MEMORANDUM OF UNDERSTANDING N° ENAC-IAA-001

BETWEEN THE

IRISH AVIATION AUTHORITY (IRELAND)

AND

THE ENTE NAZIONALE PER L’AVIAZIONE CIVILE (ITALY)

ON THE IMPLEMENTATION OF THE art. 83 bis OF CONVENTION ON INTERNATIONAL CIVIL AVIATION (ICAO)

FOR THE TRANSFER OF SURVEILLANCE RESPONSIBILITIES (OPERATIONS, MAINTENANCE AND CONTINUING AIRWORTHINESS) OF AIRCRAFT OPERATED UNDER DRY LEASING CONTRACT
MEMORANDUM OF UNDERSTANDING BETWEEN THE IRISH AVIATION AUTHORITY (IRELAND) AND THE ENTE NAZIONALE PER L'AVIAZIONE CIVILE (ITALY) ON THE IMPLEMENTATION OF THE art. 83 bis OF CONVENTION ON INTERNATIONAL CIVIL AVIATION (ICAO) FOR THE TRANSFER OF SURVEILLANCE RESPONSIBILITIES (OPERATIONS, MAINTENANCE AND CONTINUING AIRWORTHINESS) OF AIRCRAFT OPERATED UNDER DRY LEASING CONTRACT

TABLE OF CONTENTS

Cover page pag 1
Table of Contents pag 2
List of effective pages pag 4
I – Premises pag 5
II – General pag 6
III – Scope of Application pag 7
IV – Transferred Responsibilities pag 7
V – Notification pag 8
VI - Lease authorisation pag 8
VII – Co-ordination pag 8
VIII – Initiation pag 8
IX - Effectiveness pag 9
X - Charges pag 9
XI - Final pag 9
Appendix 1 pag Appendix 1-1
   I- Purpose pag Appendix 1-1
   II- Implementation pag Appendix 1-1
   III- Type design definition pag Appendix 1-1
   IV- Changes to the type design pag Appendix 1-1
   V- Service Bulletins approval pag Appendix 1-2
   VI- Conformity to design related operational requir. pag Appendix 1-3
   VII- Continuing airworthiness pag Appendix 1-3
   VIII- Repairs pag Appendix 1-4
   IX- Maintenance pag Appendix 1-5
   X- Records pag Appendix 1-6
   XI- Flight operations and authorisation pag Appendix 1-7

Edition n° 1 rev. n° 0 Date 31 August 2000 pag.2
MEMORANDUM OF UNDERSTANDING BETWEEN THE IRISH AVIATION AUTHORITY (IRELAND) AND THE ENTE NAZIONALE PER L'AVIAZIONE CIVILE (ITALY) ON THE IMPLEMENTATION OF THE art. 83 bis OF CONVENTION ON INTERNATIONAL CIVIL AVIATION (ICAO) FOR THE TRANSFER OF SURVEILLANCE RESPONSIBILITIES (OPERATIONS, MAINTENANCE AND CONTINUING AIRWORTHINESS) OF AIRCRAFT OPERATED UNDER DRY LEASING CONTRACT

XII- Surveillance and inspection  pag Appendix 1-7
XIII- Certificate of Airworthiness renewal  pag Appendix 1-7
XIV- Co-operation  pag Appendix 1-8

Appendix 2
Aircraft Certificate of Airworthiness Recommendation Form  pag Appendix 2-1

Appendix 3
Samples of initiation and acceptance letters  pag. Appendix 3-1
MEMORANDUM OF UNDERSTANDING BETWEEN THE IRISH AVIATION AUTHORITY (IRELAND) AND THE ENTE NAZIONALE PER L'AVIAZIONE CIVILE (ITALY) ON THE IMPLEMENTATION OF THE art. 83 bis OF CONVENTION ON INTERNATIONAL CIVIL AVIATION (ICAO) FOR THE TRANSFER OF SURVEILLANCE RESPONSIBILITIES (OPERATIONS, MAINTENANCE AND CONTINUING AIRWORTHINESS) OF AIRCRAFT OPERATED UNDER DRY LEASING CONTRACT

LIST OF EFFECTIVE PAGES

<table>
<thead>
<tr>
<th>Page n°</th>
<th>Edition</th>
<th>Revision</th>
<th>Date</th>
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Edition n° 1  rev. n° 0  Date 31 August 2000  pag.4
MEMORANDUM OF UNDERSTANDING BETWEEN THE IRISH AVIATION AUTHORITY (IRELAND) AND THE ENTE NAZIONALE PER L'AVIAZIONE CIVILE (ITALY) ON THE IMPLEMENTATION OF THE art. 83 bis OF CONVENTION ON INTERNATIONAL CIVIL AVIATION (ICAO) FOR THE TRANSFER OF SURVEILLANCE RESPONSIBILITIES (OPERATIONS, MAINTENANCE AND CONTINUING AIRWORTHINESS) OF AIRCRAFT OPERATED UNDER DRY LEASING CONTRACT

I – PREMISES

Whereas the protocol relating to Article 83 bis of the Convention on International Civil Aviation (Chicago, 1944), to which IRELAND and ITALY are parties, entered into force on 20th June 1997.

Whereas the State of each Authority has signed the multilateral Airworthiness Agreement of Paris on 22nd April 1960 providing for the approval or acceptance by the importing Authority of approvals or findings of compliance by the exporting Authority in respect of airworthiness;

Whereas each Authority has signed the Arrangement of Cyprus and holds a JAA full membership;

Whereas each Authority has determined that the standards of airworthiness and systems for airworthiness, environmental certification and maintenance of the other Authority are equivalent to its own to make this arrangements practicable;

Whereas each Authority has determined that the operating requirements and design-related operational requirements of the other Authority are sufficiently equivalent to its own to make this arrangement practicable;

Whereas Article 83 bis, with a view to enhanced safety, provides for the possibility of transferring to the State of the Operator all or part of the State of Registry’s functions and duties pertaining to Articles 12, 30, 31, and 32 (a) of the Convention;

Whereas, in line with ICAO Document 9642, Part VIII, Chapter 1, and in light of ICAO Document 8335, Chapter 10, it is necessary to establish precisely the international obligations and responsibilities of IRELAND and ITALY in accordance with the Convention when a EI-registered aircraft is operated by the holder of an Air Operator Certificate (AOC) issued by the Italian Civil Aviation Authority or when an I-registered aircraft is operated by the holder of an AOC issued by the Irish Civil Aviation Authority under a leasing contract;

Whereas, with reference to the relevant Annexes to the Convention, this agreement organises the transfer from the lessor Authority to the lessee Authority of responsibilities normally carried out by the State of Registry, as set out in paragraphs III and IV below;

Whereas the protocol was ratified by ITALY through the Legge 24.7.85, n°437 published on Supplemento ordinario alla Gazzetta Ufficiale n°197 del 22.8.85, and has given effect to the agreement in relation to article 83bis

Whereas the protocol was ratified by IRELAND through the transfer of certain functions as defined in Statutory Instrument S.I. 322 of 1989 ‘AIR NAVIGATION’ (Transfer Of Certain Functions And Duties Of State Of Registry Of Aircraft) Order 1989, has given effect to the agreement in relation to article 83bis.
MEMORANDUM OF UNDERSTANDING BETWEEN THE IRISH AVIATION AUTHORITY (IRELAND) AND THE ENTE NAZIONALE PER L’AVIAZIONE CIVILE (ITALY) ON THE IMPLEMENTATION OF THE art. 83 bis OF CONVENTION ON INTERNATIONAL CIVIL AVIATION (ICAO) FOR THE TRANSFER OF SURVEILLANCE RESPONSIBILITIES (OPERATIONS, MAINTENANCE AND CONTINUING AIRWORTHINESS) OF AIRCRAFT OPERATED UNDER DRY LEASING CONTRACT

The Civil Aviation Authority of IRELAND — IRISH AVIATION AUTHORITY
Aviation House
Hawkins Street
Dublin 2,
Ireland.

And

The Civil Aviation Authority of ITALY — ENTE NAZIONALE per l’AVIAZIONE CIVILE — ENAC
Via di Villa Ricotti, 42
ROME
Italy.

hereinafter also referred to as “the Parties” or State of registry and State of Operator Authority, have agreed as follows on the basis of Articles 33 and 83bis of the Convention, to provide for the carrying out and the acceptance of certain functions, in particular the performance of inspection and surveillance activities, required to ensure that an aircraft during the terms of a lease is operated and maintained to their mutual satisfaction.

II - GENERAL

0. The following definitions applies:
   - lessor : Registered owner or operator of the leased aircraft
   - lessee : operator under the AOC of which the leased aircraft is operated

1. ICAO Contracting States undertake to regulate aviation in their State. The state of registry of the aircraft sets criteria to ensure compliance with design standard, continued airworthiness, crew licensing and other matters. Contracting States license and supervise the certified operators to ensure a level of safety is achieved. When the state of registry passes control of an aircraft to another State under art. 83bis of ICAO Convention, ICAO Annex 6 allows a working arrangement to be in place whereby the state of operation accepts the ICAO Annex 6 responsibilities for a set period. It is usual for the Authority of the State of operator to place certain criteria on the dry lease operator to ensure the aircraft in question complies with the requirement of the State of operator. These may include compliance with the State of operator design and maintenance requirement and current airworthiness data. Either Italian or Irish operator can operate an Irish or Italian registered aircraft respectively to be used in commercial operation under a leasing contract. In accordance with ICAO Annex 8 and National regulations, the State of registration Authority retains legal responsibility for maintaining the validity of the Certificate of Airworthiness of the aircraft.

2. In pursuance of the Chicago Convention and article 4 and 5 of Statutory Instrument S.I. 322 of 1989 IRELAND shall be relieved of responsibility in respect of the functions and duties
MEMORANDUM OF UNDERSTANDING BETWEEN THE IRISH AVIATION AUTHORITY (IRELAND) AND THE ENTE NAZIONALE PER L'AVIAZIONE CIVILE (ITALY) ON THE IMPLEMENTATION OF THE art. 83bis OF CONVENTION ON INTERNATIONAL CIVIL AVIATION (ICAO) FOR THE TRANSFER OF SURVEILLANCE RESPONSIBILITIES (OPERATIONS, MAINTENANCE AND CONTINUING AIRWORTHINESS) OF AIRCRAFT OPERATED UNDER DRY LEASING CONTRACT

transferred to ITALY upon due publicity or notification of this agreement as determined in paragraph (b) of Article 83bis.

3. In pursuance of the Chicago Convention ITALY shall be relieved of responsibility in respect of the functions and duties transferred to IRELAND upon due publicity or notification of this agreement as determined in paragraph (b) of Article 83bis.

III - SCOPE OF APPLICATION

4. The scope of this agreement shall be limited to aircraft on the register of civil aircraft of IRELAND or ITALY and operated in commercial air transportation under leasing agreement by an Italian or Irish operator.

IV - TRANSFERRED RESPONSIBILITIES

5. Under this agreement, the parties agree that the lessor Authority transfers to the lessee Authority the following responsibilities, including oversight and control of relevant items contained in the respective Annexes to the Convention:

Annex 1

Personnel Licensing - issuance and validation of licenses.

Annex 2

Rules of the Air - enforcement of compliance with applicable rules and regulation relating to the flight and manoeuvre of aircraft.

Annex 6

Operation of Aircraft - (Part 1 or 3 International Commercial Air Transport-Aeroplanes-Helicopters) all responsibilities which are normally incumbent on the State of Registration. Where responsibilities in Annex 6, Part 1, may conflict with responsibilities in Annex 8 Airworthiness of Aircraft, allocation of specific responsibilities is defined in the attached Appendix 1.

6. Under this agreement, while the lessor Authority will retain responsibility under the Chicago Convention for the regulatory oversight and control of Annex 8 - Airworthiness of Aircraft Registered in its Register, the responsibility for the maintenance surveillance of leased aircraft, operated by under the AOC of the lessee is hereby transferred to the lessee Authority, including Annex 8 part II Para 4, Continuing Airworthiness Of Aircraft (only for those aspects which belong to the aircraft operator e.g ICAO Doc. 9642-AN/941, Part II Chapter 1 points 2.c),d),f),g) and h)), Para 6 Temporary Loss Of Airworthiness, and Para 8 Aircraft Limitations And Information [Aircraft Flight Manual].

7. The procedures related to the continuing airworthiness of leased aircraft to be followed by the
MEMORANDUM OF UNDERSTANDING BETWEEN THE IRISH AVIATION AUTHORITY (IRELAND) AND THE ENTE NAZIONALE PER L'AVIAZIONE CIVILE (ITALY) ON THE IMPLEMENTATION OF THE art. 83 bis OF CONVENTION ON INTERNATIONAL CIVIL AVIATION (ICAO) FOR THE TRANSFER OF SURVEILLANCE RESPONSIBILITIES (OPERATIONS, MAINTENANCE AND CONTINUING AIRWORTHINESS) OF AIRCRAFT OPERATED UNDER DRY LEASING CONTRACT

lessee are contained in the lessee Maintenance Control Manual (MCM) or equivalent approved manuals.

V - NOTIFICATION

8. This agreement, as well as any amendments to it, will also be registered with ICAO by both Lessor and Lessee Authority as required by Article 83 of the Convention and in accordance with the Rules for Registration with ICAO of Aeronautical Agreements and Arrangements (ICAO Doc. 6685).

9. A certified copy of the delegation and acceptance letters will be made available by the Lessee Authority to the aircraft operator to which this agreement applies and will be placed on board of each aircraft to which those letters apply. A certified copy of the Air Operator Certificate (AOC) issued to the lessee by the State of operator Authority in which the aircraft concerned will be duly and properly identified, shall also be carried on board each aircraft.

VI LEASE AUTHORISATION

10. Each Authority shall ensure that leasing contracts shall only be authorised when in compliance with terms and conditions laid down in the present Memorandum of Understanding.

VII- CO-ORDINATION

11. Meetings between IAA and ENAC will be arranged as necessary to discuss both operations and airworthiness matters resulting from inspections that have been conducted by respective inspectors. The following subjects may be reviewed during these meetings:

- Flight operations;
- Continuing airworthiness surveillance and aircraft maintenance;
- Operator Maintenance Control Manual procedures as applicable;
- Any other significant matters arising from inspections.

VIII - INITIATION

12. The transfer of tasks related to the leased aircraft surveillance will be initiated by the State of Registry Authority with a letter referring to the Memorandum of Understanding (MOU) ENAC-IAA-001 and the specific aircraft and formally accepted by the operator's Authority. In the case of leasing prolongation, transfer of tasks and relevant acceptance will be confirmed in writing by both State of Registry and Operator Authority before the beginning of the new lease period (samples of these letters are included in the appendix 3).
MEMORANDUM OF UNDERSTANDING BETWEEN THE IRISH AVIATION AUTHORITY (IRELAND) AND THE ENTE NAZIONALE PER L’AVIAZIONE CIVILE (ITALY) ON THE IMPLEMENTATION OF THE art. 83 bis OF CONVENTION ON INTERNATIONAL CIVIL AVIATION (ICAO) FOR THE TRANSFER OF SURVEILLANCE RESPONSIBILITIES (OPERATIONS, MAINTENANCE AND CONTINUING AIRWORTHINESS) OF AIRCRAFT OPERATED UNDER DRY LEASING CONTRACT

IX - EFFECTIVENESS

13. The definition of IAA and ENAC regulatory responsibilities comes into effect, for each individual case, when delegation is formally accepted by the operator’s Authority on the basis of this document. To this end, a formal letter of acceptance will be sent to the lessor Authority indicating acceptance or otherwise by the lessee Authority on the delegation request. To this effect a request of acceptance of delegation will be forwarded by the State of registration Authority to the State of Operator Authority before the starting of operation. The points of contact for the exchange of correspondence are those laid down in the appendix 1 of the present agreement.

X-CHARGES

14. Each Authority will charge fees and expenses according with its own rules.

XI - FINAL

15. This agreement will enter into force on its date of signature, and come to an end at the culmination of the respective aircraft leasing arrangements under which they are operated. Any modification to the agreement shall be agreed by the parties there to in writing.

16. Implementation procedures for this agreement are included in the attached appendixes.

17. The responsibility of MOU (ENAC-IAA-001) registration amendments with ICAO shall be absolved by both State of Registry and Operator Authority. The content of the general arrangement ENAC-IAA-001 and their appendixes may be amended by written agreement signed by the two parties. The arrangement shall terminate after sixty (60) days of written notice for the termination of this arrangement by either of the two parties.

18. This agreement is accepted and signed by:

IRELAND Irish Aviation Authority (IAA) For the Civil Aviation Authority of IRELAND

Mr John Nolan Director- Safety and Regulation
Dated 14/10/2000

ITALY Ente Nazionale per l'Aviazione Civile (ENAC) For the Civil Aviation Authority of ITALY

Mr Benedetto Marasà Head of Technical Services
Dated 22/03/2000

Edition n° 1 rev. n° 0 Date 31 August 2000 pag.9
APPENDIX n° 1

I - PURPOSE

The purpose of this appendix is to provide detailed working arrangements between the Irish Aviation Authority (IAA) of Ireland and the Ente Nazionale per l'Aviazione Civile (ENAC) of Italy to implement the Memorandum of Understanding ENAC-IAA-001 to allow them to discharge their legal responsibilities for the continuing Airworthiness of dry leased aircraft to be operated in air commercial transportation while avoiding undue burden by elimination of duplication of tasks.

II - IMPLEMENTATION

For the implementation, the points of contact of the authorities are the following for all questions regarding Airworthiness, major changes and matter of principles:

- IAA
  Aviation House
  Hawkins Street
  Dublin 2 - IRELAND
  Tel +353-1-6718655 Fax +353-1-6793349

- ENAC
  Direzione Generale - Direzione E.C.I.
  Via di Villa Ricotti, 42
  00161 - ROMA
  Tel +39-06-44185369 Fax +39-06-44185420

As far as the current activities to be performed in accordance with these procedures are concerned IAA inspectors in charge of a specific EI- registered aircraft or Irish operator and the ENAC Regional Offices in charge of a specific Italian operator or I- registered aircraft will co-ordinate their specific intervention and the necessary exchange of information related to the present procedures.

III - TYPE DESIGN DEFINITION

The aircraft must conform to the Type Design approved by the State of Registry Authority or otherwise accepted.

The operator's Authority will be responsible for supervising continuous compliance with this requirement after delivery all the time the aircraft is being operated by the national operator under foreign State registration marks.

IV - CHANGES TO THE TYPE DESIGN

The express permission of the aircraft registered owner is required prior to the incorporation of any modification.

a) Changes generated by the organisation responsible for the Type Design and approved by the State of Design Authority.

Changes generated by the organisation responsible for the Type Design, (typically in the form of aircraft constructor Service Bulletins) and approved by the State of Design Authority are
Appendix n°1 to Memorandum of Understanding n° ENAC-IAA-001

approved for incorporation in the series of aircraft to which the modification relates provided that no deviation from the modification is made.

For Italian registered aircraft major changes shall be approved by ENAC. Approval requirements and procedures are included in JAR 21 and relevant ACJ, Regolamento Tecnico ENAC Quarto/40 and Italian Advisory Circulars (Circolare) 35, 37, 38.

b) Other changes

Changes to the Type Design are classified into major or minor by the State of Design Authority and/or by the State of Registration Authority and approved in accordance with the following procedure:

Major changes including but not limited to modifications which change the certified weights, the engine power, the passenger capacity / interior configuration or the noise characteristics of an aircraft shall be approved by the State of Registration Authority. For Irish registered aircraft, approval requirements and procedures are laid down in IAA Aeronautical Notice A6 and A9; for Italian registered aircraft, approval requirements and procedures are included in JAR 21 and relevant ACJ, Regolamento Tecnico ENAC Quarto/40 and Italian Advisory Circulars (Circolare) 35, 37, 38.

Minor changes will be evaluated in accordance with national procedures of the State of Operator Authority and will be supplied to the State of Registry Authority for information.

In the particular case of operator designed modifications, they will be investigated and approved by the operator's Authority. All necessary arrangements and exchange of information with the Type Certificate Holder and the State of Manufacture Authority will be organised by the Operator's Authority to ensure consistency with basic certification data. All necessary data, including acceptance by the Operator's Authority, will be supplied to the State of registration Authority, via the registered owner, for approval in accordance with the procedure stated above before embodiment of change.

c) Embodiment of approved changes

Embodiment on aircraft of the Design Changes approved in accordance with the above procedure will be performed by a JAR 145 appropriately approved/accepted maintenance organisation. Maintenance works must be carried out and released by personnel licensed or qualified within the maintenance organisation in accordance with standards acceptable in accordance with JAR 145.

V-SERVICE BULLETINS APPROVAL

Design implications of any Service Bulletin will be treated in accordance with procedure established in section IV above. Manufacturer Service Bulletins classified and approved by the State of Design Authority are endorsed by operator's Authority. All the other Service Bulletins will be endorsed by the operator's Authority and approved in accordance with paragraph IV above.

| Edition n° 1 | rev. n° 0 | Date 31 August 2000 | pag. Appendix 1-2 |
Appendix n°1 to Memorandum of Understanding n° ENAC-IAA-001

Embodiment of Service Bulletins on aircraft will be made by a JAR 145 appropriately approved/accepted maintenance organisation.

VI-CONFORMITY TO DESIGN RELATED OPERATIONAL REQUIREMENTS

Conformity to design related operations requirements (e.g. JAR OPS operating requirements subpart D, E, as relevant, K and L or, pending full implementation of JAR OPS, national operational requirements at least equivalent to ICAO Annex 6 requirements) that may have an impact on aircraft design will remain the responsibility of the operator's Authority.

Only the design aspects of the related major modifications will be examined by the State of registration Authority, in accordance with procedure outlined in Chapter IV.

The aircraft must be operated within the limitations described in the Flight Manual approved by the State of Registration Authority but may include amendments approved by the State of operator Authority subject to their acceptance by the State of Registration Authority.

VII-CONTINUING AIRWORTHINESS

In accordance with ICAO Annex 8, the State of registration Authority shall adopt, or assess and take appropriate actions against, the mandatory airworthiness information issued by the State of Design Authority. The State of registration Authority may also issue and make mandatory other airworthiness actions in respect of leased aircraft in addition to those mentioned before.

In application of the principles stated above, leased aircraft must comply with State of Registry AD's or other State of Registry mandatory airworthiness actions or information. The Lessee Authority shall ensure that the Lessee is in receipt, in accordance with the system established by the State of Registry Authority, of all the applicable AD's or other mandatory airworthiness actions issued by the State of Registry Authority. In particular for Irish registered aircraft, all AD's issued by State of Design applicable to the specific aircraft, products, parts and appliances thereof shall apply. For Italian registered aircraft, all AD's issued by ENAC applicable to the specific aircraft, products, parts and appliances thereof shall apply.

Operator's Authority will be responsible to ensure that all applicable AD's and other mandatory airworthiness actions issued by the State of Registry Authority are properly applied to leased aircraft. To this respect, copies of all such information applicable to the leased aircraft, in particular when differ from or are not based on the State of Design Authority AD's or whether requested by operator's Authority, will be forwarded to operator's Authority by the State of registration Authority.

Derogations to State of registration Authority AD's or other mandatory airworthiness actions, if requested, will be co-ordinated between IAA and ENAC on case by case basis.

Compliance with State of Operator Authority mandatory airworthiness actions, especially when not covered by analogous State of registration Authority documentation, may be requested as well. Implications in respect of present appendix terms and conditions will be co-ordinated between IAA and ENAC on case by case basis.
Appendix n°1 to Memorandum of Understanding n° ENAC-IAA-001

In-service events on the aircraft shall be reported by the lessee operator to its Authority in accordance with national occurrence reporting system requirements.

The State of operator Authority will be responsible for defining to the operator the type of service information that is to be reported to the State of Registration Authority. (ICAO Annex 6 8.5.1 and Annex 8 4.2.8 refer). The documents IAA-Aeronautical Notice A.30 (latest issue) and Regolamento Tecnico Terzo/30/F and Circolari 28, 29 and 53 (latest issue) describe the type of in-service information, equivalent for both States, to be reported under Irish and Italian regulatory system.

Operator's Authority will ensure that a copy of reports on significant events that affect or could affect the continuing airworthiness of leased aircraft or invalidate their C of A is also forwarded by the lessee operator to the State of Registration Authority in order to allow proper corrective actions. In such cases the State of Registration Authority will accept that, in accordance with ICAO Annex 8 6.2.1, the State of operator Authority is entitled to prevent the aircraft from resuming flight subject to the State of operator Authority advising the State of Registration Authority that they have taken such action.

The State of Operator Authority shall ensure that lessee operator transmits information on significant events affecting continuing airworthiness of leased aircraft to the organisation responsible for the type design (ICAO Annex 6 8.5.1 and Annex 8 4.2.5 refer).

The State of Registry Authority shall ensure transmission of information on significant events to the State of Design Authority and, by co-ordinating, monitoring and progressing to satisfactory closure, the State of Design Authority follow-up on a reported occurrence that affects or could affect the continuing airworthiness of leased aircraft.

The State of Operator Authority and the State of Registration Authority will ensure mutual exchange of information on any result arising from the following investigation phases of significant in service event in respect of leased aircraft.

The State of operator Authority will ensure that the operator obtains and assesses airworthiness information and recommendations available from the type design organisations and implements resulting actions considered necessary by the State of operator Authority and the State of Registration Authority (ICAO Annex 6 8.5.2. refers).

The State of operator Authority will ensure that the operator monitors and assesses maintenance and operational experience with respect to continuing airworthiness, flight safety and accident prevention (ICAO Annex 6 3.6 and 8.5.1 refers). Relevant procedures shall be described in operator's MME or MCM.

VIII-REPAIRS

Application of repairs on aircraft will be made under operator's Authority surveillance and responsibility according to its usual procedures.
Appendix n°1 to Memorandum of Understanding n° ENAC-IAA-001

All major repairs, unless contained in the SRM, should be approved by the State of Design Authority and State of Registration Authority. Any damage resulting from a major incident should be notified to the State of Registration Authority prior to the embodiment of any repair.

IX-MAINTENANCE

State of Operator Authority shall ensure that the operator Maintenance Management Exposition (MME) or equivalent Manual (e.g. MCM), and Aircraft maintenance program comply with State of Registry and Operator requirements as specified and laid down in this appendix. State of Operator Authority shall approve MME or MCM and any revision thereof and ensure that relevant copies are sent to State of Registry Authority.

Leased aircraft, its engines and equipment, will be maintained in accordance with the operator's Authority approved maintenance programme with the agreement of the State of Registration Authority (JAR 145 Administrative and Guidance Material Chapter 34 and JAA TGL 25,26 and 27, equivalent to the national requirements and guidelines of both States, shall be observed in approving Operator's Maintenance Program and any variation thereto). Any permanent variation (e.g. interval escalation, changes to content and classification of or deletion of maintenance tasks etc) to the aircraft maintenance program shall be approved by the operator's Authority with the agreement of the State of registration Authority. One time derogation to the approved maintenance program shall be approved by operator's Authority in accordance with their current national procedures. The maintenance programme will be based on MRBR, manufacturer recommendations (e.g. MPD), international recognised standards etc. Operational equipment will be maintained in accordance with operator Authority's maintenance specifications when the equipment manufacturer maintenance documentation gives such opportunity (e.g. manufacturer maintenance documentation requirements report "as requested by national rules/NAA"); in default of operator Authority's maintenance specifications, the State of Registration Authorities requirements, if any, will apply.

Where a reliability programme forms part of, or is a condition within the approved maintenance schedule approved by the State of Operator and Registration Authority, the State of operator Authority will ensure the reliability programme complies with national procedure and will monitor the effectiveness of such a programme.

Copy of the aircraft reliability reports shall be provided to the State of Registry Authority by the lessee.

Due consideration, specially for dry lease agreements of six month or less, will be made by operator's Authority to validate the State of registration Authority approved maintenance programme, taking also into account additional burden on the operator and technical aspects related to delivery back of the aircraft to the owner. Surveillance of aircraft maintenance will be performed by the operator's Authority in accordance with its standard procedures.

All maintenance inspections, overhauls, modification and repairs to be performed on the aircraft will be completed by a JAR 145 approved organisation.

Maintenance and airworthiness records will be kept by the aircraft operator (lessee) in accordance with procedures approved by the State of operator Authority. The records will be transferred by the lessee to the lessor at the end the leasing period.
Appendix n°1 to Memorandum of Understanding n° ENAC-IAA-001

X- RECORDS

The State of Registration Authority shall ensure that maintenance and in service records and documentation relevant to the leased aircraft, as requested by ICAO Annex 6, part I and III, accompany or are made available to the lessee at the time of aircraft delivery.

The State of operator Authority will ensure that the operator is responsible for maintaining aircraft-records and transferring these records to the lessor when the aircraft is leased back.

The records will include:

a) total time in service for the aircraft and life limited components.
b) current compliance with all mandatory continuing airworthiness information.
c) details of modifications and repairs.
d) time in service since last overhaul and/or last inspection of the aircraft, instruments, equipment and components.
e) current aircraft inspection status.
f) details on maintenance activities performed (ICAO Annex 6 parts I, III 8.4, 6.8, Annex 8 4.2 and sect. 3 of Appendix A to Part VIII of ICAO Doc. 9642-AN/941 “Continuing Airworthiness Manual” refers).

The operator Authority shall ensure that lessee operator shall make available these records for the lessor and the State of registration Authority at the end of the leasing period and for each aircraft Certificate of Airworthiness (CofA) renewal.

Authorities will ensure that, at the time of aircraft transfer, presentation of these records is arranged looking at the indications and bearing in mind principles laid down in the Appendix A to Part VIII of ICAO Doc. 9642-AN/941 “Continuing Airworthiness Manual” (export certificate of airworthiness mentioned in section 4 of recommended format included in paragraph 4.2 of above mentioned Appendix a will not be normally provided for a leased aircraft).

If the aircraft is being transferred from an operator of a non JAA full member Authority or the aircraft has been registered in IRELAND or ITALY just before being leased, the State of Registration Authority shall endorse the maintenance records and documentation mentioned above before a lease authorisation is issued for the concerned aircraft by the lessee’s Authority.

Issue, validation, renewal of the aircraft Certificate of Airworthiness by the State of Registration Authority shall be considered an endorsement of the status of the aircraft documentation and its associated maintenance records.

In the course of the activities leading to the approval of the lease agreement and preceding the aircraft delivery to the lessee, the IAA and ENAC inspectors in charge in conjunction with their respective senior management, with the assistance of the lessor and lessee, will co-ordinate to guarantee that the maintenance records and documentation used for the issuance, validation, renewal of the aircraft Certificate of Airworthiness by the State of Registration are those provided to the lessee for ensuring the continuing airworthiness of the aircraft during the lease period.

| Edition n° 1 | rev. n° 0 | Date 31 August 2000 | pag. Appendix 1-6 |
XI – FLIGHT OPERATIONS AND AUTHORISATION

The Operator's Authority shall be responsible for the authorisation of all operations in respect of a leased aircraft to be conducted in accordance with State of Registry approved aircraft Flight Manual and Operator’s Authority approved Operations Manual. Modification of aircraft to comply with operation requirement shall be treated in accordance with section VI of this appendix.

The Minimum Equipment List for each leased aircraft in accordance with which the aircraft operations may be allowed shall be approved by Operator's Authority and shall not be less restrictive than the relevant Master Minimum Equipment List approved by the State of design Authority.

A copy of the operators M.E.L. (Minimum Equipment List) including amendment service shall be provided by the aircraft operator to the State of Registry Authority.

For the purpose of enabling the repositioning or testing of a leased aircraft in a situation where a Certificate of Airworthiness for the aircraft is not in force (e.g. ferry flights for AD, repairs, maintenance activities accomplishment, flight test of aircraft in non approved configuration as a part of modification certification process etc.) the lessor Authority shall issue, on recommendation of the State of lessee Authority, a flight authorisation in respect of the leased aircraft for any flight.

XII- SURVEILLANCE AND INSPECTION

During the terms of a lease, the lessee Authority shall accomplish surveillance activities and inspections in respect of leased aircraft and lessee operator in accordance with its current procedures in order to verify that the aircraft operations is conducted in accordance with the applicable standards of airworthiness, operating requirements and the terms and conditions specified in the present appendix. On the specific request of the lessor Authority and for reasonable cause, the Lessee Authority may be requested by lessor Authority to perform an inspection of lessee operator or leased aircraft, or shall permit lessor Authority to perform such an inspection and provide it assistance in performing the inspection if requested.

Each Authority shall notify the other Authority of any finding or act which affects the validity status of any certificate or documentation issued in respect of the leased aircraft or the terms and conditions of the lease authorisation or the lessee operator.

XIII-CERTIFICATE OF AIRWORTHINESS RENEWAL

The Certificate of Airworthiness will be renewed by the State of Registry Authority on the basis that the aircraft has been properly maintained and is in condition for safe operation. To this end Operator's Authority shall ensure that maintenance records are available at any time to the State of Registry Authority. Proper arrangements could be taken between the two Authorities to decide on the most appropriate action on case by case basis. On the specific request of the lessor Authority and based on the favourable results of the surveillance and inspection activities performed on the leased aircraft in accordance with the terms of present appendix, the lessee Authority shall renew the aircraft Certificate of Airworthiness on the basis of procedures provided by the State of...
Registry Authority or shall provide the State of Registry Authority with a Certificate of Airworthiness renewal recommendation filling out the form described in appendix 2. Other aircraft certificates/licenses (i.e. noise, aircraft radio license etc) will be renewed by the pertinent State of registration authorities.

XIV CO-OPERATION

Each Authority shall ensure that the other Authority is kept informed of all applicable standards of airworthiness, operating requirements, design-related operational requirements and associated requirements of its State and will consult the other Authority on any proposed changes thereto to the extent that they may affect the implementation of this appendix. Each Authority shall render such assistance as may reasonably be required by the other Authority in its carrying out inspections, investigations and other functions in respect of the leased aircraft.
APPENDIX n° 2

AIRCRAFT CERTIFICATE OF AIRWORTHINESS RENEWAL RECOMMENDATION FORM

STATEMENT

The following aircraft:

Type

S/N

Registration marks:

Certificate of airworthiness n°

Date of Expiry:

Total time:

Total cycles:

Engine type:

S/N

Total Time:

Total cycles:

1)

2)

3)

4)

Propeller type:

S/N

Total Time

Total cycles:

1)

2)

3)

4)

APU Type:

S/N

Total Time:

Avionic Inspection performed on:

has been properly maintained in accordance with approved Maintenance Programme n° XYZ/XX/YY ed. YY rev. T and is in condition for safe operation.

The aircraft has been verified being airworthy in accordance with the terms and provisions of "The Memorandum of Understanding between the Irish Aviation Authority - (Ireland) and the E.N.A.C. (Italia) n° ENAC-IAA-001". Detailed maintenance and in service records are kept in accordance with the terms and provisions of above mentioned Memorandum of Understanding and are available at the (lessee operator) facilities.

This statement is issued for recommending the renewal of the above mentioned aircraft Certificate of Airworthiness.

Place and date

Signature of the Inspector in charge

| Edition n° 1 rev. n° 0 | Date 31 August 2000 | pag Appendix 2-1 |
Appendix 3 to Memorandum of Understanding ENAC-IAA-001

Appendix 3

SAMPLE OF INITIATION LETTER

Date:

Ref:

Mr or (Mr
Head, Maintenance and Company Approval Dept. (ECI)
ENAC
Direzione Generale
Via di Villa Ricotti, 42
00161 Roma,
Italy.

(Mr
Director of Safety and Regulation
IRISH AVIATION AUTHORITY
Aviation House
Hawkins Street
Dublin 2,
Ireland.)

Subject: Delegation of Surveillance for Irish (Italian) Registered Aircraft EI-XXX (I-XXXX) Operating with XXXXXXXXXXX Italy (Ireland).

Dear Sir,

In accordance with the provisions of the Memorandum of Understanding ENAC-IAA-001 signed on dd.mm.aaaa to implement the general conditions outlined in Article 83 bis of the Convention on International Civil Aviation, this Authority wishes to delegate flight operations, personnel and maintenance surveillance functions to the Civil Aviation Authority of Italy (Ireland) in regard to the lease of the Irish (Italian) registered aircraft whilst being operated by XXXXXXXXXXX Italy (Ireland).

This Authority would be grateful if you would acknowledge in writing your acceptance or otherwise of the delegated functions as mentioned in Memorandum of Understanding ENAC-IAA-001. A copy of associated General Certificate of Validation of Pilots Licences is attached.

Thank you for your co-operation and assistance in this matter.

Yours faithfully,

(Name)
Director of Safety and Regulation (or Head, Maintenance and Company Approval Dept. (ECI))

Edition n° 1 rev. n° 0 | Date 31 August 2000 | pag.Appendix 3-1
GENERAL CERTIFICATE OF VALIDATION

1. The Irish Aviation Authority (Ente Nazionale per l'Aviazione Civile) in exercise of its powers under the Article 17 of the Air Navigation (Personnel Licensing) Order, 1996 (S.I. No 165 of 1996), as amended, (D.P.R. n°566 of 18th November 1988 and D.P.R. n°560 of 30th December 1992) hereby renders valid the Flight Crew licenses specified in paragraph 2 below, issued by the Ente Nazionale per l'Aviazione Civile (Irish Aviation Authority), or issued by a Contracting State and rendered valid by the Ente Nazionale per l'Aviazione Civile (Irish Aviation Authority), in accordance with Italian (Irish) law subject to the conditions contained in paragraph 3 below.

2. Licences held by Flight Crew employed by, or contracted to, XXXXXXXXXX entitling them to act as members of the flight crew of (type of aircraft involved) aircraft.

3. (a) The said flight crew members shall be entitled to act in the capacity for which the said licences are valid pursuant to the law of the Ente Nazionale per l'Aviazione Civile (Irish Aviation Authority).

(b) The said flight crew members shall be trained in the different configurations of the said aircraft as specified in the individual certificate of airworthiness.

(c) This General Certificate of Validation shall apply in respect of (type of aircraft involved) registered in Ireland (Italy) subject to a lease agreement, in respect of such aircraft types, remaining in force between the Lessee, XXXXXXXXXX Italy (Ireland) and, the Lessor, YYYYYYYYYY, Ireland (Italy).

A copy of this General Certificate of Validation shall be carried with the licence of each flight crew member to which it relates whilst acting in accordance herewith.

This General Certificate of Validation is valid from dd (Month) yyyy unless varied, suspended or revoked by this Authority

Signed: ____________________________
Head of Personnel Licensing
And Aerodrome Standards Department
For Irish Airworthiness Authority

(Head of Personnel Licensing Department)
(for Ente Nazionale per l'Aviazione Civile)

Date: ____________________________
SAMPLE OF ACCEPTANCE LETTER

Date: 

Ref: 

Mr or (Mr
Director of Safety and Regulation
IRISH AVIATION AUTHORITY
Aviation House
Hawkins Street
Dublin 2,
Ireland.

Head, Maintenance and Company Approval Dept. (ECI)
ENAC
Direzione Generale
Via di Villa Ricotti, 42
00161 Roma,
Italy).

Subject: Delegation of Surveillance for Irish (Italian) Registered Aircraft EI-XXX (I-XXXX) Operating with XXXXXXXXXXXX Italy (Ireland).

Dear Sir,

with reference to your letter yyyyyyyyy, we wish to inform you that ENAC (IAA) is willing to accept the transfer of surveillance responsibilities for the subject aircraft while being operated by XXXXXXXXXXXX Italy (Ireland). The delegation will be accomplished in accordance with the terms and conditions laid down in the Memorandum of Understanding ENAC-IAA-001 signed on xx.xx.xxxx.

Yours faithfully,

(Name)
Head, Maintenance and Company Approval Dept. (ECI) (or Director of Safety and Regulation)
 SAMPLE OF LETTER FOR CONTINUED TRANSFER OF SURVEILLANCE RESPONSIBILITIES

Date: 
Ref: 

Mr or (Mr 
Head, Maintenance and Company Approval Dept. (ECI) 
Director of Safety and Regulation 
ENAC 
IRISH AVIATION AUTHORITY 
Direzione Generale 
Aviation House 
Via di Villa Ricotti, 42 
Hawkins Street 
00161 Roma, 
Dublin 2, 
Italy. 
Ireland.)

Subject: 'Prolongation of dry lease - Delegation of Surveillance for Irish (Italian) Registered Aircraft EI-XXX (I-XXXX) Operating with XXXXXXXXXX Italy (Ireland).

Dear Sir,

we have been informed that the subject operator intends to extend the dry leasing contract for the subject aircraft.

Please would you confirm that ENAC (IAA) is willing to accept the continued transfer of surveillance responsibilities as defined in the Memorandum of Understanding ENAC-IAA-001 signed on xx.xx.xx000 for the subject aircraft while being operated by XXXXXXXXXX Italy (Ireland).

Yours faithfully,

-------------
(Name) 
Director of Safety and Regulation (or Head, Maintenance and Company Approval Dept. (ECI))
Appendix n°3 to Memorandum of Understanding n° ENAC-IAA-001

SAMPLE OF ACCEPTANCE LETTER

Date: 

Ref: 

Mr Director of Safety and Regulation
IRISH AVIATION AUTHORITY
Aviation House
Hawkins Street
Dublin 2,
Ireland.

or

(Mr
Head, Maintenance and Company Approval Dept. (ECI)
ENAC
Direzione Generale
Via di Villa Ricotti, 42
00161 Roma,
Italy).

Subject: Prolongation of dry lease - Delegation of Surveillance for Irish (Italian) Registered Aircraft EI-XXX (I-XXXX) Operating with Xxxxxx Italy (Ireland).

Dear Sir,

with reference to your letter yyyyyyy, we wish to inform you that ENAC (IAA) is willing to accept the continued transfer of surveillance responsibilities for the subject aircraft while being operated by XXXXXXXX Italy (Ireland). The delegation will be accomplished in accordance with the terms and conditions laid down in the Memorandum of Understanding ENAC-IAA-001 signed on xx.xx.xxx.

Yours faithfully,

(Name)
Head, Maintenance and Company Approval Dept. (ECI) (or Director of Safety and Regulation)
**Schedule IA.**
Schedule of Irish registered Aircraft Types, Serial Number, and Italian Operators affected by this delegation agreement.

<table>
<thead>
<tr>
<th>Aircraft Type</th>
<th>Reg. Marks</th>
<th>SERIAL NUMBER</th>
<th>Italian Operator</th>
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This Schedule is effective on 17\textsuperscript{th} October 2000, but details may change from time to time.

I.C.A.O. 17\textsuperscript{th} October 2000.
Schedule IA.
Schedule of Irish registered Aircraft Types, Serial Number, and Italian Operators affected by this delegation agreement.

<table>
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<tr>
<th>Aircraft Type</th>
<th>Serial Number</th>
<th>Operator</th>
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