim upravlja XXXXXXXXX Slovenija (Irska) do *DD/MM/LLLL*.

S spoštovanjem

-----------------------

(Ime)

(Položaj)

**VZOREC PISMA O POTRDITVI STALNEGA PRENOSA NADZORA**

**Datum:**

**REF:**

[ime] ali [ime]

Direktor za varnost in regulativo Vršilka dolžnosti direktorja

Irski urad za civilno letalstvo Javna agencija za civilno letalstvo Republike Slovenije

The Times Building (CAA SI)

11-12 D’Olier St Kotnikova ulica 19A

Dublin 2, 1000 Ljubljana

Irska Slovenija

Kopija:

M.

Operativni oddelek (AO[X])

[NAA]

**Zadeva: Podaljšanje sporazuma – prenos nadzora za irski (slovenski) registrirani zrakoplov EI-XXX (S5-XXX), ki deluje z XXXXXXXXXX Slovenija (Irska).**

Spoštovani,

glede na vaše pismo yyyyyyyy vas želimo obvestiti, da je CAA SI (IAA) pripravljena sprejeti stalen prenos odgovornosti nadzora za zadevni zrakoplov, medtem ko ga upravlja XXXXXXXXXX Slovenija (Irska) od ...... do ............... Prenos bo izveden skladno s pogoji in določili v Sporazumu CAA SI-IAA-001, podpisanem dne xx. xx. xxxx.

S spoštovanjem

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(Ime)

(Položaj)

**Dodatek 3**

**Matrica prenosa odgovornosti 1321/2014**

|  |  |  |  |  |  |
| --- | --- | --- | --- | --- | --- |
| **Referenca ICAO** | **Referenca zahteve del M** | **Podrobnosti zahteve** | **Referenca sporazuma o prenosu skladno s 83. *bis* členom** | **Odgovorni nacionalni urad NAA** | **Opomba** |
|  | **M. 1** |  |  |  |  |
| Priloga 8, del II, poglavje 3 in 4 | 1 | Pregled stalne plovnosti posamičnega zrakoplova  in  izdaja spričevala o pregledu plovnosti (ARC) | Veljavna poglavja dodatka 1 k sporazumu  Poglavje XII »Stalna veljavnost spričevala o plovnosti zrakoplova« iz dodatka 1 k temu sporazumu | Nacionalni letalski organ države operaterja (delovanje zrakoplova)  Nacionalni letalski organ države registracije, ko mora pristojni urad po priporočilu ustrezno potrjenih in privilegiranih organizacij za upravljanje plovnosti, kakor je to določeno v poddelu G M.A. (CAMO) delu CAMO, oziroma neposredno po ustreznem polnem pregledu plovnosti skladno z zahtevami dela M izdati spričevalo o pregledu plovnosti  Nacionalni letalski organ države operaterja, ko spričevalo o pregledu plovnosti neposredno izda ali podaljša ustrezno potrjeni in privilegirani operater/najemojemalec CAMO skladno z zahtevami dela M |  |
| Priloga 6, del I, poglavje 5 in 8 | 3 | Pregled organizacij za vodenje stalne plovnosti, kot je določeno v poddelu G M.A./delu CAMO. | Vsa veljavna poglavja dodatka 1 k sporazumu glede potrditve operaterja CAMO | Nacionalni letalski organ države operaterja, ki je na njegovem ozemlju | **Opomba:**To vključuje pregled, da bo operater/najemojemalec uporabil le potrjeno vzdrževalno organizacijo po delu 145 v okviru regulativnega sistema EU.  Pregled vsake potrjene vzdrževalne organizacije po delu 145 zagotovi organ, ki izda to odobritev po delu 145 v okviru regulativnega sistema EU.  Pregled drugih CAMO, tudi tistih, ki se morda uporabijo za priporočitev izdaje ARC, zagotavlja pristojen organ, ki izda odobritev CAMO skladno z regulativnim sistemom EU. |
| Priloga 6, del I, 8.3 | 4 | Odobritev vzdrževalnih programov | Poglavje VI dodatka 1 k sporazumu | Nacionalni letalski organ države operaterja |  |
| Glejte zgoraj in v nadaljevanju | M.B. 201 | Odgovornosti vsakega NAA |  |  | Vsaka veljavna zahteva po delu B za zrakoplov, delegirana skladno s sporazumi po 83. *bis* členu, se sklicuje v nadaljevanju |
| Priloga 6, del I, 8.3 | M.B. 301 | Vzdrževalni program | Poglavje VIII dodatka 1 k sporazumu | Nacionalni letalski organ države operaterja |  |
|  | M.B. 302 | Izjeme, odobrene skladno s 71. členom (1) osnovnega predpisa | Poglavji I in XIII dodatka 1 k sporazumu | Država registracije ali nacionalni letalski organ operaterja | **Opomba:** skladno spoglavjem XIII dodatka 1 k sporazumu morata država registracije in nacionalni letalski organ operaterja pregledati predhodno koordinacijo v zvezi z izjemami po 71. členu 1 in se z njimi pred izdajo strinjati |
| Priloga 8, del II, poglavje 3 in 4 | M.B. 303 | Spremljanje stalne plovnosti zrakoplova (ACAM) | Poglavje XI dodatka 1 k sporazumu | Nacionalni letalski organ države operaterja | **Opomba:** skladno s poglavji X, XI in XII dodatka 1 k sporazumu se sodelovanje med državo registracije in nacionalnim letalskim organom operaterja okrepi skladno z določbami M.B.105.  Nacionalni letalski organ države operaterja izvaja pregled ACAM na zrakoplovu, ki je predmet tega sporazuma. Vzorec zrakoplova, načrtovan skladno z ACAM, glede upoštevanja dejstva, če za zrakoplov veljajo določila tega sporazuma, se kopira za SOR. |
| Priloga 8, del II, poglavje 3,5 in 3,6 | M.B. 304  CAMO.B.355 | Preklic, začasna zaustavitev in omejitev ARC | Poglavja VI, XI in XII dodatka 1 k sporazumu | Država registracije ali nacionalni letalski organ operaterja | **Opomba:** Kot to zahteva nacionalni letalski organ države registracije v povezavi z nacionalnim letalskim organom države operaterja, je treba izvesti ukrepe za ARC na podlagi ugotovitev, ki izhajajo iz dejavnosti ACAM, ali po obvestilu, ki ga kateri koli državni letalski organ posreduje drugemu na podlagi rezultatov nadzornih dejavnosti.  Ko se nacionalni letalski organ države operaterja seznani s pogoji ali je obveščen o pogojih, ki vplivajo na stalno plovnost zrakoplova ali razveljavi spričevalo o plovnosti/povezano spričevalo o pregledu plovnosti skladno s poglavjem VI, državni letalski organ države operaterja vedno lahko prepreči, da bi zrakoplov letel, ali začasno zaustavi veljavnost ARC, dokler se ne izvedejo ustrezni ukrepi skladno z določili dela M. |
| Priloga 6, del I, poglavje 5 in 8 | M.B. 701 | Prošnja za odobritev operaterja CAMO |  | Nacionalni letalski organ države operaterja | Glejte opombo pod točko M.1.3 za druge CAMO |
| M.B. 702 | Začetna odobritev operaterja CAMO – proces |  | Nacionalni letalski organ države operaterja | Glejte opombo pod točko M.1.3 za druge CAMO |
| M.B. 703 | Izdaja odobritve za operaterja CAMO |  | Nacionalni letalski organ države operaterja | Glejte opombo pod točko M.1.3 za druge CAMO |
| M.B. 704 | Stalen pregled operaterja CAMO | Veljavna poglavja dodatka 1 k sporazumu | Nacionalni letalski organ države operaterja | Glejte opombo pod točko M.1.3 za druge CAMO |
| M.B. 705 | Ugotovitve o operaterju CAMO | Poglavje XI dodatka 1 k sporazumu | Nacionalni letalski organ države operaterja | Glejte opombo pod točko M.1.3 za druge CAMO |
| M.B. 706 | Spremembe glede odobritve operaterja CAMO |  | Nacionalni letalski organ države operaterja | Glejte opombo pod točko M.1.3 za druge CAMO |
| M.B. 707 | Preklic, začasna zaustavitev in omejitev odobritve operaterja CAMO | Poglavje XI dodatka 1 k sporazumu | Država operaterja NAA | Glejte opombo pod točko M.1.3 za druge CAMO |
| Priloga 8, del II, poglavje 3 in 4 | M.B. 901 | Ocena priporočil, ki jo izvede pristojni organ | Poglavje XII dodatka 1 k sporazumu | Država registracije NAA |  |
| Priloga 8, del II, poglavje 3 in 4 | M.B. 902 | Pregled plovnosti, ki ga izvede pristojni organ | Poglavje XII dodatka 1 k sporazumu | Država registracije NAA |  |
| Priloga 8, del II, poglavje 3 in 4 | M.B. 903 | Ugotovitve | Poglavja VI, X, XI in XII dodatka 1 k sporazumu | Država registracije NAA | **Opomba:** Kot to zahteva nacionalni letalski organ države registracije v povezavi z nacionalnim letalskim organom države operaterja, je treba izvesti ukrepe za ARC na podlagi ugotovitev, ki izhajajo iz dejavnosti ACAM, ali po obvestilu, ki ga kateri koli državni letalski organ posreduje drugemu na podlagi rezultatov nadzornih dejavnosti.  Ko se nacionalni letalski organ države operaterja seznani ali obvesti o pogojih, ki vplivajo na stalno plovnost zrakoplova ali razveljavi spričevalo o plovnosti/povezano spričevalo o pregledu plovnosti skladno s poglavjem VI, državni letalski organ države operaterja v vsakem primeru lahko prepreči, da bi zrakoplov letel ali začasno zaustavil veljavnost ARC, dokler se ne izvedejo ustrezni ukrepi skladno z določili dela M. |

**Dodatek 4**

1. **POVZETEK 83. *bis* ČLENA SPORAZUMA**

|  |  |  |  |
| --- | --- | --- | --- |
| POVZETEK SPORAZUMA [SLOVENIJA IN IRSKA] | | | |
| Člen sporazuma |  | | |
| Država registracije: |  | | Glavna točka: |
| Država operaterja/država  glavne lokacije splošnega letalskega operaterja (PLG): |  | | Glavna točka: |
| Datum podpisa 1: | Država registracije: | | |
| Država operaterja/PLG: | | |
| Trajanje 1: | Datum začetka: | Datum zaključka: | |
| Jeziki sporazuma: |  | | |
| Številka registracije ICAO: |  | | |
| Krovni sporazum (če obstaja) s  številko registracije ICAO: |  | | |

|  |  |  |  |  |
| --- | --- | --- | --- | --- |
| Čikaška konvencija | Priloge ICAO, na katere vpliva prenos odgovornosti glede določenih funkcij in nalog  na državo operaterja | | | |
| 12. člen :  Pravila zračnega prostora | Priloga 2, vsa poglavja | Da | X |  |
| Ne |  |
| 30. člen a): Radijska oprema  zrakoplova | Licenca radijske postaje | Da |  |  |
| Ne | X |
| 30. člen b)  in 32 a): Licenciranje osebja | Priloga 1, poglavja 1, 2, 3 in 6  in priloga 6, del I, radijski operater | Da | X | Priloga 6:  [Del I]2 |
| Ne |  |
|  |  |
| 31. člen: Spričevala o plovnosti | Priloga 6  Del I | Da | X | [Del I]2 |
| Ne |  |
| Priloga 6  Del II ali del III, oddelek III | Da |  |  |
| Ne | X |
| Priloga 8  Del II, poglavje 3 in 4 | Da | X | Poglavje 3, oddelki 3.2, 3.4, 3.5 in 3.6 in poglavje 4 |
| Ne |  |

|  |  |  |  |  |  |
| --- | --- | --- | --- | --- | --- |
| Zrakoplov, na katerega vpliva prenos odgovornosti na državo operaterja | | | | | |
| Znamka zrakoplova,  model, serija | Oznake nacionalnosti in registracije | Serijska  št. | Št. spričevala letalskega prevoznika  (Komercialno letalstvo) | Najem/čarter/izmenjava  Od datuma1 | Najem/čarter/izmenjava  Do datuma1 |
|  |  |  |  |  |  |

1 (dd/mm/llll)

2

Kvadratni oklepaji označujejo informacijo, ki jo je treba navesti

**Dodatek 5**

RAZPORED 1(A)

**SEZNAM IRSKEGA REGISTRIRANEGA PRENESENEGA ZRAKOPLOVA**

|  |  |  |
| --- | --- | --- |
| Model zrakoplova | Registrska oznaka | [Država] operater &  Datum poteka najema |
|  | **EI-XXX** |  |
|  | **EI-** |  |
|  | **EI-** |  |
|  | **EI-** |  |
|  | **EI-** |  |

Ta osnutek razporeda za preneseni zrakoplov se izda za informacije in skladnost s 83. *bis* členom.

Izvirni razpored(-i) prenesenega zrakoplova se predloži(-jo) pri ICAO, potem ko ga podpišeta obe državi ob času posamičnega zahtevka za prenos zrakoplova, in ko ga sprejme organ države operaterja. Razpored prenesenega zrakoplova se lahko občasno spremeni.

Podpisano\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_ Sprejeto \_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_

Irski urad za civilno letalstvo Javna agencija za civilno letalstvo Republike Slovenije

Datum: Datum:

RAZPORED 1(B)

**SEZNAM SLOVENSKEGA REGISTRIRANEGA PRENESENEGA ZRAKOPLOVA**

|  |  |  |
| --- | --- | --- |
| **Model zrakoplova** | **Registrska oznaka** | **Irski operater in**  **datum poteka najema** |
|  | **S5-XXX** |  |
|  | **S5-** |  |
|  | **S5-** |  |
|  | **S5-** |  |
|  | **S5-** |  |

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Podpisano \_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_ Sprejeto \_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_

Javna agencija za civilno letalstvo Republike Slovenija Irski urad za civilno letalstvo

Datum: Datum:



**Dodatek 6**

**Dodatek ICAO za samodejno potrjevanje licenc**

**(Izdaja 2)**

**Izdano skladno z Uredbo Komisije (EU) št. 1178/2011**

**1. Licenco samodejno potrdijo vse države ICAO, navedene pod točko (2), skladno z dogovorom, sklenjenim z ICAO. Registracijske številke ICAO so:**

**– 5950 (EU)**

**– 5951 (EU in Švica); in**

**– 5952 (EU in Norveška ter Islandija).**

**2. Države pogodbenice ICAO, ki samodejno potrdijo to licenco, so:**

**Avstrija, Belgija, Bolgarija, Hrvaška, Ciper, Češka republika, Danska, Estonija, Finska, Francija, Nemčija, Grčija, Madžarska, Islandija, Irska, Italija, Latvija, Litva, Luksemburg, Malta, Nizozemska, Norveška, Poljska, Portugalska, Romunija, Slovaška, Slovenija, Španija, Švedska, Švica, Združeno kraljestvo.**

**Evropska agencija za varnost v letalstvu**

**Köln, 23. november 2018**

**EASA**



Osnutek sporazuma v angleškem jeziku

**AGREEMENT**

**BETWEEN**

**THE CIVIL AVIATION AGENCY OF THE REPUBLIC OF SLOVENIA**

**AND**

**THE IRISH AVIATION AUTHORITY**

**ON THE**

**IMPLEMENTATION OF ICAO Article 83 *bis* OF THE**

**CONVENTION ON INTERNATIONAL CIVIL AVIATION**

**FOR THE TRANSFER OF SURVEILLANCE RESPONSIBILITIES:**

**(OPERATIONS, MAINTENANCE AND CONTINUING AIRWORTHINESS)**

**OF AIRCRAFT**

**OPERATED UNDER DRY LEASING ARRANGEMENTS**

**I. REVISIONS**

|  |  |  |
| --- | --- | --- |
| **Revision** | **Changes** | **Date** |
| **A** | **Initial** | .. December 2021 |

**I** - **INTRODUCTION**

Whereas the protocol of 6 October 1980 relating to Article 83 *bis* of the Convention on International Civil Aviation (Chicago, 1944, hereinafter referred as Chicago Convention), to which **Slovenia** and **Ireland** are parties**,** entered into force on 20th June 1997,

Whereas Slovenia (The Civil Aviation Agency of the Republic of Slovenia, (CAA SI) and Ireland (Irish Aviation Authority - IAA) are members of the European Civil Aviation Conference (ECAC),

Whereas the European Parliament and the Council of The European Union (EU) have adopted Regulation (EU) No 2018/1139 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 (EU) 2018/1139 on behalf of every EU Member State, under the above referenced EU Regulation, the functions and tasks of the state of design, manufacture when related to design approval,

Whereas the European Commission has implemented Regulation (EC) 748/2012, as amended, laying down implementation procedures 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) 1321/2014, as amended, 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 Council Regulation (EEC) of the 3922/1991 as amended by EC Regulation 965/2012 (as amended) on the common technical requirements and administrative procedures in the field of civil aviation applicable to commercial transportation by aircraft for EU Member States,

Whereas each Authority: ‘Ireland and Slovenia’ has determined, pursuant to the above mentioned European Commission regulations at latest revision and/or by amending regulation as issued by the commission, that the standards of airworthiness and systems for airworthiness, environmental certification and maintenance of the other Authority are equivalent to its own to establish and make this transfer arrangement possible,

Whereas each Authority ‘Ireland and Slovenia’ has determined that the operating requirements and design-related operational requirements of the other Authority are sufficiently equivalent to its own to make this transfer arrangement feasible,

WhereasArticle 83 *bis* of the Chicago Convention 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 (a) of the Convention,

Whereas, in line with ICAO Document 9760 ‘Airworthiness Manual’, Part IV, Chapter 6, ‘Leasing Arrangements’, ICAO ICAO Document 10057 ‘Manual on the implementation of Article 83 *bis* of the Chicago Convention’ and in light of ICAO Document 8335, Part V ‘Lease and Charter operations’, it’s necessary to establish precisely the international obligations and responsibilities of **SLOVENIA** and **IRELAND** in accordance with the Convention;

Whereas, with reference to the relevant Annexes to the Convention, this agreement organises the transfer from the lessor Authority to the lessee Authority responsibilities normally carried out by the State of Registry, as set out in above paragraphs,

Whereasthe protocol was ratified by **Slovenia** through the Decree ratifying the Protocols amending the Convention on International Civil Aviation (Official Gazette of the RS – Internationa Treaties, no. 3/00) and which has given effectto the agreement in relation to article 83 *bis*,

Whereasthe protocol was ratified by **Ireland** through the transfer of certain functions as defined in Statutory Instrument S.I. 322 of 1989 ‘AIR NAVIGATION’ (Transfer of Certain Functions and Duties of State of Registry of Aircraft) Order 1989, and which has given effectto the agreement in relation to article 83 *bis*.

The Civil Aviation Agency of the Republic of Slovenia CIVIL AVIATION AGENCY OF THE REPUBLIC OF SLOVENIA (CAA SI)

Kotnikova ulica 19A

Ljubljana

Slovenia

and

the Civil Aviation Authority of Ireland IRISH AVIATION AUTHORITY (IAA)

The Times Building,

11-12 D’Olier Street,

Dublin 2,

Ireland.

hereinafter also referred to as “the Parties” or State of Registry and State of Operator Authority, have agreed as follows on the basis of Articles 33 and 83 *bis* of the ICAO Convention, to provide for the acceptance and accomplishment of certain functions, in particular the performance of inspection and surveillance activities, required to ensure that an aircraft during the terms of a lease is operated and maintained to their mutual satisfaction.

**II - GENERAL**

The following definitions apply:

* **lessor**: registered owner or the party from which the aircraft is leased,
* **lessee**: operator under whose operating licence including an air operator’s certificate (AOC) the leased aircraft is operated;
* **Authority of the State of Registry (Lessor Authority):** The national civil aviation Authority of the state where the relevant aircraft is registered, Irish Aviation Authority (IAA) or Civil Aviation Agency of the Republic of Slovenia (CAA SI)
* **Authority of the State of the Operator (Lessee Authority):** The national civil aviation Authority of the State where the operator of the aircraft (Lessee) has his principal place of business and which has issued the AOC under which the leased aircraft is operated [Irish Aviation Authority (IAA) or Civil Aviation Agency of the Republic of Slovenia (CAA SI)]
* **Commercial Air Transport(ation) [CAT]:** 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, on common rules for the operation of air services in the Community as revised, of the European Parliament and council,
* **EASA Member State:** or a European Union Member State and any other State adhering to EASA system as recognized by EASA.

1. In pursuance of the Chicago Convention and article 4 and 5 of Statutory Instrument S.I. 322 of 1989 Ireland shall be relieved of responsibility in respect of the functions and duties transferred to the Civil Aviation Agency of the Republic of Slovenia (CAA SI) upon due publication or notification of this agreement as determined in paragraph (b) of Article 83 *bis.*
2. In pursuance of the legislation “Decree ratifying the Protocols amending the Convention on International Civil Aviation (Official Gazette of the RS – International Treaties, no. 3/00)” Slovenia shall be relieved of responsibility in respect of the functions and duties transferred to Ireland upon due publicity or notification of this agreement as determined in paragraph (b) of Article 83 *bis*.

**III - SCOPE OF AGREEMENT**

The scope of this agreement shall be limited to aircraft on the register of civil aircraft in Ireland or Slovenia and operated in commercial air transport and specific non-commercial operations under a dry leasing agreement by Slovenian or Irish AOC operators.

**IV - TRANSFERRED RFSPONSIBILITIES**

Under this agreement, the parties agree that the Authority of the State of Registry transfers to the Authority of the State of the Operator the following responsibilities, including oversight and control of relevant responsibilities contained in the respective Annexes to the Convention:

**Chicago Convention Article 12:**

**Annex 2**

***Rules of the Air***- enforcement of compliance with applicable rules and regulation relating to the flight and manoeuvre of aircraft.

**Chicago Convention Articles 30b and 32a:**

**Annex 1**

***Personnel Licensing* -** issuance and validation of licenses.

Chapters 1, 2, 3 and 6.

**Annex 6**

***Operation of Aircraft.***

Part I International Commercial Air Transport – Aeroplanes

Paragraph 9.1.2. *Radio Operator Licence*

**Chicago Convention Article 31:**

**Annex 6**

***Operation of Aircraft.***

Part I International Commercial Air Transport – Aeroplanes

Chapters 5, 6, 7, 8 & 11.

**Note:**

All responsibilities which are normally incumbent on the State of Registry. Where responsibilities in Annex 6, Part I may conflict with responsibilities in Annex 8 Airworthiness of Aircraft, allocation of specific responsibilities is defined in the attached Appendix 1.

**Annex 8**

**Airworthiness of Aircraft – Part II**

Chapter 3. Section 3. 2 Renewal of a Certificate of Airworthiness.

Chapter 3. Section 3. 4 Aircraft Limitations and Information (AFM).

Chapter 3. Section 3. 5 Temporary Loss of Airworthiness.

Chapter 3. Section 3. 6 Damage to aircraft.

Chapter 4. Continuing Airworthiness of Aircraft.

The transfer of above responsibilities will be accomplished in accordance with terms and conditions laid down in the implementation procedures relevant to this agreement.

The procedures related to the continuing airworthiness of leased aircraft to be followed by the lessee are contained in the lessee Continuing Airworthiness Management Exposition (CAME) and Operations Manual (OM).

**V – REGISTRATION AND NOTIFICATION**

This agreement, as well as any amendments, will be registered with ICAO by the Authority of the State of Registry, as required by Article 83 of the Convention and in accordance with the Rules for Registration with ICAO of Aeronautical Agreements and Arrangements (ICAO Doc. 6685).

A certified copy of this agreement and its relevant implementation procedures, as well as any amendments to them, will be made available by the State of Operator Authority to aircraft operators to which this agreement applies.A certified copy of the agreement summary (Appendix 4) should be carried on board each aircraft. A certified copy of the Air Operator Certificate (AOC) issued to the lessee AOC operator by the State of Operator Authority in which the aircraft concerned will be duly and properly identified, shall also be carried on board each aircraft. If the lessee has obtained, from its Authority, approval for a system to list the registration marks for aircraft operated and authorized under its AOC, this list and the relevant section of the operations manual describing this system must be kept on board each aircraft to which this agreement applies.

Aircraft to which this agreement applies are listed in the Schedule of Slovenian operators and aircraft types registered in Ireland (Schedule IA) and Schedule of Irish operators and aircraft types registered in Slovenia (Schedule IIA). The schedules are kept and maintained updated by Irish Aviation Authority (IAA) and Civil Aviation Agency of the Republic of Slovenia (CAA SI) respectively. A copy of the above schedules reflecting the aircraft to which the present agreement applies at the time of its signature shall also be registered with ICAO by the Lessor or Lessee Depository Authority as an attachment to the agreement when the latter is registered according to this paragraph.

The list of transferred aircraft registered with the ICAO shall be updated by the depository authority every time the validity of the present agreement is extended by the aircraft lease, or the lease of additional aircraft, or by a new lease period or quarterly, when the number of transactions becomes too large, as agreed by both authorities.

During the implementation of this agreement, and prior to any aircraft subject to it being made the object of a sub-lease (wet or dry lease), the State of the Operator Authority shall notify the State of Registry Authority of this proposal.

None of the duties and functions transferred from the State of Registry to the State of the Operator Authority may be carried out under the Authority of a third ICAO contracting state, without the express written agreement of the subject aircraft State of Registry Authority.

**VI - LEASE AUTHORISATION**

Each Authority shall ensure that leasing contracts shall only be authorised when in compliance with terms and conditions laid down in this agreement.

**VII - CO-ORDINATION**

Meetings between the Authorities will be arranged as necessary to discuss both operations and airworthiness matters resulting from inspections that were accomplished by respective authority’s inspectors. The following subjects may be reviewed during these meetings:

* This 83bis agreement
* Flight operations;
* Continuing airworthiness surveillance and aircraft maintenance;
* Operator Continuing Airworthiness Management Exposition procedures as applicable;
* Any other significant matters arising from inspections.
* SAFA Inspections
* A.O.B.

**VIII - INITIATION**

The transfer of functions related to the surveillance of leased aircraft will be initiated by the State of Registry Authority with a letter referring to this ICAO Article 83bis agreement with reference to the specific aircraft for formal acceptance by the operator's Authority. In the case of leasing prolongation agreement, transfer of tasks and relevant acceptance will be confirmed in writing by both State of Registry and Operator Authority prior to the commencement of the new lease period. A certified true copy of these letters shall be provided to the lessee by the relevant Lessee Authority. (Samples of these letters are included in appendices).

**IX - EFFECTIVENESS**

Prior to commencement of operations, the State of Registry Authority shall send a request concerning the transfer of functions to the State of the Operator Authority. Lease expiry period shall be referenced by the Lessor Authority in the initial transfer request, or in the acceptance letter by the Lessee Authority.

The Authorities regulatory responsibilities come into effect, for each individual transferred aircraft, when a transfer request is formally accepted by the operator's authority on the basis of this agreement. For this purpose, a formal letter of reply regarding the transfer of functions shall be sent by the State of Operator Authority to the State of Registry Authority indicating acceptance or refusal for a specific aircraft under the terms of Article 83 *bis* transfer agreement.

The electronic transmission (Email) of the request from the State of Registry and the acceptance from the State of the Operator is acceptable to both parties.

The regulatory responsibilities of the Authorities for a leased aircraft to which this agreement applies shall cease to be in effect 24 hours after notice given by State of Registry Authority or the State of the Operator Authority, but not later than the date of aircraft lease agreement expiry as established by any of the parties

**X - CHARGES**

Each Authority will charge fees and expenses according with its own rules.

**XI – AMENDMENT AND TERMINATION OF AGREEMENT**

The Authority of the State of Registry is responsible for the registration of Article 83 *bis* agreement and amendments with ICAO as agreed with the Authority of the State of Operator. The content of the general arrangement and their appendices may be amended by written accord and signed by the both parties. The arrangement shall terminate after sixty (60) days of written notice on the termination of this arrangement by either of the two parties.

In the event of termination of the arrangement or removal of an aircraft from this agreement the responsibilities detailed above in Chapter IV (Transferred Responsibilities) will revert from The State of the Operator to The State of Registry. The State of Registry will notify ICAO of the termination of the Article 83 *bis* Agreement for de-activation of the related entry in the ICAO registration and publication system. In the case where an Article 83 bis agreement is terminated for reasons other than the termination of the underlying lease or other agreement the owner/operator should be advised by the relevant authority.

**XII - FINAL**

This agreement will enter into force on its date of signature and come to an end at the culmination of the respective aircraft leasing arrangements under which dry lease aircraft are operated.

Implementation procedures for this agreement are included in the attached appendices.

As deemed necessary, The State of Registry has the right to conduct inspections or audits of The State of the Operator to ensure that The State of the Operator is fulfilling its safety oversight obligations as transferred under this agreement. The State of Registry should also have access to The State of the Operator basic safety documentation regarding the operators concerned.

Any disagreement concerning the interpretation or application of this agreement shall be resolved by consultation between the parties and shall not be referred to any international tribunal, arbitration, or third party.

This agreement will take effect from the date of signature by both parties.

This agreement is accepted and signed by the parties in two originals in the Slovenian and English languages, both texts being equally authentic.

**SLOVENIA**: Civil Aviation Agency of the and **IRLAND:** Irish Aviation Authority

Republic of Slovenia

For the For the

Civil Aviaton Agency of the Republic of Slovenia Irish Aviation Authority

Ms Andreja Kikec Trajković [Name]

Acting Director of Civil Aviation Agency of Slovenia Director Safety Regulation

Dated …. Dated …..…

Authority Stamp; Authority Stamp;

**Appendix 1**

**I - PURPOSE**

The purpose of this appendix is to provide detailed working arrangements between the Authorities of the State of Registry and the Operator on the implementation of ICAO Article 83 *bis* agreement to allow both authorities to discharge their legal responsibilities for the continuing airworthiness of dry leased aircraft, avoiding undue burden by elimination of duplication of tasks.

European Union (EU) Regulation (i.e. Regulation of the European Parliament and of the Council or of European Commission) or EASA measures: which this agreement, directly or indirectly refers, are to be applied according to the pertinent effective 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 State of Operator Authority grant exemptions under the provisions of Article 71 of the Regulation (EU) No 2018/1139 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 State of Registry Authority as soon as possible unless explicitly otherwise established elsewhere in this agreement. All EASA 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.

In respect of any certification activity or oversight responsibility related to EU regulations for which the State of Operator Authority is considered to be the competent Authority, the State of Operator Authority may adopt or accept an 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.

A cross reference table to identify the competent Authority in respect of Part M duties and responsibilities resulting from duties and responsibilities transferred from State of Registry Authority to State of Operator Authority according to Article 3 of this Agreement is detailed in Appendix 3.

**II - IMPLEMENTATION**

For the implementation, the points of contact/focals of the authorities are the following for all questions regarding Airworthiness, major changes and matters of principle:

**Irish VItion Authority Civil Aviation Agency Slovenia**

**The Times Building, Kotnikova ulica 19A**

**11-12 DOlier Street 1000 Ljubljana,**

**Dublin 2**

**Ireland. Slovenia**

**Mr Nicholas Butterfield Mr Matej Dolinar**

Tel +353-1-603 1520 Fax +353-1-6793349**.** Tel +386-1- 244 66 34  **/** +386-1-244 66 00

Email: [registration@iaa.ie](mailto:registration@iaa.ie) Email: [matej.dolinar@caa.si](mailto:matej.dolinar@caa.si) / info@caa.si

Note: Individual authority inspector contact details will be provided by both Lessor and Lessee authorities as individual aircraft are transferred to lessee operators.

As far as the current activities to be performed in accordance with these procedures are concerned authority inspectors responsible for specific aircraft or operators will co-ordinate their specific intervention and the necessary exchange of information.

**III - TYPE DESIGN DEFINITION**

The aircraft and any product or part thereof must comply with the relevant EASA approved Type Design (refer to provisions of the EU Regulation 748/2012).

The Authority of the State of Registry will be responsible for checking compliance with this requirement at the delivery of the aircraft to the lessee when the leased aircraft was previously operated by a third country operator.

The Lessee operator’s Authority will be responsible for supervising continuous compliance with this requirement for the period the aircraft is subject to this agreement.

**IV- CHANGES TO THE TYPE DESIGN**

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

The classification of major or minor changes to Type Design is defined in the Part 21 of EU Regulation 748/2012.

Changes to type design are classified as major or minor by an entity entitled to conduct technical investigations in accordance with Part 21 of EU Regulation 748/2012 and approved in accordance with the following procedure:

* Changes may be performed on the aircraft once approved by EASA directly, or through the Design Organisation Approval (DOA) system or otherwise accepted in accordance with bilateral arrangements or working agreements in force with EASA at time of change to type design.

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

Changes generated by the organisation responsible for the Type Design, (typically in the form of aircraft constructor Service Bulletins) and approved by the State of Design Authorityare approved for incorporation on the aircraft to which they apply.

Design Changes approved in accordance with this procedure will be embodied on the aircraft accordance with Chapter VII Maintenance.

**V - CONFORMITY TO OPERATIONAL REQUIREMENTS**

Leased aircraft shall 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 the responsibility of the operator's Authority to which the modification relates, provided that the design data related to the modification has been approved in accordance with the procedure established in Chapter IV above.

The aircraft must be operated within the limitations described in the Aircraft Flight Manual (AFM) approved by EASA or deemed as EASA approved under (EU) 748/2012 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.

The country code of the state of the operator shall be used to code Emergency Locator Transmitters (ELT).

**VI - 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 State of Registration Authority shall adopt, or assess and take appropriate actions against, the mandatory airworthiness information issued by the State of Design Authority. The State of Registration Authority may also issue and make mandatory other airworthiness actions, in addition to those mentioned previously, should it identify an unsafe condition affecting aircraft of the same type in its national fleet which requires immediate action.

**Airworthiness Directives (ADs) and Non-Conformities**

Pursuant to the above, Regulation 2018/1139 and 1321/2014 as amended and the Decision No. 2/2003 of the Executive Director of the Agency dated 14 October 2003 (or later published issue); the aircraft must be in compliance with all the ADs applicable to that aircraft and to any component / parts thereof mandated either by EASA**,** or the relevant State of Design Authority, unless EASA has issued a different decision prior the date of entry into force of that airworthiness directive, or by the State of /Operator /Registry Authority under the provisions of Art 70 of Regulation (EU) No 2018/1139 of the European Parliament and of the Council of 20th February 2008. The State of Operator Authority shall verify that the aircraft operator (lessee) is in receipt of all ADs and other airworthiness actions mandated by EASA, the State of Design, the State of Registry / Operator Authority for the aircraft type concerned and parts/products thereof. The lessee must hold and keep up-to-date a complete set of the above-mentioned applicable ADs.

The Authority of the state of the operator will also require that the leased aircraft complies with ADs applicable to the subject aircraft model or parts/products thereof issued by the state of the Operator Authority under the provisions of art 70 of Regulation (EU) No 2018/1139 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.

The operator's Authority will be responsible to ensure that all applicable ADs and other mandatory airworthiness actions are properly applied to leased aircraft. All ADs and any other mandatory continuous airworthiness information issued by the State of Registry and State of Operator Authorities are published on their websites. All EASA and State of Design ADs and mandatory requirements are published on their websites. The operator shall regularly review all these websites to ensure compliance, as applicable, with these requirements on leased aircraft, their components and parts.

Derogation’s to Airworthiness Directives or other mandatory airworthiness actions, where requested, will be coordinated between the Authority of the State of Operator and the Authority of the State of Registry, on a case-by-case basis, and must be approved in accordance with EASA regulations and procedures.

Any non-conformity deriving from production or maintenance deficiencies will be managed by the State of Operator and State of Registry Authority in accordance with EASA policy. A preventive co-ordination policy between State of Operator and State of Registry Authority will be implemented if aircraft to which this agreement applies are affected.

**In Service Events**

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

The State of Operator Authority is responsible for defining to the operator the type of service information that is to be reported to the State of Registration Authority. Under the national occurrence reporting system (ICAO Annex 6 8.5.1 and Annex 8 4.2.3(f) and 4.2.4) the following documents describe the type of in-service information and the relevant reporting times, equivalent for both States, to be reported under the State of Registry and Operator regulatory systems:

* Regulation (EU) 376/2014
* EU regulation 2015/1018 (as amended)
* EU regulation 1321/2014 (as amended) Part M.A.202 and Part 145.A.60,
* EU regulation 965/2012 (as amended) ORO.GEN.160,
* EU regulation 1178/2011 (as amended) ORA.GEN.160,

For transferred aircraft, accidents, incidents and occurrences shall be reported to the Authority of the State of Registry/EASA via their Occurrence reporting portal on their websites. The website addresses are detailed in Appendix 1.

Operator's Authority will ensure that a copy of reports on significant events that affect or could affect the continuing airworthiness of leased aircraft or invalidate their Certificate of Airworthiness or related Airworthiness Review Certificate (ARC) is also forwarded by the lessee operator to the State of Registration Authority in order to allow proper corrective actions. In such cases the State of Registration Authority will accept that, in accordance with ICAO Annex 8 3.6.2, the State of Operator Authority is entitled to prevent the aircraft from resuming flight subject to the State of Operator Authority advising the State of Registration Authority that they have taken such action and to allow adequate actions to be taken by the State of Registration Authority in accordance with ICAO Annex 8 3.6.1. 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 Chapter VIII below.

The State of Operator Authority shall ensure that lessee operator transmits information on significant events affecting continuing airworthiness of leased aircraft to the organisation responsible for the type design (EU regulation 1321/2014 Part M point M.A.202, EU regulation 965/2012 ORO.GEN.160, ICAO Annex 6 8.5.1 and Annex 8 4.2.3(f) refer).

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

The State of Operator Authority and the State of Registration Authority will ensure a timely mutual exchange of information on any result arising from the following investigation phases of significant in-service event in respect of leased aircraft.

The State of Operator Authority 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 State of Operator Authority and the State of Registration Authority (ICAO Annex 6 8.5.2. refers).

The State of Operator Authority will ensure that the operator monitors and assesses maintenance and operational experience with respect to continuing airworthiness, flight safety and accident prevention (ICAO Annex 6 3.2 and 8.5.1 refers). Relevant procedures shall be described in the operator's Operations Manual, and Continuing Airworthiness Management Exposition (CAME).

**Continuous Airworthiness Management Exposition and Maintenance Programme**

The State of Operator Authority will ensure that the lessee shall be appropriately approved, as applicable pursuant to M.A. Subpart G or Part CAMO for the management of the continuing airworthiness of the aircraft it operates, including dry leased aircraft to which this arrangement applies.

The State of Operator Authority shall ensure that the operators Continuing Airworthiness Management Exposition (CAME), and the aircraft maintenance programme comply with State of Operator Authority requirements. State of Operator Authority shall approve the CAME and any revision thereof in accordance with relevant Part M of EU Regulation 1321/2014 as amended, requirements.

One-time derogation to the approved maintenance program shall be approved by State of Operator Authority in accordance with their current procedures. The Maintenance Programme will be based, as applicable, on MRBR, manufacturer/type certificate holder (TCH) recommendations (e.g. MPD), international recognised standards etc (ref. M.A.302).

Where a reliability programme forms part of, or is a condition of the maintenance schedule approved by the State of Operator Authority, the State of Operator Authority will monitor the effectiveness of the programme.

The lessee (operator) with the approval of the State of Operator Authority shall provide a copy of the aircraft reliability report periodically to the Authority of the State of Registration.

Due consideration, especially for dry lease agreements of six month or less, will be made by State of Operator and Registry Authorities in the approval / acceptance of the Maintenance Programme, taking into account the additional burden on the operator and technical aspects related to the short-term lease and redelivery of the leased aircraft to the owner. Surveillance of aircraft maintenance will be performed by the operator's Authority in accordance with its standard procedures developed in accordance with relevant Part M requirements of EU Regulation 1321/2014.

**VII - REPAIRS**

Application of repairs on aircraft will be made under State of Operator Authority surveillance and responsibility, according to its usual procedures.

The classification of major and minor repairs shall be made in accordance with the criteria of Part 21 of EU Regulation 748/2012 for a change in type design.

The Authority of the State of the operator shall ensure that the lessee (operator) has in force procedures to avoid accomplishment of any repairs on the leased aircraft contrary to the above provisions. Any damage resulting from a major incident should be notified to the State of Registration Authority prior to the embodiment of the repair. The accomplishment of approved repairs on the aircraft will be performed in accordance with Chapter VIII Maintenance.

**VIII-MAINTENANCE**

Leased aircraft, its engines and equipment, will be maintained in accordance with the lessee's operator maintenance programme approved by State of Operator Authority in accordance with relevant Part M requirements of EU Regulation 1321/2014 as amended. Any permanent variation (e.g. interval escalation, changes to content and classification of or deletion of maintenance tasks etc) to the aircraft maintenance program shall be approved by the State of Operator Authority in accordance with relevant Part M requirements of EU Regulation 1321/2014.

Operational equipment will be maintained in accordance with State of Operator Authority's maintenance specifications when the equipment manufacturer maintenance documentation lists such requirements (e.g. manufacturer /TCH maintenance documentation requirements report “and or as required by national rules / NAA"). In the absence of operator Authority's or manufacturer’s maintenance specifications for Operational equipment, the State of Operator Authorities requirements, if any, will apply.

All maintenance inspections, overhauls, modification 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 EU regulation 1321/2014 Part 145.

Maintenance work must be accomplished by personnel licensed by/or qualified within the maintenance organisation in accordance with standards acceptable to, the State of Operator Authority. Aircraft or components will be released to service as applicable by personnel licensed in accordance with EU Regulation 1321/2014 Part 66 or otherwise recognised or accepted by the State of the operator Authority pursuant to the applicable EU Regulation 1321/2014 provisions.

**IX - RECORDS**

The State of Registration Authority shall ensure that maintenance in-service records and documentation relevant to the leased aircraft, as required by ICAO Annex 6, Part I, are transferred or made available and /or accessible to the lessee 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 throughout the duration of the lease period.

The aircraft continuing airworthiness record system of the lessee shall comply with the relevant EU regulation 1321/2014 Part M requirements. Maintenance and airworthiness records will be kept by the aircraft operator (lessee) in accordance with procedures approved by the State of Operator Authority. The records will be transferred by the lessee operator to the aircraft lessor at the end the leasing period.

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 (i.e. Air Operations requirements).

The operator Authority shall ensure that lessee (operator) shall make available these records for the aircraft lessor and the State of Registration Authority at the end of the leasing period. Additionally the operator Authority shall ensure that lessee (operator) shall make available these records, as applicable, to the competent Authority, or otherwise agreed by the parties of this agreement, as per Part M provision, or as applicable to the contracted appropriately approved CAMO, for carrying out periodic aircraft airworthiness reviews for issuing or recommending the issuance of an Airworthiness Review Certificate (ARC).

Authorities will ensure that, at the time of aircraft transfer, these records are presented in accordance with the principles in Attachment D to Chapter 6 of ICAO Doc. 9670/AN967 *Airworthiness Manual*.

If an aircraft is transferred from an operator of another EASA Member State or the aircraft is registered in either state just prior to a lease, the State of Registration Authority shall endorse the maintenance records and documentation mentioned above prior to the Authority of the lessee authorising the lease.

The issue of the initial Certificate of Airworthiness and associated ARC by the State of Registration Authority for an aircraft shall be considered an endorsement of the status of the aircraft documentation and its associated maintenance records.

In the course of the activities leading to the approval of the lease agreement and preceding the aircraft delivery to the lessee (operator), the inspectors in charge, in conjunction with their respective senior management, and with the assistance of the lessor and lessee, will co-operate to ensure that the maintenance records and documentation utilized to issue the Certificate of Airworthiness or associated A.R.C. by the State of Registration Authority are those provided to the lessee (operator) for ensuring the continuing airworthiness of the aircraft during the lease period.

**X – FLIGHT OPERATIONS AND AUTHORISATION**

The Operator's Authority shall be responsible for the authorisation of all operations in respect of a leased aircraft according to applicable operational requirements. The operations shall be conducted in accordance with the EASA approved aircraft Flight Manual (AFM) or deemed as EASA approved under (EU) 748/2012 regulation, and the Operator's Authority approved Operations Manual. Modification of the aircraft to comply with operational requirements shall be treated in accordance with Chapter V of this appendix.

The **Minimum Equipment List** and any amendments thereto for each leased aircraft shall be approved by Operator's Authority and shall not be less restrictive than the relevant EASA approved/accepted Master Minimum Equipment List. If this MMEL 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) may be utilized, subject to approval / agreement with operator’s Authority; any deviation from the approved MEL shall be evaluated and approved by the lessee Authority according to its national procedures.

A copy of the operators M.E.L. (Minimum Equipment List) including amendments shall be provided by the aircraft operator to the State of Registry Authority.

**Permit to Fly** in respect of a registered aircraft, where the aircraft is temporarily not in an airworthy condition, shall be issued by the State of Registry authority upon application by the entitled entity (lessor or lessee, etc.) in accordance with Commission Regulation (EU) 748/2012.

An EASA ‘Permit to Fly’ may prescribe limiting conditions to permit the aircraft to be flown without fare-paying passengers to an approved maintenance facility where the aircraft will be restored to an airworthy condition (refer to Commission Regulation (EU) 748/2012 ‘flight conditions’). 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 State of Registry Authority shall co-ordinate with the State of Operator Authority at the earliest possible opportunity on the issue of a permit to fly by providing a copy of the relevant approval documentation.

**Flight Operations** will be conducted by the lessee operator employing flight crew and other operating crew members holding appropriately rated license, issued or validated by the State of operator ‘Lessee’ Aviation Authority or issued by an ICAO contracting state and accepted as valid by state of operator Aviation Authority in accordance with national law.

In accordance with Commission Regulation (EU) No. 1178/2011 flight crew licenses issued by the Lessee Authority are automatically validated. Each flight crew members license should have the following remark included in item XIII:” This license is automatically validated as per the ICAO attachment to this license”. A copy of the ICAO attachment shown in Appendix 6 should be included with the license.

Leased aircraft may be operated by the lessee TRTO/ATO under the following conditions:

* the aircraft must be integrated in the TRTO/ATO manuals and procedures
* all instructors flying this aircraft must have their license validated by lessor Authority in

accordance with above guidelines

* if the aircraft is flown for examination purposes, the examiner must also have his/her license

validated if he/she has pilot/copilot responsibilities.

* The aircraft remains on the Lessee Air Operator Certificate (AOC) for TRTO/ATO operation by lessee.

A Permit to Fly for the purpose of a ‘flight demonstration’ of a leased aircraft, where the Certificate of Airworthiness of the aircraft is not in force, in situations other than those mentioned previously shall be issued by the lessor Authority.

**XI - SURVEILLANCE AND INSPECTION**

During the terms of a lease, the lessee Authority shall accomplish surveillance activities and inspections in respect of leased aircraft (e.g. product audit selected by the State of Operator Authority under surveillance plan of the lessee’s CAMO/AOC, etc.) and lessee operator in accordance with its current procedures in order to verify that the aircraft operations is conducted in accordance with the applicable standards of airworthiness, operating requirements and the terms and conditions specified in this appendix.

On the specific request of the lessor Authority and when there is reasonable cause, the Lessee Authority shall permit the lessor Authority to perform an inspection of lessee (operator) and its leased aircraft and will provide assistance in performing the inspection if requested. When requested by lessor Authority the lessee Authority will perform such inspections.

Findings identified when performing above inspection and surveillance activities shall be promptly processed by the relevant Authority according to relevant applicable requirements. Each Authority shall notify the other Authority of any findings or actions which affect~~s~~ the validity of any certificate or documentation issued in respect of the leased aircraft or the terms and conditions of the lease authorisation or the lessee (operator). As far as possible, depending on the level of findings, proper and timely co-ordination will take place between the State of Registry and State of Operator authorities in order to allow each party to adopt, as applicable, appropriate actions in respect of findings in accordance with the applicable requirements.

State of Registry and State of Operator Authorities shall ensure that appropriate records relevant to inspection and surveillance activities they perform in accordance with Part M requirements and this arrangement are kept on file by each Authority as required by Part M.

**XII -** **CONTINUED VALIDITY OF** **CERTIFICATE OF AIRWORTHINESS**

The continued validity of the Certificate of Airworthiness of a leased aircraft shall be ensured in accordance with EU regulation 1321/2014 Part M requirements.

Continuing Airworthiness Management Organisation (C.A.M.O.) appropriately approved and privileged in accordance with Part M Subpart G/Part-CAMO by State of Operator Authority may issue, extend, or make recommendations for the issue of an Airworthiness Review Certificate (ARC) for an individual aircraft to which the provisions of this 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 State of Registry Authority and State of Operator Authority within ten days of the issue or extension of an ARC. The lessee operator shall monitor compliance with these provisions.

When M.A.901 conditions for the issuance of an ARC by the competent Authority occur, an aircraft airworthiness review shall be conducted and the relevant ARC issued by State of Registry Authority in accordance with Part M requirements. A copy of the ARC shall be sent by the State of Registry Authority to the State of Operator Authority or via aircraft Lessee (operator) within 10 working days from ARC issue date.

Findings attained during analysis of CAMO recommendation when performing airworthiness review shall be promptly processed by the State of Operator Authority according to Part M requirements (M.B.903, M.B.304)

As far as possible in relation to the level of findings, proper and timely co-ordination will be ensured by State of Operator authority to allow lessee to adopt and implement proper actions in respect of these findings in accordance with Part M requirements.

However, on a case by case basis and with EASA concurrence, proper arrangements could be made between both State of Registry and State of Operator Authorities to decide on alternative procedures to allow ARC to be issued for leased aircraft.

Supplemental aircraft certificates / licenses (i.e. noise, aircraft radio license etc) will be issued / renewed by the State of Registration or national state authorities.

When an agreement for a specific aircraft terminates the aircraft should be returned by the Authority of the State of the Operator to the full responsibility of the Authority of the State of Registry, with a valid Airworthiness Review Certificate (ARC).

**XIII - CO-OPERATION**

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

Any derogations/exemptions issued in accordance with EU Regulation 2018/1139 Article 71 which concern aircraft subject to the provisions of this agreement shall be co-ordinated between the Authority of the State of Registry and the Authority of the State of Operator and require concurrence by both states prior to issue.

Each Authority shall provide any reasonable assistance requested by the other Authority when it is conducting inspections, investigations and other functions in respect of the leased aircraft.

Should conflicting interpretations occur as to the applicable standards of continuing airworthiness, operational requirements, design related operational requirements or any associated requirements in respect of aircraft, the Authority of the State of Registry and Authority of the State of Operator will jointly determine the appropriate action, taking into account EASA/EU and ICAO guidance.

For CAA SI - Slovenia For IAA - Ireland

Civil Aviation Agency of the Republic of Slovenia Irish Aviation Authority

Slovenia Ireland

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Ms Andreja KikecTrajković Mr Diarmuid Ó Conghaile

Acting Director Aviation Regulator / CEO Designate

*Stamp* *Stamp*

Date: .. Date: ..6/12/2021

**Appendix 2**

**SAMPLE OF TRANSFER REQUEST LETTER**

Date:

Ref: Ref: AWSD/Del/37/1/000

or

Acting Director of Civil Aviation Agency of the Director of Safety and Regulation

Republic of Slovenia Irish Aviation Authority

Kotnikova ulica 19A The Times Building,

1000 Ljubljana, Dublin 2,

Slovenia Ireland**.**

Subject:

Transfer of Surveillance request for Slovenia/Irish Registered Aircraft Registration

“EI- AAA or S5-AAA (MSN XXXXX)” for operation with airline xxxxxxx in Slovenia/Irland.

Dear Sir,

In accordance with the general conditions outlined in Article 83bis of the Convention on International Civil Aviation and Statutory Instrument S.I. 322 of 1989 Air navigation (Transfer of Certain Functions and Duties of State of Registry of Aircraft) Order 1989, this authority wishes to transfer the following functions to the Civil Aviation Authority of Slovenia/Ireland in regard to the lease of the Irish/Slovenian registered aircraft whilst being operated by XXXXXX Airline, Slovenia/Ireland.

**1 Annex 1 Personnel Licensing**

Chapter 2 Licences and Ratings for Pilots

Chapter 3 Licences foe Flight Crew Members other than Licences for Pilots

Chapter 4 Licences and Ratings for Personnel other than Flight Crew Members

Chapter 6 Medical Provisions for Licences

**2 Annex 2 Rules of the Air.**

**3. Annex 6 Operation of Aircraft.**

Part 1 International Commercial Air Transport - Aeroplanes

**4. Annex 8 Airworthiness of Aircraft**

Part II

Chapter 3. Section 3. 2 Renewal of a Certificate of Airworthiness.

Chapter 3. Section 3. 4 Aircraft Limitations and Information (AFM).

Chapter 3. Section 3. 5 Temporary Loss of Airworthiness.

Chapter 3. Section 3. 6 Damage to aircraft.

Chapter 4. Continuing Airworthiness of Aircraft.

- 2

This Authority would be grateful if you would acknowledge in writing your acceptance or otherwise of the transferred functions as referenced in the 83bis agreement.

Thank you for your co-operation and assistance in this matter.

Yours faithfully,

-----------------------

Acting Director, Civil Aviation Agency of the Republic of Slovenia

or

airworthiness Officer of Irish Aviation Authority

**SAMPLE OF ACCEPTANCE LETTER**

Date:

Ref:

[name] or [name]

Acting Director of Civil Aviation Agency of the Director of Safety and Regulation

Republic of Slovenia Irish Aviation Authority

Kotnikova ulica 19A The Times Building,

1000 Ljubljana, Dublin 2,

Slovenia Ireland

c.c.

Mr

Operations Division (AO[X])

[NAA]

**Subject: Transfer of Surveillance for Slovenia (Irish) Registered Aircraft EI-XXX (S5-XXX) Operating with XXXXXXXXXX Slovenia (Ireland).**

Dear Sir,

with reference to you letter yyyyyyyy, we wish to inform you CAA SI (the IAA) is willing to accept the transfer of surveillance responsibilities for the subject aircraft while being operated by XXXXXXXXX Slovenia (Ireland) from. ...... up to .............. . The Transfer will be accomplished in accordance with the terms and conditions laid down in the Agreement CAA SI-IAA-001 signed on xx.xx.xxxx.

[The [NAA]/IAA regional Office in charge of operator surveillance and daily implementation of the agreement, including any extension of duration of this agreement, in respect of the subject aircraft is:

[(.......) Operations Division

]

Yours faithfully,

-----------------------

(Name)

(position)

**SAMPLE OF LETTER FOR CONTINUED TRANSFER OF SURVEILLANCE RESPONSIBILITIES**

Date:

Ref:

[name] or [name]

Acting Director of Civil Aviation Agency of the Director of Safety and Regulation

Republic of Slovenia Irish Aviation Authority

Kotnikova ulica 19A The Times Building,

1000 Ljubljana, Dublin 2,

Slovenia Ireland**.**

c.c.

M.

Operations Division (AO[X])

[NAA]

**Subject: Prolongation of agreement - Transfer of Surveillance for Slovenia (Irish) Registered Aircraft EI-XXX (S5-XXX) Operating with XXXXXXXXXX Slovenia (Ireland).**

Dear Sir,

we have been informed that the subject operator/lessee intends to extend the dry leasing contract for [operations of] the subject aircraft.

Include New End Date

Please would you confirm that CAA SI (IAA) is willing to accept the continued transfer of surveillance responsibilities as defined in the Agreement CAA SI-IAA-001 signed on xx.xx.xxxx for the subject aircraft while being operated by XXXXXXXXX Slovenia (Ireland) up to *DD/MM/YYYY*.

Yours faithfully,

-----------------------

(Name)

(Position)

**SAMPLE OF ACCEPTANCE LETTER FOR CONTINUED TRANSFER OF SURVEILLANCE**

**Date:**

**Ref:**

[name] or [name]

Acting Director of Civil Aviation Agency of the Director of Safety and Regulation

Republic of Slovenia Irish Aviation Authority

Kotnikova ulica 19A The Times Building,

1000 Ljubljana, Dublin 2,

Slovenia Ireland

c.c.

M.

Operations Division (AO[X])

[NAA]

**Subject: Prolongation of agreement - Transfer of Surveillance for Slovenian (Irish) Registered Aircraft EI-XXX (S5-XXX) Operating with XXXXXXXXXX [Slovenia] (Ireland).**

Dear Sir,

with reference to you letter yyyyyyyy, we wish to inform you that CAA SI (the IAA) is willing to accept the continued transfer of surveillance responsibilities for the subject aircraft while being operated by XXXXXXXXX Slovenia (Ireland) from. ...... up to ............... The Transfer will be accomplished in accordance with the terms and conditions laid down in the Agreement CAA SI-IAA-001 signed on xx.xx.xxxx.

Yours faithfully,

-----------------------

(Name)

(Position)

**Appendix 3**

**Transfer of Responsibility Matrix 1321/2014**

|  |  |  |  |  |  |
| --- | --- | --- | --- | --- | --- |
| **ICAO Reference** | **Part M Requirement Reference** | **Requirement Detail** | **83 bis Transfer Agreement Reference** | **Responsible NAA** | **Note or Remark** |
|  | **M. 1** |  |  |  |  |
| Annex 8, Part II, Chapter 3 and 4 | 1. | Oversight of continuing airworthiness of individual aircraft  and  the issue of ARC | All applicable Chapters of Appendix 1 to the agreement  Chapter XII “Continued validity of aircraft certificate of Airworthiness” of Appendix 1 to the agreement | State of Operator NAA (operation of aircraft)  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 Part CAMO or directly after a satisfactory full airworthiness review according to Part M requirements  State of Operator NAA when ARC is issued directly or extended by the appropriately approved and privileged CAMO of the operator/lessee under Part M requirements |  |
| Annex 6, Part I, Chapters 5 and 8 and | 3 | Oversight of continuing airworthiness management organisations as specified under M.A. Subpart G / Part CAMO | All applicable Chapters of Appendix 1 to the agreement in relation to approval of operator’s CAMO | State of Operator NAA for CAMO located in its territory | **Note:** This includes oversight that operator/lessee shall use only Part 145 Approved maintenance organisation under EU regulatory system.  Oversight of each Part 145 AMO is ensured by the authority issuing that Part 145 approval under EU regulatory system  Oversight of other CAMO’s including those eventually used to recommend issuance of ARC, is ensured by the competent authority issuing that CAMO approval under EU regulatory system |
| Annex 6, Part I, 8.3 | 4. | Approval of Maintenance Programmes | Chapter VI of Appendix 1 to the agreement | State of Operator NAA |  |
| See above and below | M.B. 201 | Responsibilities of each NAA |  |  | Each applicable Part B requirement for the aircraft delegated under 83Bis agreements are referenced below |
| Annex 6, Part I, 8.3 | M.B. 301 | Maintenance Programme | Chapter VIII of Appendix 1 to the agreement | State of Operator NAA |  |
|  | M.B. 302 | Exemptions granted under Article 71(1) of the Basic Regulation | Chapter I and XIII of Appendix 1 to the agreement | State of Registry or Operator NAA | **Note:** underChapter XIII of Appendix 1 to the agreement, State of Registry and Operator NAA are requested to look for prior coordination on any art. 71.1 exemptions and concur on them before issuing |
| Annex 8, Part II, Chapter 3 and 4 | M.B. 303 | Aircraft Continuing Airworthiness Monitoring (ACAM) | Chapter XI of Appendix 1 to the agreement | State of Operator NAA | **Note:** underChapters X, XI and XII of Appendix 1 to the agreement Co-operation between State of Registry and Operator NAA is reinforced in line with M.B.105 provisions.  State of Operator NAA carries out ACAM inspection on aircraft subject to this agreement. The ACAM planned sample of aircraft with regard to aircraft falling under the provisions of this agreement will be copied to the SOR. |
| Annex 8, Part II, Chapter 3.5 and 3.6 | M.B. 304  CAMO.B.355 | ARC Revocation, Suspension and Limitation | Chapters VI, XI and XII of Appendix 1 to the agreement | State of Registry or Operator NAA | **Note:** Action will be taken on ARC as necessary by State of Registry NAA in conjunction with State of Operator NAA directly against findings resulting from its ACAM activities or following notification by either State NAA of finding as resulting from its surveillance activities.  UnderChapter VI, whenever the State of Operator NAA is aware or notified that a condition is in place that affect the continuing airworthiness of 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 or suspend the ARC, until appropriate actions are taken according to Part M provisions |
| 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 Chapters of Appendix 1 to the agreement | State of Operator NAA | See note under M.1.3 for other CAMO’s |
| M.B. 705 | Findings on operator’s CAMO | Chapter XI of Appendix 1 to the agreement | 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 | Chapter XI of Appendix 1 to the agreement | State of Operator NAA | See note under M.1.3 for other CAMO’s |
| Annex 8, Part II, Chapter 3 and 4 | M.B. 901 | Assessment of Recommendations by Competent Authority | Chapter XII of Appendix 1 to the agreement | State of Registry NAA |  |
| Annex 8, Part II, Chapter 3 and 4 | M.B. 902 | Airworthiness Review by Competent Authority | Chapter XII of Appendix 1 to the agreement | State of Registry NAA |  |
| Annex 8, Part II, Chapter 3 and 4 | M.B. 903 | Findings | Chapters VI, X, XI and XII of Appendix 1 to the agreement | State of Registry NAA | **Note:** Action will be taken on ARC as necessary by State of Registry NAA in conjunction with State of Operator NAA directly against findings resulting from its ACAM activities or following notification by either State NAA of finding as resulting from its surveillance activities.  UnderChapter VI, 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 or suspend the ARC, until appropriate actions are taken according to Part M provisions |

**AAppendix 4**

ARTICLE 83 *bis* AGREEMENT SUMMARY

|  |  |  |  |
| --- | --- | --- | --- |
| AGREEMENT SUMMARY [IRELAND and SLOVENIA] | | | |
| Title of the Agreement: |  | | |
| State of Registry: |  | | Focal point: |
| State of the Operator/State of  the principal location of a general aviation operator (PLG): |  | | Focal point: |
| Date of signature1: | By State of Registry: | | |
| By State of the Operator/PLG: | | |
| Duration1: | Start Date: | End Date: | |
| Languages of the Agreement |  | | |
| ICAO Registration No. |  | | |
| Umbrella Agreement (if any) with  ICAO Registration number: |  | | |

|  |  |  |  |  |
| --- | --- | --- | --- | --- |
| Chicago Convention | ICAO Annexes affected by the transfer to the State of the Operator of  responsibility in respect of certain functions and duties | | | |
| Article 12:  Rules of the Air | Annex 2, all chapters | Yes | X |  |
| No |  |
| Article 30 a): Aircraft  radio equipment | Radio Station Licence | Yes |  |  |
| No | X |
| Articles 30 b)  and 32 a): Personnel Licensing | Annex 1, Chapters 1, 2, 3 and 6  and Annex 6 Part I, Radio Operator | Yes | X | Annex 6:  [Part I]2 |
| No |  |
|  |  |
| Article 31: Certificates of Airworthiness | Annex 6  Part I | Yes | X | [Part I]2 |
| No |  |
| Annex 6  Part II or Part III, Section III | Yes |  |  |
| No | X |
| Annex 8  Part II, Chapters 3 and 4 | Yes | X | Chapters 3, sections 3.2, 3.4, 3.5 & 3.6 and Chapter 4] |
| No |  |

|  |  |  |  |  |  |
| --- | --- | --- | --- | --- | --- |
| Aircraft affected by the transfer of responsibilities to the State of the Operator | | | | | |
| Aircraft make,  model, series | Nationality & Registration marks | Serial  No | AOC #  (Commercial Aviation) | Lease/Charter/Interchange  From date1 | Lease/Charter/Interchange  To date1 |
|  |  |  |  |  |  |

1 (dd/mm/yyyy)

2

Square Brackets indicate information that needs to be provided

**Appendix 5**

SCHEDULE 1(A)

**LIST OF IRISH REGISTERED TRANSFERRED AIRCRAFT**

|  |  |  |
| --- | --- | --- |
| Aircraft Make Model | Registration Mark | [State] Operator &  Lease Expiry Date |
|  | **EI-XXX** |  |
|  | **EI-** |  |
|  | **EI-** |  |
|  | **EI-** |  |
|  | **EI-** |  |

This draft schedule of transferred aircraft is issued for information and 83 *bis* compliance purpose

Original schedule(s) of transferred aircraft will be lodged with ICAO upon signature both states at time of individual aircraft transfer request

and upon acceptance by state of operator authority. Schedule of transferred aircraft may change from time to time.

Signed \_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_ Accepted\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_

Irish Aviation Authority Civil Aviation Agency of Slovenia

Date: Date:

SCHEDULE 1(B)

**LIST OF SLOVENIAN REGISTERED TRANSFERRED AIRCRAFT**

|  |  |  |
| --- | --- | --- |
| **Aircraft Make Model** | **Registration Mark** | **Irish Operator &**  **Lease Expiry Date** |
|  | **S5-XXX** |  |
|  | **S5-** |  |
|  | **S5-** |  |
|  | **S5-** |  |
|  | **S5-** |  |

This draft schedule of transferred aircraft is issued for information and 83 *bis* compliance purpose

Original schedule(s) of transferred aircraft will be lodged with ICAO upon signature both states at time of individual aircraft transfer request

and upon acceptance by state of operator authority. Schedule of transferred aircraft may change from time to time

Signed \_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_ Accepted\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_

Civil Aviation Agency of Slovenia Irish Aviation Authority

Date: Date:



**Appendix 6**

