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ADVISORY

AIRCRAFT WET LEASE ARRANGEMENTS

1. AUTHORITY

This circular is issued by the Executive Chairman of the Instituto de Aviação Civil de Moçambique (IACM) in pursuance of powers vested in him under Article 19 of Law Nº 5/2016 of 14 June and the paragraph p) of Article 9 of Decree 70/2016.

2. PURPOSE

This Advisory Circular provides guidance on the requirements for wet lease operations by a certificated air operator. This Advisory Circular is specific to wet lease operations.

3. GENERAL

3.1 A wet lease is a contractual agreement where a leased aircraft is operated by the flight crew members of the lessor. In a wet lease under MOZCARs Part 121/135/127 (Air Operator Certification and Administration) Regulations the lessee exercises operational control of the aircraft and the crew.

3.2 Under the Regulations, the wet lease situation means the aircraft should be operated under an AOC issued by the civil aviation authority (CAA) of the lessee of the aircraft.

4. WET LEASE AGREEMENTS

4.1 General Requirements

4.1.1 MOZCARs Part 121/135/127 of the Civil Aviation (Air Operator Certification and

Administration) Regulations prescribes the requirements for wet lease operations. Under regulation Parts 121.01.7, 135.01.6 and 127.01.6 (Air Operator Certification and Administration) an AOC holder is prohibited from conducting wet lease operations on behalf of another air operator except in accordance with the applicable laws and regulations of the country in which the operations occurs and the conditions imposed by the Authority. Furthermore, an AOC holder is prohibited from allowing another air operator from conducting wet lease operations on its behalf unless this is approved by the Authority. Such approval is conditional upon the following being fulfilled:

a) The safety standards of the lessor with respect to maintenance and operations are at least equivalent to the Mozambique Civil Aviation Regulations;

b) The air operator holds an Air Operator Certificate or its equivalent from a Contracting State that authorizes those operations; and

c) The aircraft has an Airworthiness Certificate issued in accordance with Annex 8 of the Chicago Convention.

4.1.2 Before embarking on a wet lease agreement, an operator should establish that:

a) The lessor's operations specifications include the area of operation required by the operator:

b) The designated aircraft have the necessary approvals and equipment required to operate the proposed routes;

c) Assigned crews are route qualified where applicable.

4.1.3 The lessee is required to submit a copy of the lease agreement or a written memorandum of the terms of the lease to the Authority for processing. Where the wet lease agreement involves only flight crew, the lessee must ensure that his cabin crew receive the required training with respect to their cabin safety and emergency duties on such aircraft by the lessor's AOC holder who will also provide training records of such training. This training must include crew coordination training with the lessor's flight crew. In addition, cabin crew must be made aware of the State of Registry's requirements with respect to duty time limitations and the performance of their duties and responsibilities aboard the wet leased aircraft. Because of these complications, the preferred option is a wet lease with a complete crew. The lessee may arrange for a cabin crew member or other airline representative to act as a public relations person on the wet lease operations to represent the image of the airline as required. That person will not be considered a member of the cabin crew.

4.1.4 The lessor will be asked to submit the following information regarding the lease, on operational control:

a) A copy of his Air Operator Certificate;

b) A copy of his Operations Specifications;

c) A list of the aircraft registration of all the aircraft which will be used in the wet lease operations;

d) A list of pilots' names, licence numbers and licence validity date;

e) A list of names of all maintenance personnel who will be maintaining the aircraft during the period of the lease;

f) Name of contact person at lessor's CAA;

g) An official letter from the lessor's CAA to the Authority that they are aware of the leasing arrangements;

h) A copy of the lease agreement with details of the lease, including a clear statement that the lessee maintains operational control;

i) The aircraft continuing airworthiness information as per Appendix B, as applicable;

j) A work authorization for the crew and maintenance personnel issued in terms of:

   i. article 6 of Decree Nr. 37/2016 of 31st August if the wet-lease duration is less than 90 days in a period of 12 months; or

   ii. article 19 of the same Decree in case the expected duration of the wet-lease is higher than 90 days.

4.2 Pre-Approval Wet Lease

4.2.1 An operator may apply to the Authority for pre-approval of a wet lease. This has the advantage of operating flexibility for the operator and minimum delay in obtaining approval in the event of an actual requirement for extra lift or for a substitute aircraft.

4.2.2 The operator may be able to have wet lease agreement with other operators for seasonal extra lift, or a short notice request for flights. In such situations a pre-approval may be granted by the Authority subject to the operator submitting an application with details of the operator and the required supporting documents described in this Advisory Circular.

4.2.3 Where there is any doubt about the safety standards of a State, the Authority may require a full assessment of the safety standards of the State of the lessor, which may include a formal audit of the lessor's AOC holder.

4.3 Determination of Operational Control

4.3.1 MOZCARs Part 121/135/127 Civil Aviation (Air Operator Certification and Administration) Regulations provides that the Lessee has operational control considering the extent and control of certain operational functions such as –

a) Initiating and terminating flights;

b) Maintenance and servicing of aircraft;

c) Scheduling crew members;

d) Paying crew members; and

e) Training crew members;

4.4 Amending Operations Specifications

4.4.1 After it has been determined which party has operational control, each AOC holder shall have his operations specifications amended. See example of paragraph A28 of operations specifications at Appendix A.

4.4.2 The amendment to the operations specifications will contain the following information:

a) The names of the parties to the agreement and the duration of the agreement;

b) The make, model, and series of each aircraft involved in the agreement;

c) The kind of operation;

d) The expiration date of the lease agreement;

e) A statement specifying the party deemed to have operational control; and

f) Any other item, condition, or limitation that IACM determines necessary.

5. EFECTIVITY

This circular cancels AIC 05/12 and all others regarded to the same topic.
This AIC is effective from 9th June 2021.

CIVIL AVIATION AUTHORITY OF MOZAMBIQUE
THE CHAIRMAN OF THE BOARD AND CEO

Captain João Martins de Abreu

APPENDIX A

EXAMPLE OPERATIONS SPECIFICATIONS

Civil Aviation Authority	**Operations Specifications**	CAA Control:
Revision:		CAA

A028. Aircraft Wet Lease Arrangements – MOZCARs Part 121 Civil Aviation (Air Operator Certification and Administration) Regulations

a. **The holder of these operations specifications with operational control:** The air operator shall conduct operations with the aircraft in accordance with the wet lease agreements identified in the following table. All operations conducted under the wet lease agreements shall be conducted in accordance with the authorizations, limitations, and provisions of these operations specifications and the terms and conditions of the appropriate wet lease agreement. The air operator shall at all times be responsible for and maintain the operational control and airworthiness of the aircraft identified in the lease agreements. The nationality and registration numbers of the aircraft to be used in the wet lease agreement shall be identified in Paragraph A003 of these operations specifications. Except as provided in subparagraph b. below the air operator shall not conduct, nor be a party to, operations under these operations specifications with aircraft under any other wet lease agreement.

Names of the Parties to the Wet Lease Agreement(s)		Aircraft Type	Aircraft Registration No	Aircraft Serial Number	Date of CAA Approval	CAA Approval Expiry Date	Date Lease Executed	Date Lease Expires
Lessor	**Lessee**							
Air Caribbean Ltd	BWIA	ATR72 ATR72 ATR72	9Y-ABC 9Y-BCD 9Y-CDE	110 120 130	31 Dec 04 31 Dec 04 31 Dec 04	30 Jun 05 30 Jun 05 30 Jun 05	10-Dec-04 10-Dec-04 10-Dec-04	30-Jun-05 30-Jun-05 30-Jun-05

b. **The holder of these operations specifications without operational control:** For the purpose of this subparagraph, the other party to the wet lease agreement has operational control. The other party shall at all times be responsible for and maintain the operational control and airworthiness of the referenced aircraft for each wet lease agreement identified in the aircraft list in the table below. The air operator does not have operational control of any operation conducted by the other party under this subparagraph. The air operator is authorized to exercise the wet lease agreements identified in the following table. Except as provided in subparagraph a. above the air operator shall not conduct, nor be a party to, operations under these operations specifications with aircraft under any other wet lease agreement.

Names of the Parties to the Wet Lease Agreement(s)		Aircraft Type	Aircraft Registration No	Aircraft Serial Number	Type of Operation	Date of CAA Approval	CAA Approval Expiry Date	Date Lease Executed	Date Lease Expires
Lessor	Lessee								
ABC Air Inc	Sunshine Airways	ATR-72	N-9999	12345	Passenger	02-Jul-04	31-Dec-04	01-Jan-04	31-Dec-04
DEF Airways	Sunshine Airways	DH-8	N-9090	23456	Passenger	01-Jan-04	31-Dec-04	01-Mar-04	31-Dec-04

APPENDIX B

Document Presentation

The FSD inspector assigned to review the transfer/lease package will ask the applicant to supply the following information in package form to expedite the necessary review:

Section 1.

A. airworthiness certificate basis and status;

B. a general statement of the current status of non-repetitive airworthiness directives such as:

"All applicable airworthiness directives through (specify date, issue, etc.) have been incorporated as listed on the (specify name of operators) airworthiness directive summary (specify date) with the exception of those AD requiring initial or repetitive action.";

C. a general statement of the current status of repetitive airworthiness directives, such as:

"All AD listed on the (specify operator) airworthiness directive control summary dated (specify date) require initial or repetitive action at the date, time or cycles listed.";

D. a statement of the extent of the operator's direct operational and maintenance control of the aircraft and a list of major repairs accomplished during that time, such as:

"This aircraft has been under the direct operational and maintenance control of (specify operator) since (specify date). During this time the aircraft underwent the following major repairs/modifications in accordance with approved technical data documented in the aircraft records. (List all major repairs/modifications).";

E. a statement regarding the accomplishment of the last major inspection, such as:

"The last (specify type of major inspection) was accomplished by (specify operator/maintenance organization) between (specify date) and (specify date) at (specify operator/maintenance organization) maintenance facility in (specify city, country). Airframe total hours and total cycles were ...";

F. a statement regarding the current status of the installed engines and any spare engines, such as:

"The following engines are currently installed on the aircraft with the total accumulated and remaining hours and cycles listed for each. (List engines here.) The (specify operator) life-limited parts report has been prepared using the (list manufacturer's controlling document here), and reflect accurate times and cycles of the life-limited parts as of the engine time/cycles noted above."; and

G. a statement regarding the current component status, such as:

"The components/inspection times listed on the (specify operator) component control summary represent the latest component installation information as of (specify date)."

Note: Section I should be signed by the senior official responsible for aircraft maintenance recordkeeping.

Section 2: The Aircraft Lease Agreement

This section should contain a copy of the lease or sale agreement. Economic or monetary information may be deleted for the purposes of this presentation.

Section 3: Operating Authority

This page should contain a copy of the operating authority issued by the responsible regulatory authority of the last operator. This is used to establish the rules under which the airplane was operated and maintained.

Section 4: Export Certificate of Airworthiness

This section should contain a copy of the export certificate of airworthiness (if any).

Section 5: Current Inspection Status Summary

A. This page should give a summary of the current inspection status of the aircraft at the time of transfer. It should list:

1. the aircraft total time;
2. the aircraft total cycles or landings;
3. the time and landings since the last major scheduled maintenance or inspection;
4. the scheduled major inspection intervals and the time remaining to the next inspection; and
5. the powerplants by position and serial number. The listing should show the time since new, cycles since new and the time and/or cycles remaining to the next life limited part removal for each powerplant.

Section 6: Summary of Current Status of Life-Limited Parts

This section should contain a listing of all the airframe and powerplant life-limited components/parts installed on the aircraft at the time of transfer. The listing should contain the name of the component/part, the installed location or position of the component/part, the component/part number, the component/part serial number, the required retirement time of the component/part, the total number of hours or accumulated cycles and the number of hours or cycles remaining before the required retirement time of the component/part is reached.

Section 7: Current Status of Airworthiness Directives

A. This section should contain a listing of each airworthiness directive which is applicable to the aeroplane, powerplants, components and appliances. Recurring AD should be listed separately. The listing should contain:

1. a concise description of the required action;
2. the method of compliance;
3. the time in service and the date of AD accomplishment: and
4. for AD having requirements for recurring actions the date of AD accomplishment and when the next recurring action is due (date, hours, cycles, etc.).

Section 8: Aircraft Maintenance Program Integration

If the maintenance/inspection program is to be changed for the aircraft, the integration or proration plan for the two programs should be presented here. For an integration plan, a listing of each scheduled maintenance/inspection item under both the old and new program should be shown along with the method of transfer or bridging from one to the other.