

Guidance Material to MAR-OPS x.165

Leasing – Transfer of Aircraft

“Dry Lease-Out construction”

Version 1.0

Terminology

Dry lease – Transfer of aircraft in which case the aircraft is operated under the MAOC or AOC of the lessee (The user of the equipment being leased).

Article MAR-OPS X.165 “Dry Lease-Out”

(3) *Dry lease-out*

(i) The Operator may dry lease-out an aircraft to any Operator within an aviation oversight system, recognised by the Netherlands Military Aviation Authority, provided that the following conditions are met:

(A) The Military Aviation Authority has exempted the Operator from the relevant provisions of MAR-OPS X;

(B) The Military Aviation Authority has removed the applicable aircraft from its MAOC, after the recognised foreign military or civil regulatory authority has accepted responsibility in writing for surveillance of the maintenance and operation of the aircraft; and

(C) A formal verifiable agreement between both Operators concerning the transfer of aircraft ensures that:

(a) The aircraft is maintained according to an Military Aviation Authority approved aircraft maintenance program;

(b) The maintenance organization contracted by the other Operator to conduct aircraft maintenance, is obligated to use any applicable aircraft maintenance data submitted by the applicable (supplementary) type certificate holder;

(c) The user requirements applicable to the other Operator, pertaining to the continued airworthiness of the aircraft, are not less restrictive than the applicable MAR-OPS 1 requirements; and

(d) The transferred aircraft maintenance records will be kept up to date by the other Operator.

(ii) The Operator may dry lease-out an aircraft to any Operator, provided that the following conditions are met:

(A) The Military Aviation Authority has exempted the Operator from the relevant provisions of MAR-OPS X;

(B) The Military Aviation Authority has, after the applicable foreign maintenance and Operator organizations are accredited by the Netherlands Military Aviation Authority, removed the applicable aircraft from its MAOC; and

(C) A formal verifiable agreement between both Operators concerning the transfer of aircraft ensures that:

(a) The aircraft is maintained according with a maintenance program approved by the Netherlands Military Aviation Authority;

(b) The maintenance organization contracted by the other Operator to conduct aircraft maintenance, is obliged to use any applicable aircraft maintenance data submitted by the applicable (supplementary) type certificate holder;

(c) The user requirements applicable to the other Operator pertaining to the continued airworthiness of the aircraft, are not less restrictive than the applicable MAR-OPS 1 requirements; and

(d) The transferred aircraft maintenance records will be kept up to date by the other Operator.

Purpose

When an operator transfers aircraft that are registered in The Netherlands to a third party, it is to be demonstrated and verifiably agreed upon in a mutual agreement that the responsibilities of that Dutch operator are safeguarded. This requires amplification of the user requirements (MAR-OPS) and the validity of licenses and ratings of possible foreign flight and air crew (if they are to fly on the NL-registered aircraft), because they have an impact on the configuration and/or the continued airworthiness of the aircraft.

This guidance material is written to provide guidance on the required topics that need to be addressed in the required formal verifiable agreement between lessor and lessee.

Topics

1. General

1.1 Accountability and (contractual) responsibilities.

- Who is accountable for the use of the NL-registered aircraft (lessee)?
- Who are the contractual parties and who are responsible for compliance to the contract?

1.2 Exemptions.

Agreement on the process to obtain exemptions to be able to operate outside of the boundaries of the Type Certification Data.

1.3 Occurrence reporting.

Agreement on the process of occurrence reporting in relation to technical and operational occurrence reports to all involved parties (NL Operator, MTC holder, MAA-NLD, etc.).

1.4 Incident and accident investigation.

Agreement on the responsibilities in incident and accident investigation, including all NL stakeholders (NL Operator, MTC holder, MAA-NLD, etc.)

1.5 Contracted organizations by US Operator

- List of contracted simulator organizations which are engaged in required difference training and or recurrent training and checking of US crewmembers possibly flying NL registered aircraft.
- List of contracted maintenance organizations.

2. Personnel requirements

2.1 Agreements on validity of licenses and rating(s), recurrent training and checking and difference training (if required) of:

- Flight crew;
- Aircrew members (if applicable); and
- Simulator instructors involved in crew training and checking.

2.2 Agreement on record keeping and archiving of the training mentioned in 2.1.

3. Aircraft operating matters (for each aircraft type!)

3.1 General

Agreement on the set of applicable documentation, to include at least:

- A list of the applicable aircraft documentation including but not limited to AFM's, MEL, CDL, CMP);
- Record keeping requirements (to include storage methods and storage periods), with respect to latest version of applicable aircraft documentation
- Document control & change proces and procedures in relation to applicable NL documentation.
- The consequences of eventual differences between declared effective foreign documentation and the regular Dutch documentation. At least the following topics need to be addressed:

3.1.1 Limitations

Certified limitations and applicable operational limitations (NL / configuration specific), including at least:

- Certification status that is the basis for the NL CoA
- Aircraft related approved types of operation (agreement on the scope of operations that the NL registered aircraft are to be used for.
- Mass & Balance and Centre of Gravity limitations
- Speed limitations
- Flight envelope(s)
- Performance limitations for applicable configurations: carriage and employment limits
- Airframe contamination: to include icing limitations (ground and airborne)
- Environmental limitations: to include adverse operating conditions, such as dust, sand, etc... (ground and airborne)
- Fuel limitations: agreement on the type of fuel to be used (composition)

3.1.2 Aircraft operating procedures

Certified and applicable (NL / configuration specific) aircraft operating procedures, including at least:

- Pre-, thru- and post-flight inspections
- (Pre-) Start-up
- Take off and landing procedures
- Operation on wet and contaminated runways
- Exceeding structural limits such as over G's
- Lightning strikes
- Physiological incident
- Uncommanded flight manoeuvres

3.1.3 Performance

Applicable performance data, including at least:

- Aircraft Flight Manual approved performance data
- Supplementary (NL / configuration specific) performance data

3.1.4 Mass & balance

Applicable (NL / configuration specific) data and or instructions concerning:

- Mass and balance calculations
- Authorized configurations (carriage and employment limits see also 3.1.2)

3.1.5 Flight planning

Applicable (NL / configuration specific):

- Data and instructions necessary for pre-flight and in-flight planning
- Methods for fuel calculation

3.1.6 Loading, reloading and unloading

Applicable (NL / configuration specific) procedures and provisions for loading, reloading and unloading of weapons, munitions, expendables and or external stores.

3.1.7 Configuration Deviation List

Applicable CDL (if provided by the manufacturer), to include (NL / configuration specific) application procedures.

3.1.8 Minimum Equipment List

Applicable MEL to include (NL / configuration specific) application procedures.

3.1.9 Emergency and survival equipment

Agreement on the aircraft configuration in relation to approved emergency and survival equipment and the applicable (NL / configuration specific) procedures for checking the serviceability of this equipment.

3.1.10 Emergency evacuation procedures

Applicable (NL / configuration specific) procedures and instructions for ground evacuation of aircraft occupants.

3.1.11 Aircraft systems

Description of (NL / configuration specific) aircraft systems, related controls and indications and operating instructions.

4. Maintenance management

Agreement on maintenance management topics in relation to the quantitative use of the aircraft:

4.1 Aircraft Technical Log utilisation, and MEL and CDL application

4.2 Applicable NL Aircraft Maintenance Program (for each aircraft type)

4.3 Time and continued airworthiness records - transfer, responsibilities, retention, access

4.4 Accomplishment and control of directives (with an airworthiness impact)

4.5 Analysis of the effectiveness of the applicable maintenance program(s)

4.6 Non mandatory modification embodiment policy

4.7 Major modification standards

4.8 Defect reports

4.9 Engineering activities

4.10 Reliability programs / activities

4.11 Applicable NL Maintenance manual(s) for operational and emergency equipment as far as not being part of the Aircraft Maintenance Program(s) – development, amendment and approval

4.12 Policies and procedures concerning contracting aircraft maintenance

4.13 Quality audit of performed aircraft maintenance

4.14 Transfer of CAW and ATL records (for each individual aircraft), to include:

- Storage periods requirements
- Applicable/mandatory NL Documents, Forms and Labels