



Dry lease-in of third country aircraft by EU operators 18 February 2011, EASA, Cologne, Germany

EASA representatives

EASA	Jules Kneepkens	Rulemaking Director
EASA	Eric Sivel	Deputy Rulemaking Director
EASA	Jean-Marc Cluzeau	Rulemaking – Head of Flight Standards
EASA	Rosa Tajés	Continuing Airworthiness Rulemaking Officer
EASA	Arthur Beckand	Rulemaking – Legal Adviser

IACA representatives

Monarch Airlines	Mike Smith	Director of Fleet and External Affairs
Transavia	Robert-Jan Korenromp	Director Safety & Quality Assurance
Transavia	Frits van Willegen	Senior Quality Engineer
TUI Travel	Eddie Redfern	Head of Regulatory Affairs,
IACA	Erik Moyson	Director Technical & Operations

Apologies

Thomas Cook Airlines Stuart Jones	General Manager - Quality, Security and External Affairs
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Background

Following NPA 2010-10 and CRD OR.OPS.110.AOC, dry lease-in of a third country aircraft would no longer be possible. Considering the necessity for the leisure industry to offset seasonal capacity by leasing-in third country aircraft, IACA requested EASA to review and amend CRD OR.OPS.AOC and NPA 2010-10 to enable continued safe operations by EU operators of dry leased-in third country aircraft for a seasonal period (IACA letter dated 6 December 2010).

Minutes

On 18 February 2011, a small delegation of IACA, Monarch, Transavia and TUI Travel met with Jules Kneepkens and his team at EASA to discuss the issue of dry leasing-in third country aircraft by EU operators.



All participants recognised:

- the leisure industry is faced with an inherent seasonal demand for aircraft capacity
- considering EU operators have more control, dry leasing-in is more safe than wet leasing-in
- dry leasing-in third country is de facto no longer possible since 16 July 2008 when JAR-OPS 1.180(a)(1) was transposed to EU-OPS 1.180(a)(1), hereby no longer accepting Certificates of Airworthiness issued per ICAO Annex 8, but only issued to Part-21.
- a solution should be found to enable dry lease-in third country aircraft beyond 8 April 2012

EASA was interested to know how operators could continue to lease-in third country aircraft. IACA participants replied to lease-in mainly from third countries with some kind of bilateral agreement in place (e.g. United States, Canada...) following a safety audit of lessor's operations and maintenance program. Several National Aviation Authorities issued specific leasing requirements and approved dry lease-in under derogation.

Several possible solutions were briefly discussed:

1. Amend EU-OPS (Regulation 859/2008) reinstalling a standard certificate of airworthiness could be issued in accordance with ICAO Annex 8. Considering this was not accidentally deleted from EU-OPS but voted out, this is not considered a realistic option.
2. Adapt the EASA Opinion on the Implementing Rule for Air Operations. Such would be in contradiction with EU-OPS and therefore not recommended.
3. Part-TCO (see hereunder).

Jules Kneepkens said the solution could come from the Basic Regulation, which is more open than EU-OPS. A dry leased aircraft needs to meet the Essential Requirements. A mechanism ensuring compliance could be similar to Part-TCO.

Arthur Beckand explained Part-TCO would address third country operators (TCO) complying with ICAO Standards and their States of Registry (SoR). If the TCO and/or SoR are questionable, a lease would not be approved. But as long as the lease partner has a TCO approval, dry lease-in would be possible. Where countries have a bilateral safety agreement in place, this will not present a problem authorising such carriers e.g. USA / Canada. Once a carrier has been authorised under Part-TCO, then any carrier can dry lease that operator.

Considering Part-TCO would also enter in force on 8 April 2012, this solution is not slower than adapting the EASA Opinion on Air Operations. Part-TCO is the best way to have a permanent solution for dry leasing-in foreign aircraft, compared to the current case by case approval.

The NPA Part-TCO will be issued on the short term, and IACA will need to follow this and respond appropriately. IACA carriers will also need to ensure that their National Aviation Authorities support the provisions within the NPA to ensure that IACA carriers can benefit from these new rules.

Conclusion

EASA recognised the problem for the leisure industry and proposed a solution, which meets the IACA dry lease requirements whilst maintaining the EASA/NAA safety oversight.