



**WORKING PAPER**

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Mexico City, Mexico, 2 to 4 March 2026

**Agenda Item 5: Progress on Regional and National Aviation Safety Planning**

**AIRCRAFT LEASING FOR COMMERCIAL USE**

(Presented by COCESNA)

**EXECUTIVE SUMMARY**

Aircraft leasing constitutes a key mechanism for air operators’ operational and financial management and is also a relevant element for States’ safety oversight. The International Civil Aviation Organization (ICAO) addresses this subject from two complementary perspectives: operational safety and oversight (Doc 8335) and the regulation of international air transport (Doc 9626).

This Study Note aims to analyse the essential aspects of aircraft leasing, based on the guidelines, principles and concepts contained in ICAO Documents 8335 and 9626, with emphasis on the responsibilities of States and operators to ensure compliance with Annex 6, Part I — International Commercial Air Transport — Aeroplanes.

<b>Action:</b>	<b>That States:</b>  a) update their regulations and procedures to reflect advances in aviation business models, eliminating redundant processes and optimizing the benefits of regulatory harmonization for the execution of leasing agreements between air operators.  b) establish or enhance their mechanisms for appropriate risk management and safety performance measurement, ensuring that acceptable safety standards are maintained and overseen for all stakeholders; and  c) continue working collaboratively and make use of available regional cooperation models to foster sustainable development of civil aviation systems globally and strengthen safety oversight systems.
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	<p>That ICAO:</p> <p>a) review and update the Standards and Recommended Practices (SARPs) to ensure they reflect current practices and the collaborative processes of Regional Safety Oversight Organizations (RSOOs), thereby fostering the development of new and efficient business models in the aviation industry related to aircraft leasing.</p> <p>b) update associated guidance material, protocol questions, auditor guidance and the methodology of the Universal Safety Oversight Audit Programme (USOAP) to foster States’ confidence in the application of harmonized, performance-based policies aligned with the development and growth of the aeronautical sector.</p> <p>c) ensure that auditors apply uniform criteria based on the guidance and orientations in order to reduce the interpretative/subjective component during State audits—specifically in protocol questions related to aircraft leasing; and</p> <p>d) continue promoting and facilitating cooperation and collaboration among States and regions, supporting the development of common regulatory frameworks and mutual recognition of certifications, authorizations, approvals, specific approvals and licences through programmes and platforms for information exchange and best practices.</p>
<i>Strategic Goals 2026-2050:</i>	<ul style="list-style-type: none"> <li>• Every flight is safe and secure</li> </ul>
<b>References:</b>	<ul style="list-style-type: none"> <li>• Annex 6, Part I</li> <li>• ICAO Doc 8335</li> <li>• ICAO Doc 9626</li> </ul>

**1. Introduction**

1.1 Aircraft leasing constitutes a key mechanism for air operators’ operational and financial management, and is also a relevant element for States’ safety oversight. ICAO addresses this subject from two complementary perspectives: operational safety and oversight (Doc 8335) and the regulation of international air transport (Doc 9626).

## 2. ICAO regulatory framework

2.1 ICAO Doc 8335 — Manual of Procedures for Operations Inspection, Certification and Continued Surveillance. ICAO Doc 8335 provides detailed guidance for States to establish and maintain effective systems for certification and continued surveillance of international commercial air transport operations. Within this framework, the document includes specific considerations related to leasing, chartering and interchange of aircraft, highlighting the need for the State of the Operator to exercise effective and ongoing control over operations conducted under its Air Operator Certificate (AOC).

2.2 Within ICAO framework, the term “State of the Operator” refers to the sovereign State under whose laws and oversight an airline or air operator is certificated, with its aircraft identified by make, model and serial number. In other words, it is the State where the operator of the aircraft has its principal place of business or, if there is no such place of business, its permanent residence. This concept defines which civil aviation authority is responsible for issuing the Air Operator Certificate (AOC) and conducting continued safety oversight of that operator’s operations.

### **Key points addressed in ICAO Doc 8335 include:**

- a) The obligation of the State of the Operator to ensure that leasing arrangements do not adversely affect operational safety.
- b) Verification that responsibilities for operations, maintenance, crew and safety management are clearly defined between the parties.
- c) Consideration of arrangements under Article 83 bis of the Chicago Convention, where the transfer of certain functions and responsibilities between States is applicable.

2.3 ICAO Doc 9626 addresses aircraft leasing from the economic and regulatory perspective of international air transport. This Manual provides a broad analysis of national, bilateral and multilateral regulatory processes, including provisions related to the use of leased aircraft in international air services.

2.4 The document recognizes that leasing:

- a) It is a tool used to facilitate market entry, fleet expansion or service continuity.
- b) Should be aligned with bilateral and multilateral air services agreements.
- c) May raise implications related to nationality, effective control of the air carrier and fair competition.

### **3. Types of aircraft leasing:**

3.1 Based on concepts developed by ICAO, aircraft leasing is generally classified as:

- a) Dry lease (without crew): the lessee operator assumes operational control and responsibility for the aircraft.
- b) Wet lease (with crew): the aircraft is leased together with crew and, in many cases, maintenance and insurance.
- c) Interchange leasing arrangements, combining elements of both schemes. In this context, the term “interchange” refers to situations in which:
  - i. An aircraft is operated under different authorized operators in accordance with leasing or charter rules.
  - ii. The operator holding the AOC allows another entity to use the aircraft for commercial services.
  - iii. This requires that operational control, safety management and regulatory oversight responsibilities be clearly established for all operators involved.

3.2 ICAO Doc 8335 emphasizes that, regardless of the type of leasing arrangement, the State must ensure that safety responsibilities are clearly assigned and effectively overseen.

### **4. Responsibilities of States and operators**

4.1 From the perspective of ICAO Doc 8335:

- a) The State of the Operator retains primary responsibility for safety oversight.
- b) Coordination with the State of Registry is required, particularly in the case of international leasing arrangements.
- c) The operator’s AOC should adequately reflect the use of leased aircraft.

4.2 From the perspective of ICAO Doc 9626:

- a) States should evaluate leasing arrangements in accordance with their air transport policies and international commitments.
- b) Market distortions should be avoided, and regulatory transparency should be ensured.

### **5. Considerations**

5.1 ICAO Documents 8335 and 9626 provide a complementary framework for the analysis of aircraft leasing. While Doc 8335 focuses on operational safety and continued surveillance, Doc 9626 provides the regulatory and economic perspective of international air transport. Together, both documents highlight the importance of States adopting a balanced approach that ensures safety, regulatory compliance and the orderly development of air transport.

5.2 It is important to inform ICAO, States and operators about the issues that may arise when an operator leases aircraft, particularly because it may have to comply with multiple regulations that are often incompatible among the State of Registry, the State of the Operator, a third State where the operator has a leasing agreement with another operator, and a fourth State whose territory the aircraft may need to land in or overfly.

5.3 This Study Note urges States and ICAO to take action in developing policies, procedures or regulatory assessments related to aircraft leasing in the context of international civil aviation. Accordingly, it suggests reviewing these instruments to avoid difficulties and to guide States in the approval/authorization of such agreements among different operators.