



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
ISSUE I, DECEMBER 2016

EFFECTIVE: FORTHWITH

Subject: Criteria for leasing of foreign registered aircraft by Indian Operators for operation by Indian crew

1. INTRODUCTION

Operation of foreign registered aircraft are ideal and convenient for start-up airlines, when exploring new routes or during seasonal fluctuations and sudden peaks in demand. In addition, operation of foreign registered aircraft arguably also fulfil the interim needs created by long-term fleet expansion plans, while maximising market share in the immediate term.

This CAR is issued under provisions of Rule 133A of the Aircraft Rules, 1937 and lays down requirements for operating a foreign registered aircraft by an Indian Operator for commercial air transportation.

2. APPLICABILITY

This CAR is applicable to all operators of India engaged in commercial air transport.

3. REQUIREMENTS

3.1 General

3.1.1 The state of foreign registered aircraft must be a member state of the convention of the International Civil Aviation Organization (ICAO).

3.1.2 Indian pilots and cabin crew shall operate the leased aircraft.

- 3.1.3 Copy of aircraft insurance shall be provided by the leasing company/foreign air operator which shall cover operations by Indian pilots and cabin crew.
- 3.1.4 The Indian operator shall be responsible for distribution and updation of all the manuals of leased aircraft along with other information to contracted maintenance providers and vendors.
- 3.1.5 DGCA shall have Memorandum of Understanding (MOU) with the State of Registry stipulating the responsibility of State of Operator and the State of Registry as per the format given at Appendix I to this CAR. Obligations under the convention shall be ensured by the State of Operator and the State of Registry.

3.2 **Airworthiness**

- 3.2.1 The foreign aircraft must be type certificated as per FAA/EASA regulations.
- 3.2.2 The foreign aircraft to be imported shall meet the age criteria as laid down in DGCA CAR Section 2, Series F, Part XX.
- 3.2.3 The aircraft should have following valid certificates issued by the State of Registry at time of import:
- a) Certificate of Registration
 - b) Certificate of Airworthiness
 - c) Airworthiness Review Certificate (if applicable)
 - d) Noise Certificate
 - e) Weight Schedule
 - f) Layout Plan of Passenger Arrangement (LOPA)/Emergency Equipment Location Chart (EELC)
 - g) Aeromobile Station Licence
 - h) Air Operator Certificate/Permit

It shall be the responsibility of Indian operator to ensure that they remain valid during the entire term of the lease.

- 3.2.4 Operator shall ensure that the leased aircraft must meet the minimum equipment requirements as specified in applicable CARs of DGCA.
- 3.2.5 Operator shall ensure that the foreign operator's aircraft maintenance and inspection program meets an equivalent level of safety to that of its existing maintenance program. If the operator does not have a maintenance and inspection program for the leased aircraft, it shall submit the foreign operator's maintenance and inspection program for review and approval of the DGCA.
- 3.2.6 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).
 - c) Passenger seats are provided with 'passenger briefing card'.
 - d) First aid kit/medical kit and universal precaution kit as per applicable CAR.
- 3.2.7 Operator shall ensure that all the Service Bulletins (SBs) and Airworthiness Directives (Ads) are complied with on the leased aircraft.
- 3.2.8 Operator shall ensure that 'Flight Deck Security System' is installed in the leased aircraft.
- 3.2.9 Operator shall ensure that Minimum Equipment List (MEL)/Configuration Deviation List (CDL) as approved by the State of Registry is submitted to DGCA for approval incorporating national requirements.
- 3.2.10 Operator shall review the maintenance/parts program of foreign air operator and incorporate the same into its procedural manual.
- 3.2.11 The operator shall ensure availability of spare aircraft parts at all times. All parts that needs to be imported shall have valid EASA/FAA release note/tag.
- 3.2.12 Operator shall have an agreement with foreign aircraft operator on signing of the aircraft log books by Indian maintenance personnel. The format of the log book shall be mutually agreed by the DGCA and the State of Registry.
- 3.2.13 Maintenance of the aircraft shall be carried out to the extent authorized by the State of Registry and by operator's own maintenance personal or contracted to CAR 145 MRO approved by DGCA and the State of Registry. The same shall be documented in the Operator's Maintenance Organisation Exposition (MOE).
- 3.2.14 The Continuing Airworthiness Management Organisation (CAMO) of the operator shall provide the compliance statement to DGCA after ensuring the following:
- a) Aircraft has been maintained as per customized maintenance documents provided by the manufacturer.
 - b) All applicable Airworthiness Directives have been complied as and when due.
 - c) All components have been inspected, repaired, modified and/or overhauled in accordance with applicable manufacturer's manuals and specifications.

- d) All major repairs have been accomplished using EASA/FAA approved materials.

3.3 Training

- 3.3.1 Operator shall ensure that the flight/cabin crew undergo a differences training course including orientation of emergency equipment on board the leased aircraft.
- 3.3.2 Operator shall ensure that the training course-ware on aircraft systems/performance is made available to the flight/cabin crew.
- 3.3.3 First flight of all flight crew shall be under the supervision of a trainer.
- 3.3.4 Operator shall ensure that the flight dispatchers/load & trim sheet personnel/maintenance personnel undergo difference training and their knowledge assessed post training.
- 3.3.5 Operator shall ensure that details of leased aircraft are discussed during the annual refresher and the knowledge of flight/cabin crew/flight dispatchers/load & trim sheet personnel/ maintenance personnel assessed accordingly.
- 3.3.6 Operator shall ensure that DGCA inspectors are imparted required training on the leased aircraft for exercising oversight.

3.4 Operations

- 3.4.1 Indian pilots and cabin crew shall operate the leased aircraft subject to authorization given by the State of Registry.
- 3.4.2 Operator shall undertake "Risk Assessment" to ensure that the leased aircraft can fly across their network without restrictions.
- 3.4.3 Operator shall carry out comparative study on aircraft "limitations" of both the leased aircraft and the same aircraft in its fleet (Example: All Up Weight, Take-off weight, Landing Weight, Tailwind limitations, RVR Limitations as per the home country regulator).
- 3.4.4 Operator shall ensure that a valid Flight Management System (FMS) database is maintained at all times for FMS fitted aircraft.
- 3.4.5 Operator shall carry out performance monitoring to ensure correct "Performance Factor" is used for fuel planning. The performance factor shall be monitored every three months.

3.4.6 In case of aircraft lease beyond six months, the operator shall carry out amendment to its Operations Manual for conduct of such operations.

3.5 Safety Oversight

3.5.1 Leasing company/foreign air operator shall ensure that Safety Assessment of Foreign Aircraft (SAFA)/IATA Operational Safety Audit (IOSA)/Basic Aviation Risk Standard (BARS) reports for the last 3 years are provided to the DGCA.

3.5.2 The leasing company/foreign air operator shall provide the mandatory occurrence reports of leased aircraft for the last 5 years to DGCA.

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

3.5.4 In case the leased aircraft is involved in any accident, serious incident and reportable occurrence, the same shall be reported to the State of Registry also by the operator.

4. The DGCA may withdraw permission for operation of an foreign registered aircraft under lease if there is evidence showing that airworthiness and safety of the leased aircraft is not being properly maintained or the requirements stipulated above or any other safety rules or regulations are not being complied with.

(BS Bhullar)
Director General of Civil Aviation

Appendix I

MEMORANDUM OF UNDERSTANDING (MOU)
BETWEEN CAA (STATE) AND
DIRECTOR GENERAL OF CIVIL AVIATION, INDIA

This MOU is based on CAA (XX) letter no. _____ dated _____ requesting DGCA-India to carry out the oversight responsibilities of the state of Operator and take other actions with regard to the operations and maintenance of CAA (XX) Registered Aircraft with marking (ZZZZ) and MSN (ZZZZ), operated by (Foreign operator name) and wet leased to (Indian Operator Name) for the Period (YYYY) to (YYYY).

This Memorandum of understanding (MOU) between CAA (XX) and DGCA-India shall cover the following aspects:

- The flights during the lease shall be operated by the crew of (Indian operator Name) holding valid licenses issued by DGCA-India.
- Flight Duty time limitation (FDTL) shall be observed by the crew of (Indian operator Name) as per applicable provisions of relevant CARs. DGCA-India shall have access to records of all flight and Cabin crew FDTL.
- Indian Operator shall submit reportable occurrences to CAA (XX) and DGCA-India within 72 hrs of occurrence and ICAO Annex 13 shall be followed. The investigation shall be carried by DGCA-India with the participation of representative of CAA (XX).
- Inspection and access to complete aircraft (including Flight deck, cabin) shall be allowed to DGCA-India Inspectors (Flight operations, Airworthiness, Flight Safety, Cabin Safety and Dangerous Goods). Inspection reports shall be shared with CAA (XX) for necessary action.
- DGCA-India Inspectors shall have access to all aircraft maintenance records.
- CAA (XX) may perform regular oversight function. Inspection report shall be forwarded to DGCA-India.
- The safety standards of the state of registry shall be applicable in conjunction to those being followed by the operator as per applicable CAR's.

- All applicable AD's and SB's as and when due shall be complied with by the Indian operator and records provided to CAA (XX) and DGCA-India.
- The Maintenance shall be carried out as per the Manufacturer's approved MPD program by the Indian operators authorized personal or by the contracted MRO.

(.....)
Name
Title
CAA (XX)

(.....)
Name
Title
Directorate General of Civil Aviation, India

DRAFT