

Checklist Aircraft leasing approval and TCO code share

Operator ⁽¹⁾	Date	Inspector (Name/signature) ⁽²⁾	Ref.
Purpose:			
	Name/signature ⁽²⁾	Involved in the leasing approval process?	
FOD Manager		YES / NO	
FOI		YES / NO	
AWI		YES / NO	

⁽²⁾ By signing this checklist, I hereby confirm that, at the time of performing this activity, I did not have any conflict of interest to declare regarding the above-mentioned operator ⁽¹⁾.

No	Ref Non-compliance	Non-compliances

List of remarks	
Ref remarks	Remarks

Additional notes/comments:

NA = Not Applicable; C = Compliant; NC = Not Compliant; R = Remark; N/R = Not Reviewed

1. Leasing Approval

Reference	Requirement	Specific requirements/expectations	Eval. operator	Eval. CA	Description
General					
ORO.GEN.200(a)(3)	Leasing operations to be managed by the operator under its change management process.			☐ N/A ☐ C ☐ NC ☐ R ☐ N/R	
ORO.GEN.205	Leased-in operation to be integrated in the operator's safety management and compliance monitoring programme.			☐ N/A ☐ C ☐ NC ☐ R ☐ N/R	
Any lease-in					
ORO.AOC.110(b)	Leasing-in of an aircraft: - o included in the list of operators subject to operational restrictions, - o registered in a State of which all operators under its oversight are subject to an operating ban or - o from an operator that is subject to an operating ban pursuant to Regulation (EC) No 2111/2005; is prohibited.			☐ N/A ☐ C ☐ NC ☐ R ☐ N/R	
AMC1 ORO.AOC.110	Operator to provide the competent authority with the following information: - o the aircraft type, registration markings and serial number, as soon as available; - o the name and address of the registered owner; - o a copy of the valid certificate of airworthiness; - o a copy of the lease agreement or description of the type of lease, the lease provisions, except financial arrangements; and - o duration of the lease;			☐ N/A ☐ C ☐ NC ☐ R ☐ N/R	

Reference	Requirement	Specific requirements/expectations	Eval. operator	Eval. CA	Description
	a statement signed by the lessee that the parties to the lease agreement understand their respective responsibilities.				
ARO.OPS.110	Verify that the lessor's competent authority approved the lease agreement. Check the approval.	When an MKD operator leases an aircraft of an undertaking or person other than an operator, the lease is approved only by the lessee's competent authority.		☐ N/A ☐ C ☐ NC ☐ R ☐ N/R	
ARO.OPS.110	Asses available reports on ramp inspections performed on aircraft of the lessor. Verify SAFA database.	Review any significant and/or repetitive finding.		☐ N/A ☐ C ☐ NC ☐ R ☐ N/R	
Dry lease-in					
ORO.AOC.110(d)	Dry lease-in of an aircraft from a TCO operator: Applicant to demonstrate to the competent authority that: - an operational need has been identified that cannot be satisfied through leasing an aircraft registered in the EU; - the duration of the dry lease-in does not exceed 7 months in any 12 consecutive month period; - compliance with the applicable requirements of Regulation (EU) No 1321/2014 is ensured; and - the aircraft is equipped in accordance with the EU regulations for Air Operations.	Verify evidence that appropriate aircraft could not be leased from an EU operator (rejection letters...). Verify that adequate maintenance arrangements have been established for the maintenance of the concerned aircraft (including the responsibility for the signing of the maintenance release and the management of the airworthiness of the aircraft).		☐ N/A ☐ C ☐ NC ☐ R ☐ N/R	
Wet lease-in					
AMC1 ORO.AOC.110	Applicant to provide, as part of its application for an approval, a copy of the AOC and the areas of operation.	Check that the approved area of operations is compatible with the operations of the lessee		☐ N/A ☐ C ☐ NC ☐ R ☐ N/R	
ORO.AOC.110(c)	Applicant for the approval of the wet lease-in of an aircraft from a third-country operator to demonstrate: that the third country operator holds a valid AOC issued in accordance with Annex 6 to the Convention on			☐ N/A ☐ C	

Reference	Requirement	Specific requirements/expectations	Eval. operator	Eval. CA	Description
	International Civil Aviation;			☐ NC ☐ R ☐ N/R	
ORO.AOC.110(c)	Applicant for the approval of the wet lease-in of an aircraft from a third-country operator to demonstrate: - o that the safety standards of the third country operator with regard to continuing airworthiness and air operations are equivalent to the applicable requirements established by Regulation (EU) No 1321/2014 and this Regulation. - Demonstration of equivalence to cover the following: (a) Annex IV (Part-CAT); (b) Part-ORO: 1) ORO.GEN.110 and Section 2 of Subpart GEN; 2) ORO.MLR; 3) ORO.FC; 4) ORO.CC, excluding ORO.CC.200 and ORO.CC.210(a); 5) ORO.TC; 6) ORO.FTL, including related CS-FTL; and 7) ORO.SEC; (c) Annex V (Part-SPA), if applicable; (d) for continuing airworthiness management of the third-country operator, Part-M1 Subpart-B, Subpart-C and Subpart-G, excluding M.A.707, and M.A.710; (e) for the maintenance organisation used by the third-country operator during the lease period: Part-145; (f) retroactive airworthiness requirements in accordance with Part-26; and (g) the operator should provide the competent authority with a full description of the flight time limitation scheme(s), operating procedures and safety assessment demonstrating compliance with the safety objectives set out in points (b)(1)-(6).	- Audit of the lessor to be conducted by the operator. - Check that the procedure specifies that any change to the standards of the third country operator is notified to the competent authority of the lessee. - Check that: • the MEL of the wet leased-in operator is based on an approved MMEL specified in the MEL; • rectification intervals have been established for each inoperative item of equipment or function listed in the MEL, as well as operational and maintenance procedures; and • any EU specific limitation on the rectification interval of specific equipment is met (e.g. AUR.SUR.2010 on inoperative transponder) if the aircraft is planned to be operated in the EU airspace.		☐ N/A ☐ C ☐ NC ☐ R ☐ N/R	
ORO.AOC.110(c)	Applicant for the approval of the wet lease-in of an aircraft from a third-country operator to demonstrate that the aircraft has a standard CofA issued in accordance with Annex 8 to the Convention on International Civil Aviation.			☐ N/A ☐ C ☐ NC ☐ R	

Reference	Requirement	Specific requirements/expectations	Eval. operator	Eval. CA	Description
AMC2 ORO.AOC.110(c)	Record of occasions when lessors are used, to be maintained by the operator.	- Check that the procedures foresee this.		☐ N/R	
Article 13(3)(b) of Regulation (EC) No 1008/2008	Verify if there is an international agreement on wet-leasing signed by the Union which is based on an Air Transport Agreement and which was signed before 1 January 2008 OR Verify if one of the following conditions for wet leasing aircraft registered in a third country is fulfilled: (i) the Community air carrier justifies such leasing on the basis of exceptional needs, (ii) the Community air carrier demonstrates that the leasing is necessary to satisfy seasonal capacity needs, or (iii) the Community air carrier demonstrates that the leasing is necessary to overcome operational difficulties, and it is not possible or reasonable to lease aircraft registered within the Community.			☐ N/A ☐ C ☐ NC ☐ R ☐ N/R	
Dry lease-out					
ORO.AOC.110(e)	- Operator to accompany its approval application with copies of the intended lease agreement or description of the lease provisions, except financial arrangements, and all other relevant documentation.			☐ N/A ☐ C ☐ NC ☐ R ☐ N/R	
ARO.OPS.110 (d)(1)	Ensure proper coordination with the competent authority responsible for the continuing oversight of the aircraft, in accordance with Commission Regulation (EC) No 1321/2014, or for the operation of the aircraft, if it is not the same authority.			☐ N/A ☐ C ☐ NC ☐ R ☐ N/R	
ARO.OPS.110 (d)(2)	Ensure that the aircraft is timely removed from the operator's AOC			☐ N/A ☐ C	

Reference	Requirement	Specific requirements/expectations	Eval. operator	Eval. CA	Description
				☐ NC ☐ R ☐ N/R	
Wet lease-out (no approval required)					
ORO.AOC.110(f) AMC1 ORO.AOC.110(f)	- Operator to notify the competent authority prior to the wet lease-out of an aircraft. Notification to include the following information: a) the aircraft type, registration markings and serial number; b) the name and address of the lessee; c) a copy of the lease agreement or description of the lease provisions, except financial arrangements; and d) the duration of the lease agreement.			☐ N/A ☐ C ☐ NC ☐ R ☐ N/R	

Note: Under the situation where the dry lease involves an aircraft of a nationality different from the State of the Operator, it is desirable for the State of Registry and the State of the Operator to enter into agreement regarding the transfer of all or part of the functions, duties or responsibilities of the State of Registry under the Convention and, if possible, under their national laws to the State of the Operator. Such a transfer arrangement is envisaged in the recently proposed amendment to the Convention - Article 83 bis.

2. Third Country Operator Code Share Agreement review

Reference	Requirement	Specific requirements/expectations	Eval. operator	Eval. CA	Description
Initial verification of compliance with ICAO standards					
ORO.AOC.115(a)(1) AMC1 ORO.AOC.115(a)(1)	- Audit of the third country operator conducted and including the following: - o ICAO Annex 1: Licensing; - o ICAO Annex 2: Rules of the air; - o ICAO Annex 6 (Part I and III, where applicable): Aircraft operations; - o ICAO Annex 8: Airworthiness; - o ICAO Annex 18: Dangerous goods. - Audit conducted on-site and including interviews and inspections at the operator's facilities. - Audit to focus on the operational, management and control systems of the operator.	- Audit report to be provided as part of the application, with the auditors' names. - All findings to be adequately closed and a statement of compliance to be established by the EU operator.		☐ N/A ☐ C ☐ NC ☐ R ☐ N/R	
ORO.AOC.115(c)	<u>Conditions preventing the code-share:</u> Third country operator subject to an operating ban pursuant to Regulation (EC) No 2111/2005 or failing to maintain compliance with the applicable ICAO standards.			☐ N/A ☐ C ☐ NC ☐ R ☐ N/R	
Code share audit programme					
Description of the programme					
ORO.AOC.115(b) AMC1 ORO.AOC.115(b)	- Code-share audit programme to be established, including: - o the audit methodology (audit report + compliance statements); - o details of the specific operational areas to audit; - o criteria for defining satisfactory audit results; - o a system for reporting and correcting findings; - o a continuous monitoring system; - o auditor qualification and authorisation; and	- First cycle to start at the date of the first audit. - Interval between 2 audits should not exceed 24M - A renewal audit is to be planned before the expiry date. - The 24M validity of a renewal audit starts at the expiry date of the previous audit if the renewal audit is conducted max 150 days prior to the expiry date of the previous audit. - In case of shared audits, audit reports should be made		☐ N/A ☐ C ☐ NC ☐ R ☐ N/R	

Reference	Requirement	Specific requirements/expectations	Eval. operator	Eval. CA	Description
	the frequency of audits. - Audit cycle not to exceed 24 months.	available for review all sharing operators.			
Finding management					
ORO.AOC.115(a)(b) AMC1 ORO.AOC.115(b)	- Evidence of findings adequately corrected by the third country operator. - Statement of compliance established by the EU operator after the correction of all the findings and submitted to its competent authority.			☐ N/A ☐ C ☐ NC ☐ R ☐ N/R	
Third party provider of the audit/ Audit sharing					
ORO.AOC.115(a)(b) AMC1 ORO.AOC.115(b)	<u>Audit sharing:</u> - Report to be made available for review by all duly identified sharing operators by any means.			☐ N/A ☐ C ☐ NC ☐ R ☐ N/R	
Use a third party provider for the audits					
ORO.AOC.115(a)(b) AMC2 ORO.GEN.205	<u>Conditions:</u> - a documented arrangement has been established with the third party provider; - the audit standards applied by the third party provider addresses the scope of the regulation in sufficient detail; - the third party provider uses an evaluation system, designed to assess the operational, management and control systems of the third country code-share operator; - independence of the third party provider, its evaluation system as well as the impartiality of the auditors is ensured; - the auditors are appropriately qualified and have sufficient knowledge, experience and training, including on-the-job training, to perform their allocated tasks; - audits are performed on-site; - access to the relevant data and facilities is granted to the level of detail necessary to verify compliance with the applicable requirements;			☐ N/A ☐ C ☐ NC ☐ R ☐ N/R	

Reference	Requirement	Specific requirements/expectations	Eval. operator	Eval. CA	Description
	- access to the full audit report is granted to the EU operator; - procedures have been established for monitoring continued compliance of the third country code-share operator with the applicable requirements, taking into account the timelines in AMC1 ORO.AOC.115(b)(b) and (c); - procedures have been established to notify the third country code-share operator of any non-compliance with the applicable requirements, the corrective actions to be taken, the follow up of these corrective actions and closure of findings.				
ORO.AOC.115(a)(b) AMC2 ORO.AOC.115(b)	<u>List of third country operator monitored:</u> - The EU operator to maintain a list of the third country code-share operators monitored by the third party provider.			☐ N/A ☐ C ☐ NC ☐ R ☐ N/R	