Subject: Registration of Article 83 bis agreement between ENAC, the Italian Civil Aviation Authority, and Federal Office for Civil Aviation (FOCA), Switzerland in respect of an Italian registered aircraft.

Dear Sirs,

in accordance with ICAO Convention and Doc. 6685-C/767 provisions, we are hereby kindly requesting you to register the enclosed agreement between ENAC and FOCA signed under Article 83bis of the Convention on International Civil Aviation (ICAO) provisions for the transfer of surveillance responsibilities.
(operations, maintenance and continuing airworthiness) in respect of the subject Eurocopter AS 350B3 helicopter (s/n 4634) registered I-CAVA to be operated by Heli Rezia SA (Switzerland). The agreement was reached through the exchange of the following letters:

1. ENAC letter ref. N. 0002756/ENAC/SNO dated January 9th, 2013;
2. FOCA letter ref. n. 54-01 Heli Rezia dated January 14th, 2013

Attached you will find one copy of the above mentioned letters duly certified by ENAC. The requested additional copy of those letter will be provided to you as pdf file, sent to ICAOHQ@icao.int (ICAO Central Registry) with a copy to treaty@icao.int.

This agreement shall remain in force until 15th April 2013 inclusive unless otherwise terminated in writing by any of the signatory Authorities or replaced by any other similar agreement agreed among the signatory Authorities.

Lessee operator will be requested to carry on board copy of those letters.

We thank you in advance for the co-operation on that matter.

Yours Sincerely

Giuseppe Guido RECCHIA
Head of Aircraft Continuing Airworthiness Office

Enclosures:
2. Certified true copy of FOCA letter ref. n. 54-01 Heli Rezia dated January 14th, 2013
Transfer of Oversight Responsibilities pursuant to Art. 83bis of the Chicago Convention and the applicable European Community Regulations regarding Aircraft I-CAVA

Dear Mr. Silano,

with reference to your letter and agreement dated January 9th, 2013, we inform you that we accept to undertake the operational and technical surveillance of the helicopter I-CAVA, while being operated by the Swiss Heli Rezia SA (CH-AOC HEL.3027).

The transfer of surveillance responsibilities shall be effective in accordance with the aforementioned agreement according to Art. 83bis of the ICAO convention from the day of signature of this letter until April 15th, 2013. The delegation will be accomplished in accordance with the terms and conditions laid down in the aforementioned agreement.

A copy of this letter and the agreement shall be carried on board the helicopter I-CAVA.

Yours sincerely,

[Signature]

Federal Office of Civil Aviation

Roland Steiner
Head of Safety Division Flight Operations

Nicole Grisolia
Section Helicopter Flight Operations
Federal Office for Civil Aviation  
Postaddress: CH-3003 Bern  
Standort Muhlestrasse 2, CH-3063 Ittigen  
Switzerland  

Attn to Mr. Christian Hegner  
Vice-Director, Safety Division Aircraft  
FAX +41 31 325 8053  

Mr. Roland Steiner  
Vice-Director, Safety Division Flight Operations  
FAX +41 31 325 9601  

e.c. ENAC – Safety Standardisation Directorate  
ENAC – Personnel Licensing Regulation Division  
ENAC – Operating Licensing Division  
ENAC – Operations Division of Milan  
ENAC – Airport Division of Milan-Linate  

FOCA - Section Airworthiness, Attn to Mr. Vittorio del Vecchio  
Fax +41 43 816 26 88  

FOCA -Section Helicopter Flight Operations  
Attn to Mr. Nicola Garavi and Mrs. Nicole Grisolia  
FAX +41 31 325 9601  

Elitellina s.r.l.  
Via delle Orobie snc, 23100 Sondrio (SO)  
Fax +39-0342-219799  

Heli Rezia SA  
C.P. 5 - 6775 - Ambri di Quinto  
FAX +41 91 873 6669 FAX +41 91 829 3613  

Subject: Eurocopter AS 350B3 helicopter (s/n 4634) registered I-CAVA to be operated by Heli Rezia SA (AOC n° HEL.3027) in commercial air transport and aerial work operations under a dry lease contract.  

Dear Sirs,  

We have been informed by Elitellina S.p.A. (Italia), that the subject aircraft is going to be dry leased from them to Heli Rezia SA (Switzerland) and is going to be operated in commercial air transport and aerial work operations. Since, in this case, we see ourselves unable to fulfil the responsibilities of the State of Registry, we kindly request that your Authority will accept, under provisions of article 83 bis of ICAO Convention, the transfer of the operations.
personnel and continuing airworthiness surveillance functions and responsibilities identified in the enclosed appendix 1 related to subject aircraft.

This Agreement will be valid from the date of your acceptance of the present agreement up to 30/04/2013 while being operated by Heli Rezia SA under its relevant Air Operator Certificates/CAMO approvals granted by FOCA, to allow for the completion of the ongoing negotiations leading to signature of the general permanent Agreement under Art. 83 bis of ICAO Convention provisions between FOCA and ENAC (please consider that is ENAC policy to enter in these cases into a general permanent agreement under article 83bis of ICAO convention with the Civil Aviation Authority of the lessee operator).

Surveillance shall be accomplished by FOCA in accordance with the terms and conditions laid down in the enclosed Appendix 1. That appendix 1 reflects the guidelines provided by ICAO in the Circular 295 dated Feb. 2003 and is in line with what we have already agreed for similar cases.

The transfer from ENAC to FOCA of operations, personnel and continuing airworthiness surveillance responsibilities for the subject aircraft as laid down in this letter and in its relevant appendix, will be effective as soon as you will have accepted this agreement in writing ensuring that, during any operation of the subject aircraft, terms and conditions laid down in the appendix are being actually implemented.

The Swiss operator is requested to urgently provide the relevant ENAC structures with all the documentation or licenses for acceptance/validation, when requested under the appendix 1 to this letter.

The Swiss operator is also requested to promptly provide us, and keep the undersigned updated, with correct references (responsible persons, address, telephone and fax numbers, etc.) of its internal department which is in charge of continuing airworthiness in particular management of mandatory continuing airworthiness action (e.g. Airworthiness Directives), and operational matters in order to allow timely delivery of any communication from ENAC. Any failure by the lessee to comply with the above request shall relieve ENAC from responsibility of untimely delivery of any relevant and applicable information from ENAC (in particular those safety related) and from any consequence would result from it.

A certified true copy of your letter of acceptance shall be provided to Heli Rezia SA to be kept on board of the aircraft, during the lease period, along with a copy of this letter.

We look forward to hearing from you on this subject. Thanking you in advance for the cooperation on this subject we remain.

Yours Sincerely

[Signature]

The Director

Marco Silanos

enclosure

Page 2 of 7
Transferred responsibilities and oversight/control functions:

1. ICAO Annex 6 part III
2. ICAO Annex 8 part II chapters 3, 4 (all responsibilities which are normally incumbent on the State of Registry and those portions which provide for aircraft operator and operator’s Authority responsibilities in relation to the intended operations)
3. ICAO Annex 1 Personnel Licensing – issuance and validation of licences
4. ICAO Annex 2 Rules of the Air – enforcement of compliance with applicable rules and regulations relating to the flight and manoeuvre of aircraft.

Working arrangements.

General
1. The European Union (EU) and JAA set of requirements, directly or indirectly called for in this agreement is to be intended at the latest amendment/change respectively issued by EU or adopted by ENAC in accordance with the pertinent effectiveness and implementation schedule as defined respectively by EU or by ENAC (for JAA regulations). In the case FOCA would grant exemptions under provisions of art 14.4 of Regulation (EC) No 216/2008 of the European Parliament and of the Council of 20 February 2008 these exemptions shall be notified to ENAC as soon as possible unless otherwise explicitly established elsewhere in this agreement.

Approved type design
2. The aircraft, and any product or part thereof, must comply with relevant EASA approved type design (refer to pertinent provisions of EU Regulation 748/2012 dated 3rd August 2012). FOCA will be responsible for supervising compliance with this requirement after aircraft delivery to the lessee all the time the aircraft is being operated by the national operator under Italian registration marks.

Mandatory Continuing Airworthiness Information (MCAI)
3. As applicable according to EU regulations, the aircraft must be in compliance with all the Mandatory Continuing Airworthiness Information (such as AD’s, Emergency Conformity Information (ECI), etc) applicable to that aircraft, and to any part thereof, mandated as applicable either by the relevant State of Design Authorities (refer to Decision No. 2/2003 Of The Executive Director Of The Agency dated 14 October 2003) or by EASA. The aircraft may be also requested to comply with MCAI’s applicable to the subject aircraft model, products or parts thereof, issued by ENAC or by FOCA under the provisions of art. 14 of Regulation (EC) No 216/2008 of the European Parliament and of the Council of 20 February 2008 when an equivalent airworthiness action has not been made mandatory by State of Design Authorities or more restrictive terms of compliance are mandated by ENAC/FOCA. To this late regard, a coordination between ENAC and FOCA will be ensured and design or maintenance program implications deriving from the above mentioned mandatory airworthiness actions will be treated in accordance with terms and conditions of appropriate paragraphs of the following section Maintenance. The Swiss operator must hold and keep up-to-date a complete set of the above applicable mentioned MCAI’s. Regarding to ENAC MCAI’s, they are available in the ENAC website (http://www.enac.gov.it) and therefore the Swiss Operator (lessee) is requested to
regularly look at that site to absolve their continuing airworthiness responsibilities in respect of this aspect. Swiss Operator is also requested to regularly look at EASA and other relevant State of Design Authority web sites to absolve their continuing airworthiness responsibilities in respect of aircraft and its components. Any derogation to MCAI's requirements must be approved in accordance with EU regulations.

**Maintenance**

4. The continuing airworthiness of the aircraft while being operated by the Swiss lessee under the appropriate operational approvals granted by FOCA will be managed and ensured by the Swiss lessee itself holding its own Part M subpart G - approval (CAMO) granted by FOCA.

5. Aircraft shall be maintained in accordance with the Aircraft Maintenance Programme (AMP) approved by FOCA to the lessee for the subject aircraft in accordance with relevant requirements of Annex I (Part M) of EC Regulation 2042/2003, as revised. Operational equipments will be maintained in accordance with the Authority of the State of the operator maintenance specifications taking into account equipment manufacturer maintenance recommendation. In default of any maintenance specifications of the Authority of the State of the operator or the manufacturer, the requirements of the State of registry Authority will apply. Due consideration will be spent by FOCA to validate, whether feasible and applicable, aircraft maintenance program approved by ENAC to former aircraft operator in order to facilitate the lease back of aircraft at the end of lease period. Surveillance of the aircraft maintenance programme will be performed by FOCA in accordance with its national procedures and in compliance with part M provisions; any variation, if requested, to the approved maintenance program (e.g. short term interval extensions, escalations, etc.) will be approved by FOCA in accordance with requirements, guidelines and interpretative materials for the management of maintenance programs which shall not be less restrictive than Part M and relevant AMC provisions.

6. Repairs and modifications to be performed on the aircraft shall be approved in accordance with relevant provisions of Annex (Part 21) to the Regulation (EU) 748/2012, as revised, and relevant implementation procedures, before their embodiment. The express permission of the aircraft registered owner and of the lessor is required prior to the incorporation of any modification in order to ensure compliance with all applicable requirements and facilitating the lease back of aircraft at the end of lease period.

7. All the maintenance inspections, repairs and modifications to be performed on the aircraft have to be carried out and released to service by a Part 145 appropriately approved Maintenance Organisation.

8. The lessee shall be responsible of maintenance records keeping during the leasing period in accordance with applicable Part M requirements and lessee's national procedure. Aircraft and engine logbooks issued by ENAC for the aircraft shall be kept updated by the lessee in accordance with relevant Part M and ENAC Regolamento Tecnico provisions; alternative system may be adopted by the lessee once approved by FOCA and agreed by ENAC. All the maintenance records as described in the applicable Part M requirements shall be transferred to the lessor/owner when the aircraft will be leased back.
9. Leasing contract, Operations, continuing airworthiness management exposition and Organisation Manuals system approved to the lessee by FOCA must reflect all stated conditions in this Appendix 1 as applicable.

Certificate of Airworthiness

10. The continued validity of the Aircraft Certificate of Airworthiness (CofA) shall be ensured in accordance with EU regulation 2042/2003 Part M requirements.

Aircraft inspection and findings

11. In case of survey of the aircraft carried out by ENAC (in order to comply with EU regulation 2042/2003 Part M.B.303) or by FOCA (in order to comply with EU regulation 2042/2003 Part M.B.704), they will inform each other of any finding that might affect the other Authority.

Operations

12. The aircraft shall be operated in accordance with EASA approved Aircraft Flight Manual, or deemed as EASA approved under (EU) 748/2012 regulation, and, if any, FOCA approved MEL that has to be not less restrictive than the relevant EASA approved/accepted MMEL, or deemed as EASA approved/accepted. If this does not exist, the use of an alternative MMEL (e.g. MMEL produced by the Type Certificate Holder and approved by the Authority of the State of Design, MMEL produced or approved by another EU Member State Authority or by FAA) is subject to agreement with operator's Authority; any deviation to the approved MEL shall be approved by FOCA in accordance with the pertinent procedures approved to the Swiss operator.

13. The aircraft shall be equipped in accordance with relevant applicable Swiss operational requirements for the intended type of operations. Consequently EASA approved AFM may be requested to be integrated with accordingly with FOCA required and EASA approved supplements. If major changes to aircraft type design would be necessary for such configuration, they will be treated in accordance with the provisions described under the relevant section of this agreement.

14. Operations of the aircraft being conducted under the lessee's Air Operator Certificates for commercial activities/License will be carried out in accordance with applicable Swiss rules and regulations (e.g. for CAT operations, JAR OPS 3 and EU Regulation 1008/2008); surveillance will be accomplished by FOCA in accordance with this agreement and the current national procedures.

15. Permit to Fly in respect of the Italian registered aircraft, where the aircraft is temporarily not in airworthy condition, shall be issued by ENAC (or by other entities entitled under applicable EU Commission Regulations) upon appropriate application in accordance with Commission Regulation (EU) 748/2012 as revised. Permit to Fly may prescribe particular limiting conditions to permit the aircraft to be flown without fare-paying passengers to an approved maintenance facility at which it will be restored to an airworthy condition (refer to Annex I (Part 21) Commission Regulation (EU) 748/2012 as revised). Flight conditions
associated to Permit to fly shall be approved in accordance with appropriate provisions of Annex (Part 21) to Commission Regulation (EU) 748/2012 as amended. The Authority of the State of Registry shall notify any such approval at the earliest possible opportunity to the Authority of the State of the Operator by providing a copy of the relevant approval documentation.

In-service occurrences or incidents
16. Information, written in the English language, on significant in-service occurrences that affect or could affect continuing airworthiness of the aircraft shall be provided by the lessee to the organisations responsible for the type design, ENAC, FOCA and State of Design Authorities as soon as possible (in particular with quickest means available in case of any accident or serious incident, in addition to the notification to the appropriate accident investigating authorities – for Italy Agenzia Nazionale per la Sicurezza del Volo) but not later than 3 days. FOCA shall provide ENAC with more detailed information on investigation processes of those major events for which mandatory airworthiness actions may be taken or deemed necessary by FOCA. In case of in-service occurrences that could invalidate the aircraft Certificate of Airworthiness, FOCA is entitled to prevent aircraft from resuming any operations and shall immediately inform ENAC in order to allow proper corrective actions.

Licences
17. Flight operations will be conducted by the Swiss operator employing flight crew members holding an appropriately rated license issued according to EASA Part-FCL (cf. Commission Regulations (EU) No 1178/2011 and (EU) No 290/2012). Otherwise ENAC validation must be obtained by the lessee.

Obligations of Lessor and Lessee
18. The lessor and lessee shall be engaged to provide free access for FOCA and ENAC inspection respectively at any time it will be required. Maintenance and operational records must be up to date and available to any request from ENAC and FOCA till the end of the delegation. The associated documents shall be issued in the English language.

19. The lessor and lessee shall be engaged to promptly provide ENAC and FOCA with information about any variation in the lease agreement or termination thereof so that appropriate actions can be taken. Agreed terms and conditions for the delivery back of the aircraft shall be timely notified as well.

20. This agreement shall remain in force until the aircraft will be delivered back to the lessor by the lessee operator. A written communication about the termination of the agreement will be provided by lessee’s Authority to lessor’s Authority.

21. All communications affecting the execution of this agreement and its attachment Appendix 1 – working arrangements shall be made between the designated representatives of the FOCA and ENAC as follows:
ENAC:

1. For matter of principles in relation to this agreement and co-ordination for specific issues with the other interested ENAC HQ’s Services and with regard to the operations requirements:

Airworthiness & Operations Regulation Division (Direzione Regolazione Navigabilità e Operazioni (SNO))

Point of contact for daily implementation of that agreement are:

with regard to the subject aircraft maintenance and operation surveillance:
Operations Division of Milan (Direzione Operazioni sede di Milan (AOM))

with regard to the flight and cabin crew license (validation, requirements, etc.)
Personnel Licensing Regulation Division (Direzione Regolazione Personale di Volo (SPV))

with regard to type design issues
Aeronautical Products Certification & Regulation (Direzione Regolazione Certificazione Prodotti Aeronautici (SCP))

Current references of above ENAC Structures can be retrieved at the following ENAC website addresses:

FOCA

2. For matter of principles in relation to this agreement and co-ordination for specific issues with the other interested FOCA Department and Divisions/Services:

Federal Office for Civil Aviation
Postaddress: CH-3003 Bern
Switzerland

Safety Division Aircraft: Mr Christian Hegner, Vice Director
Tel. +41 31 325 8351  FAX +41 31 325 8053

Safety Division Flight Operation Mr. Roland Steiner, Vice Director
Section Helicopter Flight Operation Tel. +41 31 324 6293
Fax +41 31 325 9601
E-Mail: heli@bazl.admin.ch