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**ARRANGEMENTS FOR MAINTENANCE OF IRISH REGISTERED
COMMERCIAL TRANSPORT AIRCRAFT LEASED TO OVERSEAS
OPERATORS**

1. Introduction

In pursuance to Article 18 of the Irish Aviation Authority (Airworthiness of Aircraft) Order (S.I. No. 324 of 1996) and Part VIII of the Irish Aviation Authority (Operations) Order, (S.I. No. 61 of 2006), the operator of an Irish registered commercial transport aircraft is required to ensure that it is maintained to an approved maintenance schedule and to provide suitable facilities for its inspection and maintenance, wherever it may be. The following arrangements [shall] apply in the case of an aircraft leased to a foreign operator based outside Ireland:

2. Identification of the Operator - The Air Operator's Certificate

The aircraft concerned must be formally included in the Air Operator's Certificate or equivalent document issued by the state authorising the operator of the aircraft [state of the operator] in accordance with the provisions of ICAO Annex 6 and the relevant state's legislation. The aircraft and its approved maintenance schedule must also be specifically referenced in the operator's approved maintenance program or maintenance operations specification.

3. Facilities for Maintenance

Maintenance facilities for these aircraft may be arranged within the operator's own maintenance organisation, if acceptable to the Authority, or by contracting in the necessary services by the operator concerned. Maintenance facilities include those for line and base checks, defect rectification and all outstation maintenance arrangements.

4. Maintenance Contracts

A contracted maintenance organisation in respect of Irish registered aircraft must be acceptable to or directly approved by the Authority in accordance with ICAO Annex 6 Chapter 8 for the State of Registry. The associated contracts are subject to the approval of the Authority in terms of technical content and must at least specifically contract the maintenance services defined directly to the operator in respect of the identified aircraft concerned. The registered owner or lessor of the aircraft concerned should agree and witness any such contract if not directly negotiated by him on behalf of the operator.

5. Owner's Responsibilities

Where the lease of an Irish registered aircraft is proposed to a foreign based operator, the owner shall be required to satisfy the Authority, prior to commencement of the operation, that the above requirements will be met by the operator concerned, i.e.:

- a. that the operator's organisation is competent in respect of aircraft maintenance to implement the requirements of ICAO Annex 6 and Part VIII of the Irish Aviation Authority (Operations) Order and that:
- b. where required, acceptable contracts for maintenance are or will be in place;
- c. that the aircraft concerned will be maintained according to the approved maintenance schedule (or a maintenance program or maintenance operations specification); and
- d. operated in accordance with a minimum equipment list approved in both cases by the Authority.

The registered owner or lessor shall also facilitate the Authority in the inspection of the operator's facilities and procedures for aircraft maintenance and in the examination of all pertinent contractual arrangements to ensure that these are acceptable to the Authority both initially and on an ongoing basis.

A registered owner who leases or proposes to lease a transport category aircraft to a foreign operator located in a state that is not a member of EASA shall be required by the Authority to contract with, or establish and maintain a technical organisation which is sufficient to technically assess those operators on a continuing basis and report periodically to the Authority any anomalies, either in the operation of the aircraft concerned, such as defects or incidents, or any incapacity on the part of the operator to maintain the aircraft.

For operators located in an EASA member state the registered owner shall liaise with the Authority on contractual, technical and operational issues. If the registered owner does not have the capacity to fulfil this obligation from within its own organisation, a contracted third party, or a member of the operator's senior management (e.g. Engineering, CAMO or QA Manager) can be nominated for this role.

6. Failure to Effect Proper Maintenance

Where the above arrangements for maintenance are established but subsequently cease to be effective for any reason or where the maintenance of the aircraft concerned is not subsequently affected satisfactorily, for any reason, the relevant maintenance release(s) and therefore the certificates of airworthiness cannot be considered to be any longer valid under Articles 12, 18 and 19 of the Irish Aviation Authority (Airworthiness of Aircraft) Order.

The continued operation of an aircraft in that event would be in contravention of Article XX of the Chicago Convention and, where matters are not immediately rectified, the

Authority would have no option but to require deregistration of the subject aircraft under Article 18 of the Irish Aviation Authority (Nationality and Registration of Aircraft) Order S.I. No. 107 of 2015, unless it is withdrawn from the lease in question.

7. Assistance by the Owner

The registered owner may assist a lessee operator of an aircraft to achieve the necessary support for maintenance by arranging for contracts with approved maintenance organisations, provided that such contracts are for technical assistance directly to the operator concerned and are not simply bilateral arrangements between the aircraft owner and the maintenance contractor.

Such contracts in respect of Irish registered aircraft must be acceptable in scope, terms and content to the Authority, without prejudice to the requirement that the technical services contracted for must also be agreed and amenable to qualitative assessment by the operator concerned who shall have, (as well as the Authority) full discretion to require suspension or modification of such a contract when in the opinion of the operator the services are not being rendered satisfactorily.

8. Inadequacy of Operator's Facilities

Where the Authority finds that a foreign operator's maintenance arrangements are or have become inadequate under Part VIII of the Operations Order, due notice will be given to the aircraft registered owner of this finding. Where effective action to rectify matters is not taken immediately or, depending on the situation, within a reasonable time, action in accordance with Para. 6 above may be taken by the Authority.

9. Cessation of Lease and Aircraft Maintenance between Leases

Where a lease is terminated for any reason and an aircraft is withdrawn from an authorised operator and ceases to be in use for commercial transport, it may not be used for the carriage of passengers or the operation of air services in general unless placed on the Air Operator's Certificate or equivalent authorisation of another licensed operator.

In these circumstances, while the physical maintenance requirements are unchanged from those for a commercial transport aircraft, the registered owner becomes directly responsible for its maintenance under Article 62 of the Irish Aviation Authority (Operations) Order, S.I. No.61 of 2006.

The aircraft must continue to be maintained, even if in storage, to an approved schedule or program by an approved maintenance organisation and remains subject to a commercial transport maintenance release under the Irish Aviation Authority (Airworthiness of Aircraft) Order, 1996, whether the aircraft is intended for onward leasing on the Irish register or on the register of another state. The issue of a certificate of airworthiness for export in the latter case will be conditional on the availability of a valid maintenance release.

This requirement between leases is to ensure continuity in the auditing and review of the maintenance status of an aircraft which may be maintained in accordance with a number of

different operator maintenance schedules/programs throughout the period of its ownership by a particular owner/lessor. This requirement for a maintenance release will ensure that the interface between various maintenance schedules/programs will be systematically reviewed on a continuing basis to establish the true status of outstanding, current and future maintenance requirements for the aircraft concerned.

10. Certification

An Irish registered commercial transport aircraft may not be operated under Article 29 of the Irish Aviation Authority (Operations) Order, 2006, unless the aircraft is airworthy and there is in force in respect of that aircraft a valid certificate of maintenance release. This applies wherever the aircraft may be.

Where there are no corresponding and applicable provisions under EU Commission Regulations (EU) No. 748/2012 or (EU) No. 1321/2014, Aeronautical Notice No. A.25 permits the acceptance of a foreign certification of maintenance release (ICAO Annex 6 Chapter 8) as equivalent to that of Article 18 of the Irish Aviation Authority (Airworthiness of Aircraft) Order, 1996, when issued by an authorised organisation/person in accordance with Annex 6 and within the legislation of an ICAO member state as the State of the Operator (such a maintenance release includes a review of all maintenance action done and due over a defined period for the aircraft concerned).

11. Modifications, Repairs, and Mandatory Requirements

The requirements of Aeronautical Notices Nos. A.6 and A.9 in respect of modifications and repairs to Irish registered aircraft apply irrespective of the location of the aircraft. These requirements must be met in order to ensure the continued validity of the certificate of airworthiness concerned.

Repairs to Irish registered aircraft must be performed in accordance with Structural Repair Manual procedures for the aircraft type or in accordance with a repair scheme approved by an EASA Part 21 Design Organisation or approved by the authority of the state of design/manufacture concerned. Major repairs must also be notified to the Authority even when Authority approval is not required.

The certification required under the above Notices may however, be affected by the conditions of Aeronautical Notice No A25 when an aircraft is on lease to a foreign operator or the work is performed by a foreign maintenance organisation approved by or otherwise acceptable to the Authority for that work.

If any deviation is proposed to the application of mandatory airworthiness requirements as specified in Aeronautical Notice No. A.5 affecting the airworthiness of a leased aircraft, the approval of the State of Registry, as custodian of the certificate of airworthiness, will be required in addition to that of the operator's local aviation authority. This might, for example, arise in the case where an operator wishes to avail of an alternate means of compliance to an airworthiness directive.

12. Records

Article 63 of the Irish Aviation Authority (Operations) Order 2006, requires the operator of a commercial transport aircraft to hold the maintenance records required by Article 22 of the Irish Aviation Authority (Airworthiness of Aircraft) Order, 1996. Where an aircraft ceases to be in use as a "commercial transport aircraft", on being withdrawn from an operator, that responsibility devolves under the same Article 63 onto the registered owner.

This Notice replaces Aeronautical Notice SP1A at issue 2 which should be discarded.

**Chief Executive
Irish Aviation Authority**