



**IRISH AVIATION AUTHORITY**  
UDARAS EITLÍOCHTA NA hÉIREANN

**MEMORANDUM OF UNDERSTANDING N° UAEAC-IAA**

**BETWEEN THE**

**IRISH AVIATION AUTHORITY (IRELAND)**

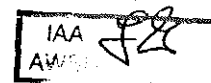
**AND**

**UNIDAD ADMINISTRATIVA ESPECIAL de AERONAUTICA  
CIVILE (COLOMBIA)**

**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**

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**IRISH AVIATION AUTHORITY**  
ÚDARÁS EITLIÓCHTA NA hÉIREANN

**DELEGATION AGREEMENT BETWEEN IRELAND and COLOMBIA  
on the implementation of Article 83 bis of the Chicago Convention**

*WHEREAS* the protocol relating to Article 83 bis of the Convention on International Civil Aviation (Chicago, 1944), to which **IRELAND** and **COLOMBIA** are parties, entered into force on 20<sup>th</sup> June 1997.

*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 Registration 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** (State of Registration) and **COLOMBIA** (State of the Operator) in accordance with the Convention;

*WHEREAS*, with reference to the relevant Annexes to the Convention, this agreement organises the transfer from **IRELAND** to **COLOMBIA** of responsibilities normally carried out by the State of Registration, as set out in paragraph 3 below;

The Civil Aviation Authority of **IRELAND**

**IRISH AVIATION AUTHORITY**  
Aviation House  
Hawkins Street  
Dublin 2.  
Ireland],

And

The Civil Aviation Authority of **COLOMBIA**

Jefe Oficina Control Seguridad Aerea  
Unidad Administrativa  
Especial de Aeronautica Civil  
Aeropuerto Ei Dorado-4to Piso  
Bogata  
Colombia

Hereinafter referred to as "the Parties", have agreed as follows on behalf of their respective Governments based on Articles 33 and 83 *bis* of the Convention:

**GENERAL**

1. 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 transferred to

COLOMBIA upon due publication or notification of this agreement as determined in paragraph (b) of Article 83 *bis*.

2. The scope of this agreement shall be limited to aircraft on the register of civil aircraft of IRELAND and operated under leasing arrangement by Sociedad Aeronautica de Medellin Consolidada S.A [SAM] and Aerovias Nacionales De Colombia [AVIANCA], whose principal place of business is in COLOMBIA.

#### DEFINITIONS.

- **Lessor.** Registered owner or Operator of the aircraft
- **Lessee.** Operator under the A.O.C. on which the leased aircraft is operated.

The list of aircraft concerned, identified by type, registration number and serial number, is reproduced in the attached Schedule 1, which also indicates the expiry date of each listed aircraft leasing arrangement.

#### TRANSFERRED RESPONSIBILITIES

1. Under this agreement, the Parties agree that IRELAND transfers to COLOMBIA the following responsibilities, including oversight and control, of relevant items contained in the respective Annexes to the Convention:

##### **Annex 1**

*Personnel Licensing* - issuance or validation of licenses issued or rendered valid by the Colombian Authority.

##### **Annex 2**

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

##### **Annex 6**

*Operation of Aircraft* (Part 1 International Commercial Air Transport-Aeroplanes - 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 are defined in the attached Appendix O1

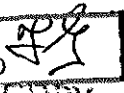
##### **Annex 8**

Under this agreement, while the lessor Authority (Ireland) will retain responsibility under the Chicago Convention for the regulatory oversight and control of Annex 8 "Airworthiness of Aircraft" registered on its register, the responsibility for the maintenance surveillance of leased aircraft, operated under the A.O.C. of the lessee is hereby transferred to the lessee Authority (Colombia), including Annex 8 part 11 para 4 "Continuing Airworthiness of Aircraft", Annex 8 para 6 "Temporary Loss of Airworthiness" Annex 8 para 8 "Aircraft Limitations and Information" [Flight Manual]

(Appendix 01) hereunder describes the responsibilities of the parties regarding the continuing airworthiness of aircraft.

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**NOTIFICATION**

- 2. Responsibility for notifying directly any States concerned of the existence and contents of this agreement pursuant to Article 83 bis rests with the State of the Operator, **COLOMBIA**. This agreement, as well as any amendments to it, will also be registered with ICAO by the **Irish Aviation Authority** or the State of the Operator, **Colombia "Civil Aviation 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).
- 3. A certified true copy of this agreement shall be placed on board each aircraft to which this agreement applies. A certified true copy of the Air Operator Certificate (AOC) issued to **AVIANCA** and **SAM** by **COLOMBIA "Civil Aviation Authority"** in which the aircraft concerned will be duly listed and properly identified, will be carried on board each aircraft.

**4. CO-ORDINATION**

Meetings between Unidad Administrativa Especial de Aeronautica, Civil [**Colombia**] and the Irish Aviation Authority [**Ireland**] will be arranged as necessary to discuss both operational and airworthiness matters resulting from inspections that have been conducted by respective inspectors. These meeting may take place at the respective Authorities' offices in Bogota or Dublin. The following subjects may be reviewed during these meetings.

- Flight Operations
- Continuing Airworthiness Surveillance and Aircraft Maintenance.
- Operators Control Manual Procedure as applicable.
- Any other significant matter arising from inspections.

**FINAL**

This agreement will enter into force on its date of signature, and end at the culmination of the respective aircraft leasing arrangements under which they are operated. The parties shall agree in writing to any modification of this agreement.

This agreement is accepted and signed by.

Director   
**IRELAND [Irish Aviation Authority]**

Director   
**COLOMBIA [Civil Aviation Authority]**

**IRISH AVIATION AUTHORITY**  
DEPARTMENT OF TRANSPORT  
**SAFETY REGULATION DIVISION**

For the Civil Aviation Authority of **IRELAND**

For the Civil Aviation Authority of **COLOMBIA**

**Mr John Nolan**  
**Director- Safety and Regulatory**  
**16<sup>TH</sup> January 2001**

**Captain Rodrigo Cabrera C**  
**Control and Safety Office Chief - UAEAC**  
**16<sup>TH</sup> January 2001**

**ATTACHMENTS:**

- [Schedule 1] Delegated Aircraft Affected by this Agreement.
- [Appendix 01] Responsibilities of **IRELAND** and **COLOMBIA** Regarding Airworthiness.

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## APPENDIX n° 01

### I - PURPOSE

The purpose of this appendix is to provide detailed working arrangements between the Irish Aviation Authority (IAA) of Ireland and the Unidad Administrativa Especial de Aeronautical Civil, (UAEAC) of Colombia to allow them to discharge their responsibilities for the continuing airworthiness of dry leased aircraft whilst been operated in commercial air transportation by Colombian operators.

### 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

UAEAC  
Jefe Oficina Control  
Unidad Administrativa  
Especial de Aeronautical Civil  
Aeropuerto Ei Dorado 4TO Piso  
Bogata, Colombia.  
Tel +571 4139500 Fax +00 571 4135400

As far as the current activities to be performed in accordance with these procedure are concerned IAA inspectors in charge of a specific EI- 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 or otherwise accepted by the State of Registration Authority

The operator's Authority will be responsible for supervising continuous compliance with this requirement after delivery for the period the aircraft is being operated by the national operator under Irish 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.

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

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## 2. Other changes

Changes to the Type Design are classified as 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.

Changes to aircraft shall be approved by the State of Registration Authority for Irish registered aircraft. Approval requirements procedures are specified in IAA Aeronautical Notice A6 and A9.

## 3. Embodiment of approved changes

Embodiment on aircraft of the Design Changes approved in accordance with the above procedure will be performed by an appropriately approved/accepted maintenance organisation. Maintenance work shall be carried out and released by personnel licensed or qualified in accordance with Colombian Aviation Authority requirements.

## V FLIGHT MANUAL

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 the Operator Authority subject to their acceptance by the State of Registration Authority.

## VI-CONTINUING AIRWORTHINESS

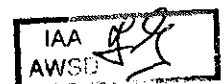
In accordance with ICAO Annex 8, the State of Registration Authority shall adopt, or assess and take appropriate actions against, the mandatory airworthiness information issued by the State of Design Authority. The State of registration Authority may also issue and make mandatory other airworthiness 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 Registration AD's or other State of Registration mandatory airworthiness actions or information. The Operator Authority shall ensure that the Lessee is in receipt, in accordance with the system established by the State of Registration Authority, of all the applicable AD's or other mandatory airworthiness actions issued by the State of Registration 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.

The State of the Operator's Authority will be responsible to ensure that all applicable AD's and other mandatory airworthiness actions issued by the State of Registration Authority are properly applied to leased aircraft.

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

The State of the Operator shall ensure that in-service events on the aircraft are reported by the lessee operator to its Authority in accordance with national occurrence reporting system requirements.



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The State of the Operator Authority will be responsible for defining to the operator the type of service information that to be reported to the State of Registration Authority. (ICAO Annex 6 8.5.1 and Annex 8 4.2.8 refer). The document (IAA-Aeronautical Notice A.30 (*latest issue*) describe the type of in-service information, to be reported.

The State of the 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 the Operator Authority is entitled to prevent the aircraft from resuming flight subject to the State of the Operator Authority advising the State of Registration Authority that they have taken such action.

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

The State of the 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 the Operator Authority and the State of Registration Authority (ICAO Annex 6 8.5.2. refers).

The State of the 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 specified in operator's MME or MCM.

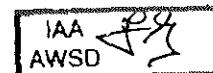
## VII-REPAIRS

Application of repairs on aircraft will be made under operator's Authority surveillance and responsibility according to its usual procedures.

All major repairs, unless contained in the SRM, shall 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.

## VIII-MAINTENANCE

The State of the 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 Registration and Operator requirements as specified and laid down in this appendix. The State of the Operator Authority shall approve MME or MCM and any revision thereof and ensure that relevant copies are sent to State of Registration Authority.



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Leased aircraft, its engines and equipment, will be maintained in accordance with the State of Registration Authority approved maintenance programme with the approval of the State of the Operator Authority. 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 State of Registration Authority with the agreement of the State of the Operators Authority. The maintenance programme will be based on MRBR, manufacturer recommendations (e.g. MPD), international recognised standards etc. Where a reliability programme forms part of, or is a condition within the approved maintenance schedule approved by the State of Registration and Operator's Authority, the State of the Operator Authority will ensure the reliability programme complies with national procedure and will monitor the effectiveness of such a programme.

The lessee operator shall provide a copy of the aircraft reliability report to the State of Registration Authority.

Maintenance and airworthiness records will be kept by the aircraft operator (lessee) in accordance with procedures approved by the State of the Operator Authority. The records will be transferred by the lessee to the lessor at the end the leasing period.

## **IX- 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 the 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. 3of Appendix A to Part VIII of ICAO Doc. 9642-AN/941 "Continuing Airworthiness Manual" refers).

The State of 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"

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 UAEAC inspectors in charge, 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.

## **X FLIGHT OPERATIONS AND AUTHORISATION**

The State of the Operator Authority shall be responsible for the authorisation of all operations in respect of a leased aircraft to be conducted in accordance with State of Registration approved aircraft Flight Manual and Operator's Authority approved Operations Manual.

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 Registration Authority.

## **XI SURVEILLANCE AND INSPECTION**

During the terms of a lease, the State of the Operator 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.

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.

## **XII CERTIFICATE OF AIRWORTHINESS RENEWAL**

The Certificate of Airworthiness will be renewed by the State of Registration Authority on the basis that the aircraft has been properly maintained and is in condition for safe operation. To this end, State of the Operator Authority shall ensure that maintenance records are available at any time to the State of Registration Authority.

## **XIII 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 carrying out inspections, investigations and other functions in respect of the leased aircraft.

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For U A E A C. [Colombia]


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Date 16<sup>TH</sup> January 2001

For I A A [Ireland}

  
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**IRISH AVIATION AUTHORITY**  
ÚDARÁS AITLIÓCHTIS NA hÉIREANN  
SAFETY REGULATION DIVISION  
Date 18<sup>TH</sup> January 2001

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SCHEDULE 1

DELEGATED AIRCRAFT AFFECTED BY THIS AGREEMENT

AIRCRAFT TYPE	REGISTRATION	SERIAL NUMBER	LEASING TERM	OPERATOR
DC-9-83	EI-CBY	49944	11.February-2002	AVIANCA
DC-9-83	EI-CBZ	49945	25.February-2002	AVIANCA
DC-9-83	EI-CCE	49947	10.March-2002	AVIANCA
DC-9-83	EI-CDY	49948	23.April-2002	SAM
DC-9-83	EI-CBR	49939	09.April-2002	AVIANCA
DC-9-83	EI-CEP	53122	29.May-2002	AVIANCA
DC-9-83	EI-CBS	49942	28.April 2002	SAM
DC-9-83	EI-CFZ	53120	04.August-2002	AVIANCA
DC-9-83	EI-CER	53125	16.June-2002	AVIANCA
DC-9-83	EI-CEQ	53123	29.May-2002	AVIANCA
DC-9-83	EI-CCC	49946	25.March-2002	AVIANCA
B757-2YO	EI-CEZ	26154	02 October-2002	AVIANCA
B757-2YO	EI-CEY	26152	23.August-2002	AVIANCA