BILATERAL AGREEMENT

BETWEEN THE BELGIAN CIVIL AVIATION AUTHORITY AND
THE AUSTRIAN CIVIL AVIATION AUTHORITY
ABOUT THE SUPERVISION OF AIRCRAFT

Between: THE CIVIL AVIATION AUTHORITY OF THE KINGDOM OF BELGIUM
Having its headquarters in B-1030 Brussels, CCN 2nd floor,
Vooruitgangstraat, 80 box 5, here represented by Mr. Frank DURINCKX, General Director,

Hereafter named "BCAA"

and: THE CIVIL AVIATION AUTHORITY OF AUSTRIA
Having its headquarters in Radetzkystrasse 2, A-1030 Wien, here
represented by Mrs. Mag. Elisabeth LAND RICHTER, General Director,

Represented by its acting Competent Authority
"AUSTRO CONTROL GMBH"
Having its headquarters in Schnirchgasse 11, A-1030 Wien

Whereas TNT Airways S.A., a company incorporated in and under the laws of the Kingdom of Belgium, having its headquarters at B-4460 GRACE-HOLLOGNE, Liège Airport, Rue de l’Aéroport 101, holder of the Air Operator Certificate and licence B-3039 issued by the BCAA in accordance with respectively Regulation (EC) 3922/91\(^1\) and Regulation (EEC) 1008/2008\(^2\) (hereafter named the "Operator") has signed an agreement for a Dry-Lease-In from TNT Transport International B.V.\(^3\), a company incorporated under the laws of the Netherlands, having its registered office at Taurusavenue 111, 2132 LS Hoofddorp, The Netherlands (hereafter called

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\(^1\) COUNCIL REGULATION (EEC) No 3922/91 of 16 December 1991 on the harmonization of technical requirements and administrative procedures in the field of civil aviation, annex III, known as EU-OPS.


\(^3\) TNT Transport International b.v. being lessor of the aircraft stated in chapter I from WELLS FARGO BANK NORTHWEST, NATIONAL ASSOCIATION, a national banking association, having its place of business at 260 North Charles Lindbergh Drive, Salt Lake City, Utah, 84116, United State of America.
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the "owner"), lessor of the aircraft stated in chapter 1 of the present Agreement, and registered in the AUSTRIAN Register;

The following has been agreed:

1 Aircraft subject to this Agreement

<table>
<thead>
<tr>
<th>Registration Mark</th>
<th>Aircraft Type</th>
<th>Serial Number</th>
</tr>
</thead>
<tbody>
<tr>
<td>OE-IBW</td>
<td>B737-400</td>
<td>MSN 25109</td>
</tr>
</tbody>
</table>

2 Function, Duties and responsibilities

2.1 As the State of the operator\(^4\) the BCAA assumes, concerning the Aircraft, all the responsibilities otherwise falling on the State of Registry as far as defined in the ICAO-Chicago convention article 12 (Rules of the Air) and its Annex 6 and 8, and Council Regulation (EEC) No. 3922/91, annex III.

This includes the issuance of exemptions from these applicable regulations.

For the sake of clarity, the responsibility of the MEL (Minimum Equipment List) of the Aircraft is included in the responsibilities transferred to BCAA.

\(^4\) State of the operator as defined in Annex 6 Chapter 1 of the Chicago Convention.
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2.2 AUSTRO CONTROL GMBH assumes, concerning the Aircraft, all the rest of the responsibilities falling on the State of registry defined as such in the ICAO-Chicago convention articles 30 (Aircraft Radio Licence), 31 (Certificate of Airworthiness), 32 (a) (Licences of Personnel) and its Annex 6 and 8.

More specifically:

2.2.1 Pursuant to article 30 of the Convention of Chicago, the Aircraft Radio Station License is delivered by AUSTRIA.

2.2.2 Pursuant to article 31 of the Convention of Chicago and in accordance with the provisions of Regulation (EC) 2042/2003 and paragraphs M.1.1 and M.1.4 of Part M and in accordance with the Regulation (EC) 3922/91 (EU-OPS1) and all amendments thereto, AUSTRO CONTROL GMBH retains the following functions, duties and responsibilities, concerning the aircraft:

(a) Approval of the Maintenance Programme of the Aircraft, as well as all revisions and deviations thereto;

(b) Oversight of modifications and repairs, including interior installation and emergency and safety equipment, as the Competent Authority for Part-M M.1.§1;

(c) Issuance of exemptions from applicable regulations regarding continuing airworthiness;

(d) Technical inspections of the Aircraft within the framework of the survey programme of AUSTRO CONTROL GMBH to monitor the status of the fleet (M.B.303);

(e) Issuance and review of the Airworthiness Review Certificate of the Aircraft;

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(f) Reception of occurrence reports envisaged in Part M, article M.A.202 of Regulation 2042/2003; in addition accidents and serious incidents in accordance with ICAO Annex 13 have to be reported to the Austrian AIB;

(g) Oversight of Part-M M.A.301.5 of Regulation (EC) 2042/2003. For M.A.301.5(IV) EASA AD's must be followed;

(h) The issuance of Permits to Fly, unless Permits to Fly are issued by the Continuing Airworthiness Management Organisation according to its privileges under M.A.711(c).

The BCAA has the responsibility to ensure the oversight of the continuing airworthiness management system of the Continuing Airworthiness Management Organisation approved in accordance with Part M, Subpart G of Regulation (EC) 2042/2003.

The BCAA grants AUSTRO CONTROL GMBH the right to carry out any inspections on the aircraft on Belgian territory or at the premises of the Operator, its Continuing Airworthiness Management Organisation or its Part-145 organisation. AUSTRO CONTROL GMBH will inform the BCAA at least 48 hours in advance of planned inspections (except in cases of urgent safety concerns).

2.2.3 Pursuant to Commission Regulation (EU) 1178/2011 (as amended), the pilot licence of the crew members must be issued or rendered valid by an EASA member State.
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3 Notification, coordination and control

The BCAA and AUSTRO CONTROL GMBH will notify each other in case of level 1 findings regarding: (a) the Monitoring of the Continuous Airworthiness, (b) the Maintenance of the Aircraft and (c) any exemption issued with regards to the relevant regulations within 72 hours after first notice.

4 Duration of the Agreement

4.1 This agreement will enter into force on its signature date and will be valid until 31/10/2015 or any earlier termination/expiry of the Lease Agreement between TNT AIRWAYS S.A. and TNT Transport International B.V. If the said Lease Agreement will not enter into force, this agreement will become invalid.

4.2 This agreement may be extended after a positive evaluation meeting between BCAA and AUSTRO CONTROL GMBH.

4.3 Both parties are entitled to resolve this agreement with written notice within a delay of 7 days.
5 Others

A certified true copy of the current Agreement shall always be on board of the Aircraft, together with the technical log.

This agreement does not cover any sublease of the mentioned aircraft.

Any change in owner or operator of the aircraft will automatically cancel this Bilateral Agreement.

It is understood that as of 28 October 2014, commission regulation (EU) 965/2012\(^6\) will be applicable instead of the Annex III to regulation (EEC) 3922/91.

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Communication:

- **BCAA**

  For matter of principles in relation to this agreement, co-ordination for specific issues with the other interested Austro Control involved Departments is:

  Competent person for any questions is Mr. Innocent Munyalibanje e-mail innocent.munyalibanje@mobilit.fgov.be or phone +32 2 277-42 03 (fax: -42 52).

  Occurrence reports:
  BCAA-Occurrences@mobilit.fgov.be

  Accidents and serious incidents:
  air-acc-incidents@mobilit.fgov.be

- **AUSTRO CONTROL**

  For matter of principles in relation to this agreement, co-ordination for specific issues with the other interested BCAA involved Departments is:

  Competent person for any questions is Mr. Wilhelm Jagritsch, e-mail wilhelm.jagritsch@austrocontrol.at or phone +43 51703-1630 (fax: -1666).

  e.mail: airworthiness@austrocontrol.at

  Coordination: Mr. Hans Jürgen Altmann, e-mail: hans-juergen.altmann@austrocontrol.at or phone +43 51703-1647 (fax: -1666).

  Occurrence reports:
  reports@austrocontrol.at

  Accidents and serious incidents:
  FUS@bmvit.gv.at
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Agreed upon in good faith in Brussels and Vienna.

For the Federal Ministry for Transport,

Date: 17.10.2014

Mag. Elisabeth LANDRICHTER
General Director Civil Aviation
Federal Ministry for Transport,
Innovation and Technology
Austria

For the BCAA,

Date: 17.10.2014

Frank Durinckx
Director General
Civil Aviation Authority
Kingdom of Belgium

By replacement
Adviser