



सत्यमेव जयते

GOVERNMENT OF INDIA
OFFICE OF THE DIRECTOR GENERAL OF CIVIL AVIATION
TECHNICAL CENTER, OPPOSITE SAFDARJUNG AIRPORT, NEW DELHI

CIVIL AVIATION REQUIREMENT
SECTION 3 – AIR TRANSPORT
SERIES C PART XIII
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F. No. AV.14027/34/2016-AT-I

Subject: Requirements for Operation of Foreign Registered Aircraft by Indian Operators on Dry Lease Basis

1. INTRODUCTION

- 1.1 Sub rule (3) of Rule 1 of the Aircraft Rules, 1937 stipulates that the aircraft rules shall apply to aircraft registered in a contracting State and operated pursuant to an agreement for the lease, charter or interchange of the aircraft or any similar arrangement by an operator who has his principal place of business, or, if he has no such place of business, his permanent residence in India, provided that an agreement has been reached between the government of the State of registry of the Aircraft and the Government of India in regard to transfer of functions and duties pursuant to Article 83 bis of the Convention. Further, the extent of application of the rules to such aircraft shall be as per the agreement between the two Governments.
- 1.2 CAR Section 3 Series C Part I, accordingly, lays down the requirements for leasing in or leasing out of aircraft by an Indian Operator. Leases (In) under the said CAR are permitted only in emergency situations by DGCA. These cover situations of unexpected grounding of the aircraft of an existing AOP/AOC holder, aircraft under unscheduled maintenance or checks or any other unforeseen circumstances and are not permitted for capacity or route expansion of an air transport (passenger) service except for cargo operations.
- 1.3 CARs Section 3 Series C Part II on Minimum requirements for grant of permit to operate scheduled passenger air transport Services) and Part XII on Requirements for grant of Air Operator Certificate for Scheduled Commuter Air Transport Services) allows for operation by an Indian Scheduled air transport operator of a civil aircraft which is leased or chartered to it without crew and is registered in a country which is a party to the Convention on International Civil Aviation.

1.4 This CAR is issued under the provisions of Rules 133A and lays down the requirements for compliance before operation of a foreign registered aircraft leased without crew (dry lease).

2. APPLICABILITY

2.1 This CAR is applicable to Indian air transport operators engaged in Scheduled air transport service intending to operate foreign-registered aircraft (dry lease) on their Air Operator's Certificate.

2.2 The requirements contained in this CAR relate to aircraft type already existing in the Operator's fleet.

2.3 In case an Operator intends to induct an aircraft type not in its existing fleet, in addition to the requirements contained in CAR, the operator will be required to undergo the certification process as per applicable Air Operator Certification Manual.

3. REQUIREMENTS

3.1 General

3.1.1 DGCA will enter into an agreement under Article 83bis with the State of Registry.

Note: The detailed procedure for an agreement under Article 83bis is laid down in CAP 3200 – Aircraft Leasing Manual

3.1.2 Import/ Operation of such aircraft shall be subject to applicable Custom regulations.

3.1.3 The foreign registered aircraft will be entered in the Air Operator Certificate.

3.2 Aircraft

3.2.1 The aircraft shall be registered in ICAO Contracting State.

3.2.2 The aircraft shall be FAA/EASA type certified.

3.2.3 The aircraft shall meet the age criteria as laid down in CAR Section 2, Series F, Part XX.

3.2.4 The aircraft shall have the following valid certificates/ documents during the term of the lease.

- a) Certificate of Registration
- b) Certificate of Airworthiness
- c) Airworthiness Review Certificate (if applicable)
- d) Noise Certificate
- e) Weight and Balance Report

- f) Layout of Passenger Arrangement / Emergency Equipment Location Chart(EELC)
 - g) Aeromobile Station License or equivalent documents
 - h) Air Operator Certificate/Permit (if applicable)
- 3.2.5 The Lessor /State of Registry shall provide the mandatory occurrence reports of leased aircraft for the last 5 years to DGCA
- 3.2.6 Operator shall ensure that the leased aircraft meets the minimum equipment requirements for the type of operations to be conducted.
- 3.2.7 Operator shall ensure that maintenance programme of the leased aircraft, as approved by the State of Registry, meets an equivalent level of standard to that of the maintenance programme of its existing fleet.
- 3.2.8 The Operator shall ensure that all the manuals of leased aircraft are updated and made available to all concerned.
- 3.2.9 Operator shall ensure that the following minimum requirements are met, before the leased aircraft enters into service, but not restricted to:
- a) “Fasten seat belt while seated” sign and “no smoking” sign are displayed in proper place.
 - b) Exit signs and other safety information are bilingual (English/Hindi) and pictorial signs if provided are also acceptable.
 - c) Passenger seats are provided with “passenger briefing card”.
 - d) First aid kit/Medical Kit and Universal Precaution Kit (UPK) as per CAR Section 2 Series X Part III.
- 3.2.10 Operator shall ensure that all applicable Airworthiness Directives (ADs) are complied.
- 3.2.11 Operator shall ensure that “Flight Deck Security System” is installed in the leased aircraft, wherever applicable.
- 3.2.12 Operator shall ensure that Minimum Equipment List (MEL)/ Configuration Deviation List (CDL) as approved by the State of Registry is submitted to DGCA for acceptance incorporating national requirements.
- 3.2.13 The operator shall ensure availability of spare aircraft parts or have appropriate arrangements spare parts. All parts that needs to be imported shall have valid EASA/FAA/State of Registry release note/tag.
- 3.2.14 Maintenance of the aircraft shall be carried out by a Maintenance Organization approved by the State of Registry. The maintenance of the aircraft shall be certified by personnel duly authorized by State of Registry. The same shall be

documented in the Operator's Continued Airworthiness Maintenance Exposition (CAME).

3.3 Operations

3.3.1 The aircraft shall be operated by flight crew duly authorized by State of Registry.

3.3.2 In case the Operator intends to utilize foreign pilots for operation of the aircraft leased under the provisions of this CAR, the operator shall ensure

- a) Such foreign pilots are duly authorized by the State of Registry.
- b) Security clearance for such pilots has been obtained from the concerned agencies as applicable in case of FATA.
- c) Such foreign pilots can be utilized only for the fleet leased under this CAR.

3.3.3 Operator shall amend its Operational Manual to cover the leased aircraft indicating training aspects.

3.3.4 Operator shall ensure that all concerned operational personnel such as flight crew, cabin crew, flight despatchers, load and trim sheet personnel etc. undergo differences training prior to commencing operations with leased aircraft.

3.3.5 Operator shall ensure that DGCA officers are provided required training on the leased aircraft for exercising oversight.

3.3.6 Operator shall undertake "Safety Assessment" to ensure that the aircraft can fly across their network without restrictions

3.4 Safety Requirements

3.4.1 Operator shall ensure monitoring of DFDR/CVR as per the DGCA requirements.

3.4.2 In case the aircraft is involved in any accident, serious incident or reportable occurrence during the period of lease, the same shall be reported to AAIB/ DGCA and also the State of Registry by the operator.

4. Application

4.1 The applicant, i.e. the Indian AOP/AOC holder, shall submit to DGCA (Air Transport Directorate) at least 90 days prior to the proposed commencement of operations:

- a) a completed three (3) sets of Aircraft Leasing Form as given in Appendix I,
- b) a copy of the proposed lease agreement, and

- c) consent of Foreign Civil Aviation Authority - The consent of the applicable foreign civil aviation authority is required before a leasing permission can be processed. This consent should be in writing.
- 4.2 Prior to granting permission, DGCA will contact the State of Registry for entering into an agreement under Article 83bis.
5. The DGCA may withdraw permission for operation of the aircraft under lease if during service it is found that airworthiness and safety of the aircraft operations is in doubt or the requirements stipulated above or any other safety rules or regulations are not being complied with.



(B. S. Bhullar)
Director General of Civil Aviation

Foreign Registered aircraft leased to an Indian Air Operator

Aircraft Leasing Form (LF-4)											
APPLICATION FOR AUTHORISING A LEASING OPERATION (DRY LEASE) INVOLVING A FOREIGN REGISTERED AIRCRAFT OWNER/ OPERATOR (LESSOR) LEASED TO AN INDIAN AIR OPERATOR (LESSEE)											
<i>To be completed by the Indian Air Operator</i>											
Note: Complete Job Aid(s) for Airworthiness Assessment and Operations Assessment and submit along with this application.											
A. Identification of the aircraft and ownership											
Aircraft Manufacturer:				Model Designation:							
Serial No.:			Nationality and Registration Mark:				Maximum Take-off Weight				
Name and address of registered owner of aircraft:				Certificate of Airworthiness No. and Validity:				Maintenance Programme approval:			
B. Lessor/ Lessee											
Name and Address of the Foreign Owner/ Air Operator (Lessor):						Telephone:			Fax:		
						Air Operator Permit No. and Validity (if applicable):					
Name and Address of the Indian Air Operator(Lessee):						Telephone:			Fax:		
						Air Operator Certificate No. and Validity:					
C. Maintenance											
Name and address of person/ company who will maintain the aircraft				Telephone:				Location of aircraft main maintenance base:			
				Fax:							
What maintenance certification authority does the foreign aircraft owner/ air operator have for this type of aircraft?				Indicate the Maintenance organization approval (if applicable)							
D. Lease Agreement						E. Authorisation Dates requested – Date					
Commencement Date:			Termination Date:			Commencement Date:			Termination Date:		
DD	MM	YYYY	DD	MM	YYYY	DD	MM	YYYY	DD	MM	YYYY
F. Certification of Applicant – Attestation											
I certify that:											
<ol style="list-style-type: none"> The responsibility for legal custody and control of the aircraft is clearly vested in the lessee during the term of the lease All of the information and statements contained in this application are true and complete to the best of my knowledge and belief 											
_____						_____					
Name and signature of person authorised to sign						Date					
on behalf of the Indian Air Operator Lessor						(DD-MM-YYYY)					
FOR DGCA USE ONLY											
Lessee File Number:						Leasing File Number:					
APPLICATION ROUTING FOR COORDINATION				Signatures				Additional Conditions Attached			
1. Flight Standards Directorate				_____				<input type="checkbox"/>			
2. Airworthiness Directorate				_____				<input type="checkbox"/>			