



**MENTERI PERHUBUNGAN
REPUBLIK INDONESIA**

PERATURAN MENTERI PERHUBUNGAN REPUBLIK INDONESIA
NOMOR PM 105 TAHUN 2017
TENTANG
PELIMPAHAN TANGGUNG JAWAB DAN FUNGSI
PENGAWASAN OPERASI PESAWAT UDARA
DENGAN RAHMAT TUHAN YANG MAHA ESA

MENTERI PERHUBUNGAN REPUBLIK INDONESIA,

Menimbang : a. bahwa untuk pelaksanaan pengawasan efektif terhadap pesawat udara yang disewa (*lease*) dan *charter* dapat dilakukan pelimpahan beberapa tanggung jawab pengawasan dari negara tempat pendaftaran ke negara tempat pengoperasian pesawat udara untuk jangka waktu tertentu;

b. bahwa berdasarkan pertimbangan sebagaimana dimaksud pada huruf a, perlu menetapkan Peraturan Menteri Perhubungan tentang Pelimpahan Tanggung Jawab dan Fungsi Pengawasan Operasi Pesawat Udara;

Mengingat : 1. Undang-Undang Nomor 24 Tahun 2000 tentang Perjanjian Internasional (Lembaran Negara Republik Indonesia Tahun 2000 Nomor 185, Tambahan Lembaran Negara Republik Indonesia Nomor 4012);

2. Undang-undang Nomor 1 Tahun 2009 tentang Penerbangan (Lembaran Negara Republik Indonesia Tahun 2009 Nomor 1, Tambahan Lembaran Negara Republik Indonesia Nomor 4956);

3. Keputusan Presiden Nomor 21 Tahun 1987 tentang Pengesahan *Protocol Relating to an Amendment to the Convention on International Civil Aviation (Article 83 bis)* (Lembaran Negara Republik Indonesia Tahun 1987 Nomor 26);
4. Peraturan Presiden Nomor 7 Tahun 2015 tentang Organisasi Kementerian Negara (Lembaran Negara Republik Indonesia Tahun 2015 Nomor 8);
5. Peraturan Presiden Nomor 40 Tahun 2015 tentang Kementerian Perhubungan (Lembaran Negara Republik Indonesia Tahun 2015 Nomor 75);
6. Keputusan Menteri Perhubungan Nomor KM 18 Tahun 2002 tentang Persyaratan-Persyaratan Sertifikasi dan Operasi Bagi Perusahaan Angkutan Udara Niaga untuk Penerbangan Komuter dan *Charter* sebagaimana telah beberapa kali diubah terakhir dengan Peraturan Menteri Perhubungan Nomor PM 63 Tahun 2017 tentang Perubahan Kesepuluh atas Keputusan Menteri Perhubungan Nomor KM 18 Tahun 2002 tentang Persyaratan-Persyaratan Sertifikasi dan Operasi bagi Perusahaan Angkutan Udara Niaga untuk Penerbangan Komuter dan *Charter* (Berita Negara Republik Indonesia Tahun 2017 Nomor 1099);
7. Peraturan Menteri Perhubungan Nomor KM 16 Tahun 2010 tentang Peraturan Keselamatan Penerbangan Sipil (PKPS) Bagian 63 (*Civil Aviation Safety Regulations Part 63*) tentang Persyaratan Personel Pesawat Udara Selain Penerbang dan Personel Penunjang Operasi Pesawat Udara (*Licencing Flight Crew Members Other than Pilot, Flight Operation Officers, and Certification of Flight Attendant*) sebagaimana telah diubah terakhir dengan Peraturan Menteri Perhubungan Nomor PM 59 Tahun 2017 tentang Perubahan Kedua atas Peraturan Menteri Perhubungan Nomor KM 16 Tahun 2010 tentang Peraturan Keselamatan Penerbangan Sipil (PKPS) Bagian 63 (*Civil Aviation Safety Regulations Part 63*) tentang Persyaratan Personel Pesawat Udara Selain Penerbang dan Personel Penunjang Operasi Pesawat Udara (*Licencing Flight Crew Members Other than Pilot, Flight Operation Officers,*

- and Certification of Flight Attendant*) (Berita Negara Republik Indonesia Tahun 2017 Nomor 1095);
8. Peraturan Menteri Perhubungan Nomor PM 28 Tahun 2013 tentang Peraturan Keselamatan Penerbangan Sipil Bagian 121 (*Civil Aviation Safety Regulations Part 121*) tentang Persyaratan-Persyaratan Sertifikasi dan Operasi Bagi Perusahaan Angkutan Udara yang Melakukan Penerbangan Dalam Negeri, Internasional, dan Angkutan Udara Niaga tidak Berjadwal (*Certification and Operating Requirements Domestic, Flag and Supplemental Air Carriers*) sebagaimana telah beberapa kali diubah terakhir dengan Peraturan Menteri Perhubungan Nomor PM 61 Tahun 2017 tentang Perubahan Keempat atas Peraturan Menteri Perhubungan Nomor PM 28 Tahun 2013 tentang Peraturan Keselamatan Penerbangan Sipil Bagian 121 (*Civil Aviation Safety Regulations Part 121*) tentang Persyaratan-Persyaratan Sertifikasi dan Operasi Bagi Perusahaan Angkutan Udara yang Melakukan Penerbangan Dalam Negeri, Internasional, dan Angkutan Udara Niaga tidak Berjadwal (*Certification and Operating Requirements Domestic, Flag and Supplemental Air Carriers*) (Berita Negara Republik Indonesia Tahun 2017 Nomor 1097);
 9. Peraturan Menteri Perhubungan Nomor PM 1 Tahun 2014 tentang Peraturan Keselamatan Penerbangan Sipil Bagian 69 (*Civil Aviation Safety Regulation Part 9*) tentang Lisensi, Rating, Pelatihan dan Kecakapan Personel Navigasi Penerbangan (Berita Negara Republik Indonesia Tahun 2014 Nomor 38) sebagaimana telah diubah dengan Peraturan Menteri Perhubungan Nomor PM 17 Tahun 2016 tentang Perubahan atas Peraturan Menteri Perhubungan Nomor PM 1 Tahun 2014 tentang Peraturan Keselamatan Penerbangan Sipil Bagian 69 (*Civil Aviation Safety Regulation Part 9*) tentang Lisensi, Rating, Pelatihan, dan Kecakapan Personel Navigasi Penerbangan (Berita Negara Republik Indonesia Tahun 2016 Nomor 1012);
 10. Peraturan Menteri Perhubungan Nomor PM 189 Tahun 2015 tentang Organisasi dan Tata Kerja Kementerian

Perhubungan (Berita Negara Republik Indonesia Tahun 2015 Nomor 1844) sebagaimana telah beberapa kali diubah terakhir dengan Peraturan Menteri Perhubungan Nomor PM 56 Tahun 2018 tentang Perubahan Keempat atas Peraturan Menteri Perhubungan Nomor 189 Tahun 2015 tentang Organisasi dan Tata Kerja Kementerian Perhubungan (Berita Negara Republik Indonesia Tahun 2018 Nomor 814);

11. Peraturan Menteri Perhubungan Nomor PM 59 Tahun 2016 tentang Sertifikasi Stasiun Penerbangan di Pesawat Udara (Berita Negara Republik Indonesia Tahun 2016 Nomor 741);

MEMUTUSKAN:

Menetapkan : PERATURAN MENTERI PERHUBUNGAN TENTANG PELIMPAHAN TANGGUNG JAWAB DAN FUNGSI PENGAWASAN OPERASI PESAWAT UDARA.

BAB I

KETENTUAN UMUM

Pasal 1

Dalam Peraturan ini, yang dimaksud dengan:

1. Pesawat Udara adalah setiap mesin atau alat yang dapat terbang di atmosfer karena gaya angkat dari reaksi udara, tetapi bukan karena reaksi udara terhadap permukaan bumi yang digunakan untuk penerbangan.
2. Kelaikudaraan adalah terpenuhinya persyaratan desain tipe Pesawat Udara dan dalam kondisi aman untuk beroperasi.
3. Konvensi Penerbangan Sipil Internasional adalah Konvensi Chicago 1944.
4. *Charter* (carter) adalah kegiatan menyewa Pesawat Udara dimana seluruh kapasitasnya dibeli secara pribadi oleh satu entitas atau lebih yang bisa dijual kembali ke publik.
5. *Lease* (Sewa) adalah kegiatan pemanfaatan Pesawat Udara dimana pemilik Pesawat Udara melalui perjanjian menyerahkan pengoperasian Pesawat Udara kepada pihak lain tanpa pengalihan kepemilikan.

6. Perjanjian adalah perjanjian pelimpahan tanggung jawab dan fungsi pengawasan operasi Pesawat Udara sesuai dengan ketentuan Pasal 83 bis Konvensi Internasional Penerbangan Sipil.
7. Perawatan adalah kegiatan yang dilakukan untuk memastikan kelaikan udara pesawat terbang secara berkelanjutan, termasuk salah satu atau kombinasi pemeriksaan, inspeksi, penggantian, perbaikan cacat, dan modifikasi atau perbaikan.
8. Negara Pendaftaran adalah negara dimana Pesawat Udara didaftarkan.
9. Negara Operator adalah negara tempat atau lokasi usaha operator atau tempat tinggal operator Pesawat Udara.
10. Menteri adalah Menteri Perhubungan.
11. Direktur Jenderal adalah Direktur Jenderal Perhubungan Udara.
12. Direktur adalah Direktur Kelaikudaraan dan Pengoperasian Pesawat Udara.

BAB II RUANG LINGKUP

Pasal 2

- (1) Peraturan Menteri ini berlaku untuk:
 - a. Pesawat Udara yang didaftarkan di Indonesia, dioperasikan di negara lain; atau
 - b. Pesawat Udara yang didaftarkan di negara lain, dioperasikan oleh perusahaan angkutan udara nasional untuk penerbangan dari dan ke Indonesia.
- (2) Negara lain sebagaimana dimaksud pada ayat (1) huruf a dan huruf b merupakan negara yang telah meratifikasi *Article 83 bis* Konvensi Penerbangan Sipil Internasional.

BAB III PELIMPAHAN TANGGUNG JAWAB DAN FUNGSI PENGAWASAN

Pasal 3

- (1) Beberapa tanggung jawab dan fungsi pengawasan operasi Pesawat Udara dapat dilimpahkan dari Indonesia ke negara lain atau sebaliknya berdasarkan Perjanjian.
- (2) Pelimpahan sebagaimana tersebut pada ayat (1) dilaksanakan atas dasar pengakuan (*recognition*) terhadap lisensi dan sertifikat yang diterbitkan oleh Negara Pendaftaran.
- (3) Lisensi dan sertifikat sebagaimana dimaksud ayat (2), meliputi:
 - a. sertifikat kelaikan udara;
 - b. lisensi kru Pesawat Udara; atau
 - c. sertifikat stasiun penerbangan di Pesawat Udara (*aircraft aeronautical station licence*).

Pasal 4

- (1) Perjanjian sebagaimana dimaksud dalam Pasal 3 ayat (1) merupakan kesepakatan tertulis antara Indonesia dengan negara lain yang tunduk terhadap ketentuan Pasal 83 *bis* Konvensi Penerbangan Sipil Internasional yang didasarkan pada Perjanjian *Lease* dan *Charter*.
- (2) Perjanjian sebagaimana dimaksud pada ayat (1) berlaku untuk masing-masing Pesawat Udara dan operator dengan jangka waktu tertentu.
- (3) Perjanjian dapat diusulkan oleh Negara Pendaftaran ke Negara Operator atau sebaliknya.

Pasal 5

Perjanjian mengatur pelimpahan tanggung jawab dan fungsi Negara Pendaftaran yakni:

- a. memastikan bahwa setiap Pesawat Udara yang melintas dan bermanuver di atas wilayah udara dan membawa tanda kebangsaan atau dimanapun Pesawat Udara tersebut berada, harus mematuhi peraturan penerbangan serta negara menjamin penegakan hukum terhadap semua orang yang melanggar peraturan yang berlaku;
- b. memastikan bahwa setiap Pesawat Udara yang membawa dan mengoperasikan peralatan pemancar gelombang radio

- memiliki sertifikat stasiun penerbangan (*radio station licence*) dari negara pendaftaran Pesawat Udara;
- c. memastikan bahwa sertifikat kelaikan udara (*airworthiness Certificate*) masih berlaku; dan
 - d. memastikan bahwa lisensi personel Pesawat Udara masih berlaku.

Pasal 6

Pihak-pihak yang terlibat dalam penyusunan Perjanjian pelimpahan tanggung jawab sekurang-kurangnya:

- a. pemegang sertifikat pendaftaran Pesawat Udara;
- b. operator yang berniat mengoperasikan Pesawat Udara di dalam negeri atau ke luar negeri;
- c. Negara Pendaftaran; dan
- d. Negara Operator.

Pasal 7

Perjanjian pelimpahan tanggung jawab dan fungsi terdiri 3 (tiga) instrumen:

- a. Perjanjian induk (*formal agreement*);
- b. pertukaran surat resmi antara kedua negara (*exchange of letter*); dan
- c. Perjanjian penyerahan (*delegation agreement*).

Pasal 8

- (1) Perjanjian induk sebagaimana dimaksud dalam Pasal 7 huruf a merupakan persetujuan antara Negara Pendaftaran dan Negara Operator yang mengatur tugas dan tanggung jawab masing-masing negara.
- (2) Kewenangan penandatanganan Perjanjian induk oleh Direktur Jenderal.
- (3) Format Perjanjian induk sebagaimana dimaksud pada ayat (1) tercantum dalam Lampiran I yang merupakan bagian tidak terpisahkan Peraturan Menteri ini.

Pasal 9

- (1) Pertukaran surat resmi sebagaimana dimaksud dalam Pasal 7 huruf b meliputi:

- a. penyampaian surat dari Negara Pendaftaran kepada Negara Operator yang berisikan permintaan untuk melaksanakan tanggung jawab pengawasan terhadap Pesawat Udara yang akan dialihkan pengoperasiannya; dan/atau
 - b. penyampaian surat jawaban dari Negara Operator kepada Negara Pendaftaran berupa pernyataan kesediaan Negara Operator untuk menjalankan tanggung jawab pengawasan terhadap operasi Pesawat Udara yang dialihkan.
- (2) Kewenangan penandatanganan pertukaran surat resmi oleh Direktur.
 - (3) Format surat sebagaimana dimaksud pada ayat (1) huruf a dan huruf b tercantum dalam Lampiran II yang merupakan bagian tidak terpisahkan dari Peraturan Menteri ini.

Pasal 10

- (1) Perjanjian penyerahan (*delegation agreement*) sebagaimana dimaksud dalam Pasal 7 huruf c merupakan persetujuan antara 2 (dua) negara yang mengatur mengenai detail pelimpahan dan pengaturan yang sedang berjalan termasuk pendelegasian fungsi dan tanggung jawab dari satu pihak ke pihak lain.
- (2) Kewenangan penandatanganan Perjanjian penyerahan oleh Direktur.
- (3) Format Perjanjian penyerahan sebagaimana tercantum dalam Lampiran III yang merupakan bagian tidak terpisahkan dari Peraturan Menteri ini.

Pasal 11

Mekanisme penyusunan dan penandatanganan Perjanjian dilaksanakan sesuai dengan ketentuan peraturan perundang-undangan.

Pasal 12

Negara Pendaftaran dan/atau Negara Operator wajib:

- a. mendaftarkan Perjanjian kepada Sekretariat *International Civil Aviation Organization* (ICAO); dan
- b. menyampaikan Perjanjian kepada negara lain.

BAB IV
KETENTUAN PENUTUP

Pasal 13

Peraturan Menteri ini mulai berlaku pada tanggal diundangkan.

Agar setiap orang mengetahuinya, memerintahkan pengundangan Peraturan Menteri ini dengan penempatannya dalam Berita Negara Republik Indonesia.

Ditetapkan di Jakarta
pada tanggal 12 Oktober 2017

MENTERI PERHUBUNGAN
REPUBLIK INDONESIA,

ttd

BUDI KARYA SUMADI

Diundangkan di Jakarta
pada tanggal 29 Desember 2017

DIREKTUR JENDERAL
PERATURAN PERUNDANG-UNDANGAN
KEMENTERIAN HUKUM DAN HAK ASASI MANUSIA
REPUBLIK INDONESIA,

ttd

WIDODO EKATJAHJANA

BERITA NEGARA REPUBLIK INDONESIA TAHUN 2017 NOMOR 1984

Salinan sesuai dengan aslinya

KEPALA BIRO HUKUM,



WAHYU ADJI H., SH, DESS
Pembina Utama Muda (IV/c)
NIP. 19651023 199203 1 003

LAMPIRAN I
PERATURAN MENTERI PERHUBUNGAN
REPUBLIK INDONESIA
NOMOR PM 105 TAHUN 2017
TENTANG
PELIMPAHAN TANGGUNG JAWAB DAN
FUNGSI PENGAWASAN OPERASI
PESAWAT UDARA

**AGREEMENT BETWEEN INDONESIA AND [Foreign State] CONCERNING
TRANSFER OF REGULATORY OVERSIGHT FUNCTIONS AND DUTIES**

Whereas the Protocol relating to Article 83 *bis* of the *Convention on Civil Aviation* (Chicago 1944) (hereinafter referred to as “the Convention”), to which Indonesia and [foreign State] are parties, entered into force on 20 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 Registry’s functions and duties pertaining to Articles 12, 30, 31 and 32a of the Convention;

Whereas in line with ICAO Doc 9642, Part VIII, Chapter 1, and in light of ICAO Doc 8335, Chapter 10, it is necessary to establish precisely the international obligations and responsibilities of Indonesia, as the State of Registry of the aircraft, and [foreign State], as the State of the Operator of the aircraft, in accordance with the Convention;

Whereas with reference to the relevant Annexes to the Convention, this Agreement organizes the transfer from Indonesia to [foreign State] of functions and duties normally carried out by the State of registry, as set out in Articles III and IV below;

The Government of Indonesia and the Government of [foreign State] hereinafter referred to as the “Parties”;

Declaring their mutual commitment to the safety and efficiency of international aviation;

Recognizing that both Governments have mutual interest in ensuring the flight safety of aircraft engaged in international air navigation for aircraft operating on the Indonesian Register of Aircraft and Flight Crew under an Air Operator Certificate (AOC) is issued by [foreign State];

Desiring to ensure the continued safety of the aircraft operating on the Indonesian Register under a transfer agreement;

Have agreed as follows:

Article I

The Agencies responsible for implementing this Agreement shall be the Direktorat General of Civil Aviation of the Government of The Republic of Indonesia hereinafter referred to as the "State of Registry" and the [foreign Civil Aviation Authority] for the Government of [foreign State] hereinafter referred to as the "State of Operator".

Article II

This agreement has been developed based on Articles 33 and 83 *bis* of the Convention. This Agreement pertains to the transfer of certain functions and duties contained in the International Civil Aviation Organization (ICAO) Annexes set out below between Indonesia and [foreign State] and is limited to aircraft on the Indonesian Register operated by [foreign State] air operators as specified by type, registration mark and serial number in the attached Schedule 1. In line with Chapter 10 of Doc 8335 and Part VIII, Chapter 1 of Doc 9642 issued by ICAO, it is necessary to establish the international obligations and functions and duties, according to the Convention, of Indonesia (State of Registry) and [foreign State] (State of the Operator) in accordance with Article 83 *bis*, the State of Registry may, by agreement with the State of the Operator, transfer to all or part of its functions and duties as the State of Registry. The State of Registry shall relieve the responsibility in respect of the functions and duties transferred.

Article III

In the case of Indonesia transfers to [foreign State] the following functions and duties, including oversight and control of relevant items contained in respective Annexes to the Convention:

- Annex 1 – *Personnel Licensing*, for licences issued or rendered valid by the State of the Operator, Annex 1, 1.2.2.
- Annex 2 – *Rules of the Air*, enforcement of compliance with the applicable rules and regulations relating to the flight manoeuvre of aircraft.

Annex 6 – *Operation of Aircraft, Part I – International Commercial Air Transport – Aeroplanes*. Functions and duties that are normally incumbent on the State of Registry. Functions and duties that are normally incumbent on the State of the Operator need to be transferred. Where functions and duties in Annex 6 Part 1 (particularly Chapters 5, 6 and 8) may conflict with the functions and duties in Annex 8 – *Airworthiness of Aircraft*, allocation of specific functions and duties is defined in the attached Schedule 2.

DGCA Indonesia will retain responsibility under the Convention for the regulatory oversight and control of the following ICAO Annex:

Annex 8 – *Airworthiness of Aircraft*.

Article IV

Responsibility for notifying directly other States of the existence and contents of this Agreement pursuant to Article 83 *bis* (b) rests with the State of the Operator. This Agreement, as well as any amendment to it, shall be registered with ICAO by the State of Registry or the State of the Operator in accordance with the *Rules for Registration with ICAO of Aeronautical Agreements and Arrangements* (ICAO Doc 6685).

Article V

The [CAA of foreign State] shall ensure that a certified copy of this Agreement in English and in [language of foreign State] is placed on board each aircraft to which this Agreement applies. The [CAA of foreign State] shall also ensure that a certified true copy of the relevant Air Operator Certificate issued, in which the aircraft concerned will be duly listed and properly identified, is carried on board each aircraft.

Article VI

Under this agreement, the only responsibility related to airworthiness transferred to [foreign State] is the approval of line stations used by the Operator located away from the Operator's main base. This is accepted by [foreign State].

Article VII

The airworthiness procedures that are followed will be contained in the Operator's Maintenance Control Manual (MCM). Schedule 2 to this Agreement describes the functions and duties of the Parties related to airworthiness.

Article VIII

Meetings between DGCA Indonesia and [CAA foreign State] and other interested parties, upon request, will occur at six-month intervals [or within a shorter period if appropriate] initially to discuss both operations and airworthiness matters resulting from inspections that have been conducted by the respective inspectors. These meetings will take place in Indonesia, the State of the Operator or on middle ground for the purpose of resolving any discrepancies found as a result of the inspections and in order to ensure that all parties are fully informed about the Operator's operation. The following subjects will be among those reviewed during these meetings:

- Flight operations;
- Continuing airworthiness and aircraft maintenance;
- Any other significant matter arising from inspections; and
- Operator's procedures, if applicable.

Notwithstanding these matters, DGCA Indonesia retains the right to conduct inspections or audits, as it deems necessary, in order to verify that [foreign State] is fulfilling its safety oversight obligations as transferred from Indonesia. DGCA Indonesia will be permitted access to [CAA of foreign State] documentation concerning the Operator. Such inspections will occur only after reasonable notice is given to [foreign State].

Article IX

During the execution of this Agreement, and prior to any aircraft being made the object of a sub-lease, the [CAA of the foreign State], remaining the State of the Operator shall inform DGCA Indonesia of this intent. None of the functions and duties transferred from Indonesia to [foreign State] may be carried out under the authority of a third State without express written agreement of Indonesia.

Article X

Any disagreement concerning the interpretation or application of this Agreement shall be resolved by consultation between Parties and shall not be referred to any international tribunal, arbitration or third-party settlement.

Article XI

This Agreement may be amended by written agreement of the Parties.

Article XII

This Agreement, which supersedes all previous Agreements between Parties on this matter, shall enter into force upon signature of both Parties and shall remain in force until terminated.

Article XIII

Each Party may terminate this Agreement with prior written notification to other party at least 6 (six) month before the date of termination.

In witness whereof, the undersigned Director General of Civil Aviation of Indonesia and [CAA of foreign State] have signed this present Agreement.

Done at (place of signatory), (date of signatory), in English, Indonesia and (foreign state language), shall be equally authentic

Signed
For the Government of Indonesia

Signed
For the Government of [foreign State]

Director General of Civil Aviation of
Indonesia
Date: *day/month/year*

Director General of Civil Aviation -
[Foreign State]
Date: *day/month/year*

Attachments:

Schedule 1 - Aircraft Affected by this Agreement.

Schedule 2 - Responsibilities of Indonesia and [foreign State] related to Airworthiness.

Schedule 1
AIRCRAFT AFFECTED BY THIS AGREEMENT

Operator	Aircraft Type	Registration Mark	Serial Number
[...]	[...]	[...]	[...]

Schedule 2
RESPONSIBILITIES OF INDONESIA AND [FOREIGN STATE]
RELATED TO AIRWORTHINESS

ICAO reference	Subject	Responsibilities of the State of Registry (Indonesia)	Responsibilities of the State of the Operator (Foreign State)
Annex 8, Part II, Chapter 4; Doc 9642, Part II, Chapter I; Doc 9389, Chapter 1,1,1 4, and Chapter 6,6.1.2	Continuing airworthiness of aircraft	Develop or adopt requirements to ensure the continuing airworthiness of the aircraft during its service life. This requirement also covers the maintenance requirements of Annex 6 mentioned below.	
Annex 8, Part II, Chapter 4, 4.2.3, 4.2.4, 4.2.5; Doc 9642, Part VI, Chapter 1	Communication with the State of Design	Communicate with the State of Design	
Annex 8, Part II, Chapter 5; Doc 9642, Part IV, Chapter 3	Validity of the C of A	Issue and reissue the C of A.	
Annex 8, Part II, Chapter 6, 6.2	Damage to aircraft	Determine the condition of airworthiness of the aircraft.	
Annex 6, Part I, Chapter 5, 5.2.3 and 5.2.4	Operation of aircraft in compliance with the terms of its C of A		Assume responsibility of State of Registry as defined in 5.2.4.
Annex 6, Part I, Chapter 8, 8.1	Operator's maintenance responsibilities		Ensure that the responsibilities are contained in the Operator's MCM.
Annex 6, Part I, Chapter 8, 8.2	Operator's MCM		Ensure that guidance Contained in an MCM is acceptable to Indonesia.
Annex 6, Part I, Chapter 8, 8.3	Maintenance programme	Approval of the Operator's maintenance programme.	Ensure that maintenance Programme responsibilities and development procedures are contained in the MCM.
Annex 6, Part I, Chapter 8, 8.4	Maintenance Records	Inspect maintenance records and documents every six months.	Inspect in accordance with the requirements of the AOC.

ICAO reference	Subject	Responsibilities of the State of Registry (Indonesia)	Responsibilities of the State of the Operator (Foreign State)
Annex 6, Part I, Chapter 8, 8.5	Maintenance record	Inspect maintenance records and documents every six months	Inspect in accordance with the requirements of the AOC.
Annex 6, Part I, Chapter 8, 8.5	Continuing airworthiness information	Ensure that all Indonesia airworthiness requirements are understood by the Operator.	Ensure that airworthiness reports are provided to Indonesia
Annex 6, Part I, Chapter 8, 8.6; Doc 9642, Part VIII, Appendix A, 3.7	Modifications and repairs	Ensure these are approved by the State of Design/Manufacture and issue approval.	Ensure that procedures are contained in the Operator's MCM.
Annex 6, Part I, Chapter 8, 8.7	Approved maintenance organization	Approval of the Operator's base maintenance organization and procedures for Chapter 8, 8.7.	Approval of the Operator's line maintenance arrangements away from main base. Ensure that procedures are contained in the Operator's MCM.

MENTERI PERHUBUNGAN
REPUBLIK INDONESIA,

ttd

BUDI KARYA SUMADI

Salinan sesuai dengan aslinya

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LAMPIRAN II PERATURAN MENTERI
PERHUBUNGAN TENTANG PELIMPAHAN
TANGGUNG JAWAB DAN FUNGSI
PENGAWASAN OPERASI PESAWAT UDARA
NOMOR : PM 105 TAHUN 2017
TANGGAL : 12 OKTOBER 2017

FORMAT PERTUKARAN SURAT RESMI
ANTAR NEGARA

A. Surat Pelimpahan Tanggung Jawab Dan Fungsi Dari Indonesia Sebagai Negara
Pendaftaran Pesawat Ke Negara Operator

LETTER

To: CAA Foreign State (State of Operator)

Subject: [Operator in Foreign State]

Dear Sir,

As you are informed, the above-mentioned operator intends to lease [type] aeroplane,
registration [no.].

Since we see ourselves, in this case, unable to fulfil the responsibilities of the State of
Registry, we kindly request that your Authority supervise flight operations and
maintenance of the said aeroplane in accordance with ICAO Annex 6, Part I, Chapter 3,
while being operated by [operator in Foreign State] until [date].

We kindly ask you to observe that:

- Indonesia airworthiness requirements have to be complied with
- maintenance shall be performed only by [regionally] approved organizations
- major incidents and accidents shall be reported to DGCA Indonesia
- modifications performed during the lease period shall be stated and reported

Please be informed that according to our national regulations, the annual maintenance
check review (maintenance inspection) has to be performed by a Indonesia maintenance
organization.

Your early reply would be

appreciated. Best regards,

DAAO, DGCA Indonesia

- B. Surat Jawaban dari Indonesia sebagai Negara Operator yang menyatakan kesediaan menerima pelimpahan tanggung jawab dan fungsi pengawasan operasi pesawat udara

LETTER

To: CAA of Foreign State (State of Registry)

Subject: Dry lease/Charter of aircraft [type] registration [no.] from [company in Indonesia] to [operator in Foreign State] to be operated in commercial air transportation operations up to [date].

Dear Sir,

With reference to your letter [reference], we wish to inform you that DGCA Indonesia is willing to accept, in accordance with the provisions of Article 83 bis of the Convention on International Civil Aviation, the continued transfer of operations, personnel and continuing airworthiness surveillance responsibilities related to the subject aircraft while being operated by [operator in Foreign State] until [date].

In accordance with ICAO recommendations, please also consider that DGCA Indonesia delegation is understood and will be accomplished the following conditions. These conditions, in line with what has already been agreed in previous similar cases, provide working arrangements between [CAA of Foreign State] and DGCA Indonesia describing how they discharge their legal responsibilities for the operations, personnel and continuing airworthiness surveillance of the subject aircraft when operated by [operator in State Y] in commercial air transportation operations under a dry lease/charter agreement. These arrangements will also avoid undue burden on the operators by eliminating duplication of tasks as much as possible.

Delegated responsibilities and oversight/control functions:

1. ICAO Annex 6, Part I.
2. ICAO Annex 8, Part II, 4, 6 and 8 (only those portions that provide for aircraft operator and operator's Authority responsibilities in relation to the intended operations).
3. ICAO Annex 1.

Working arrangements:

- The aircraft must comply with [CAA of Foreign State] approved aircraft type design; [DGCA Indonesia] will be responsible for supervising compliance with this requirement after aircraft delivery all the time the aircraft is being operated by the national operator under foreign country of registration marks.
- The aircraft must comply with [CAA of Foreign State] airworthiness directives (ADs); in this regard, the [State Y] operator will be requested to make a subscription for applicable [CAA of Foreign State] ADs and any other airworthiness action mandated by [CAA X] in accordance with the [CAA of Foreign State] current distribution system. [CAA of Foreign State] will provide, periodically, the [DGCA Indonesia] Regional Office of [Medan Merdeka Barat No 8 Jakarta, Indonesia] with an updated list of [CAA of Foreign State] ADs applicable to the aircraft type concerned and parts/products thereof. An alternative system to comply with these latter two conditions may be agreed to by [DGCA Indonesia] and [CAA of Foreign State], the involved counterparts, and the agreed solution should be included in the leasing/charter contract. The aircraft may also be requested to comply with [CAA Y] ADs applicable to the subject aircraft model or parts thereof, when an equivalent airworthiness action has not been made mandatory by [CAA of Foreign State] or more restrictive terms of compliance are

mandated by [CAA Y]. Terms of compliance with, and design implication of, the above-mentioned mandatory airworthiness actions, as well as any derogation to the [CAA of Foreign State] ADs, if requested or necessary, will be coordinated between [DGCA Indonesia] and [CAA of Foreign State].

- Aircraft shall be maintained in accordance with the approved maintenance programme (AMP), approved by [DGCA Indonesia] for the lessee/carrier for the specific type of aircraft. Surveillance of aircraft maintenance will be performed by [CAA of Foreign State] in accordance with its national procedures; any variation, if requested, to the AMP (e.g. short-term interval extensions, escalations) will be approved by [DGCA Indonesia] in accordance with the pertinent procedures approved for the [Indonesia] operator. ([Indonesia] requirements and guidelines for AMP management are in line with the relevant [regional] requirements, guidelines and interpretative materials.)
- Major repairs and modifications to be performed on the aircraft shall be approved by [CAA of Foreign State]. As an alternative, when delegated by [CAA of Foreign State], [DGCA Indonesia] may approve modifications or repairs in accordance with its national procedures or with procedures provided by [CAA of Foreign State] on case-by-case basis. Minor repairs will be approved according to the procedures of the operator's Authority. Repairs in accordance with the approved structural repair manual (SRM) are considered as approved; any deviation from the SRM, once classified by [DGCA Indonesia] as minor or major, will be approved in accordance with the above-mentioned pertinent procedure
- The aircraft shall be operated in accordance with the [CAA of Foreign State] approved aeroplane flight manual (AFM) and the [DGCA Indonesia] approved minimum equipment list (MEL) that has to be not less restrictive than the approved master minimum equipment list (MMEL); any deviation from the approved MEL shall be approved by [DGCA Indonesia] in accordance with the pertinent procedures approved for the [Indonesia] operator.
- Aircraft shall be requested to be equipped in accordance with the [Indonesia] operational requirements for the intended type of operations. Consequently, the [CAA of Foreign State] approved AFM may be requested to be integrated accordingly with the [DGCA Indonesia] required and approved supplements, with the agreement of [CAA of Foreign State]. If major changes to aircraft type design would be necessary for such a configuration, they would be treated in accordance with the provisions described above.
- Information, written in English, on significant in-service occurrences that affect or could affect the continuing airworthiness of the aircraft shall be provided by the lessee to the organizations responsible for the type design, [DGCA Indonesia] and [CAA of Foreign State], as soon as possible but not later than three days after any such occurrence. [DGCA Indonesia] shall provide [CAA of Foreign State] with more detailed information on investigation processes of those major events for which mandatory airworthiness actions are taken or deemed necessary by [DGCA Indonesia]. In case of in-service occurrences that could invalidate the aircraft certificate of airworthiness (C of A), [DGCA Indonesia] is entitled to prevent aircraft from resuming any operations and shall also inform [CAA of Foreign State] in order to allow proper corrective actions.
- All the maintenance inspections, repairs and modifications to be performed on the aircraft have to be carried out by a [regional], appropriately approved/accepted maintenance organization.
- Maintenance activities must be performed by personnel licensed or qualified within an organization accepted by [DGCA Indonesia] in accordance with national regulations.
- Flight operations will be conducted by the [Indonesia] operator employing flight crew members holding an appropriately rated licence issued or validated by [DGCA Indonesia] in accordance with national regulations and validated by [CAA of Foreign State].

- Aircraft C of A shall be renewed by [CAA of Foreign State] on the basis that the aircraft has been properly maintained and is in condition for safe operation. As agreed, and upon timely application from the lessee/carrier, [DGCA Indonesia] will perform, in accordance with its internal procedures and the provisions of the present letter, a complete yearly inspection of the aircraft to determine whether it is in an airworthy condition. [DGCA Indonesia] will then provide [CAA of Foreign State] with the herein enclosed "STATEMENT" with the attached copy of the relevant [DGCA Indonesia] internal inspection report. A copy of this documentation shall be sent to [company in Foreign State] and kept aboard the aircraft together with the [Foreign State] C of A.
- The lessee shall be responsible for maintenance record-keeping during the leasing period in accordance with ICAO Annex 6 and national procedures; all the maintenance records, as described in ICAO Annex 6, shall be transferred to the lessor when the aircraft will be leased back.
- Aircraft operations, being the aircraft operated under the [Indonesia] lessee's AOC/licence, will be carried out under the provisions of the applicable [Indonesia] rules and regulations; surveillance will be accomplished by [DGCA Indonesia] in accordance with the current national procedures.
- The lessor/charterer and lessee/carrier shall be engaged to provide free access for [DGCA Indonesia] and [CAA of Foreign State] inspection, respectively, at any time it will be required. Maintenance and operational records must be up to date and available upon request from [DGCA Indonesia] and [CAA of Foreign State] until the end of the delegation. The associated documents shall be issued in English.
- The leasing/charter contract and the lessee's/carrier's [DGCA Indonesia] approved/accepted maintenance and organization manuals must reflect the above-mentioned conditions, as applicable.

The agreement reached through this letter and your letter of delegation mentioned above will be registered with ICAO in accordance with ICAO provisions. Indonesia operator will be requested to keep on board during the lease/charter period a certified, true copy of the above-mentioned letters.

If you need any further information, please do not hesitate to
contact the undersigned. Yours sincerely,

Head of Maintenance Department of [CAA of Foreign State]

— — — — —

STATEMENT

The following aircraft:

Type: S/N:

Registration marks:

Certificate of Airworthiness No.:

Total time: Total cycles:
Time since last visit: Cycle since

last visit: Equipped with:

Engine type:

1) S/N: Total time: Total cycles:
2) S/N: Total time: Total cycles:

Propeller type:

1) S/N: Total time: Total cycles:
2) S/N: Total time: Total cycles:

APU type:

S/N: Total time:

Avionics inspection performed on:

has been properly maintained in accordance with approved maintenance programme XYZ/XX/YY ed. YY rev. T and is in condition for safe operation.

The aircraft has been verified as being airworthy in accordance with [State Y] requirements after an inspection carried out in accordance with [CAA Y] procedure and the provisions for the continuing airworthiness surveillance of the aircraft operated under a dry leasing contract laid down in the letter [reference]. This statement is released for supporting the issuance of the relevant documentation for the continued validity of the above- mentioned aircraft C of A in accordance with [State X] regulations.

Place and date

Signature of the [CAA of Foreign
State]
Inspector in charge

MENTERI PERHUBUGAN
REPUBLIK INDONESIA,

ttd

BUDI KARYA SUMADI

Salinan sesuai dengan aslinya

KEPALA BIRO HUKUM,



WAHJU ADJI H., SH, DESS
Pembina Muda (IV/c)
NIP. 19651023 199203 1 003

LAMPIRAN III PERATURAN MENTERI
PERHUBUNGAN TENTANG PELIMPAHAN
TANGGUNG JAWAB DAN FUNGSI PENGAWASAN
OPERASI PESAWAT UDARA
NOMOR : PM 105 TAHUN 2017
TANGGAL : 12 OKTOBER 2017

Format Delegation Agreement dalam hal Indonesia sebagai Negara
Pendaftaran

DELEGATION AGREEMENT BETWEEN
THE GOVERNMENT OF REPUBLIC OF INDONESIA
AND [FOREIGN STATE]
ON THE IMPLEMENTATION
OF ARTICLE 83 bis OF THE CONVENTION ON
INTERNATIONAL CIVIL AVIATION

WHEREAS the Protocol relating to Article 83 bis of the Convention on International Civil Aviation (Chicago, 1944) (hereinafter referred to as "the Convention"), to which Indonesia and [Foreign State] are parties, entered into force on 20 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 Registry's functions and duties pertaining to Articles 12, 30, 31 and 32 a) of the Convention;

WHEREAS, in line with ICAO Doc 9642, Part VIII, Chapter 1, and in light of ICAO Doc 8335, Chapter 10, it is necessary to precisely establish the international obligations and responsibilities of Indonesia as the State of Registry and [Foreign State] as the State of the Operator in accordance with the Convention;

WHEREAS with reference to the relevant Annexes to the Convention, this Agreement organizes the transfer from Indonesia to [Foreign State] of responsibilities normally carried out by the State of Registry, as set out in paragraph 3 below;

The Directorate General of Civil Aviation of Indonesia — Jalan Medan Merdeka Barat No 8 Jakarta

And

The Civil Aviation Authority of [Foreign State] — [address]

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 Convention and law of Indonesia, [Foreign State] shall be relieved of responsibility in respect of the functions and duties transferred to [Foreign State] 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 Indonesia and operated under leasing arrangement by [Indonesia aircraft operator] and [foreign operator], whose principal place of business is in [Foreign State].

Definitions

Lessor/charterer. Registered owner or operator of the aircraft.

Lessee. Operator under the AOC by which the leased aircraft is operated.

or in the case of charter

Charterer. Registered owner or operator of the aircraft

Carrier. Operator by which chartered aircraft is operated

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

Transferred responsibilities

3. Under this Agreement, the Parties agree that Indonesia transfer to [Foreign State] 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 [CAA Foreign State].

Annex 2 — Rules of the Air, enforcement of compliance with applicable rules and regulations relating to the flight and maneuver of aircraft.

Annex 6 — Operation of Aircraft (Part I — International Commercial Air Transport — Aero planes) all responsibilities which are normally incumbent upon the State of Registry. Where responsibilities in Annex 6, Part I, may conflict with responsibilities in Annex 8 — Airworthiness of Aircraft, allocation of specific responsibilities are defined in the attached Appendix No. 01.

Annex 8 — Under this Agreement, while the lessor/charterer DGCA Indonesia will retain responsibility under the Convention for the regulatory oversight and control of the aircraft registered on its register in accordance with Annex 8 — Airworthiness of Aircraft, the responsibility for the maintenance surveillance of leased aircraft, operated under the AOC of the lessee/carrier, is hereby transferred to the lessee/carrier Authority ([State Y]), including responsibilities in accordance with Annex 8, Part II, 3.4, Aircraft limitations and information, 3.5, Temporary loss of airworthiness, and Chapter 4, Continuing Airworthiness of Aircraft.

(Appendix No. 01) hereunder describes the responsibilities of the Parties regarding the continuing airworthiness of aircraft.

Notification

4. 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, [Foreign State]. This Agreement, as well as any amendments to it, will also be registered with ICAO by DGCA Indonesia or [CAA of Foreign State] 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).
5. 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 AOC issued to [operator 1] and [operator 2] by [CAA Of Foreign State] in which the aircraft concerned will be duly listed and properly identified, will be carried on board each aircraft.

Coordination

6. Meetings between [CAA of Foreign State] and DGCA Indonesia will be arranged, as necessary, to discuss both operational and airworthiness matters resulting from inspections that have been conducted by the respective inspectors. These meetings may take place at the respective authorities' offices. The following subjects may be reviewed during these meetings:
 - Flight operations
 - Continuing airworthiness surveillance and aircraft maintenance
 - Operator's control manual procedure, as applicable
 - Any other significant matters arising from inspections

Final

7. 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 of Airworthiness and
Aircraft Operation of Indonesia

Director [CAA Foreign State]

Attachments:

Schedule 1 — Delegated Aircraft Affected by this Agreement
Appendix No. 01 — Responsibilities of [Indonesia] and [Foreign State] Regarding Airworthiness

Schedule 1

DELEGATED AIRCRAFT AFFECTED BY THIS AGREEMENT

Aircraft type	Registration	Serial number	Leasing/ Charter term	Operator
[...]	[...]	[...]	[...]	[...]

Appendix No. 01

RESPONSIBILITIES OF INDONESIA AND [FOREIGN STATE]
REGARDING AIRWORTHINESS

I — PURPOSE

The purpose of this appendix is to provide detailed working arrangements between [DGCA INDONESIA] and [CAA of FOREIGN STATE] to allow them to discharge their responsibilities for the continuing airworthiness of dry-leased aircraft while being operated in commercial air transportation by [Foreign State] operators.

II — IMPLEMENTATION

For implementation, the points of contact of the authorities are the following for all questions regarding airworthiness, major changes and matters of principle:

DGCA INDONESIA
JALAN MEDAN MERDEKA BARAT NO 8

[CAA of Foreign State
address and numbers]

As far as the current activities to be performed in accordance with these procedures are concerned, DGCA Indonesia inspectors in charge of a specific Indonesian registered aircraft will coordinate 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 Registry Authority.

The State of the Operator 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 Indonesia registration marks.

IV — CHANGES TO THE TYPE DESIGN

The express permission of the aircraft's registered owner is required prior to the incorporation of any modification.

1. Changes generated by the organization responsible for the type design and approved by the State of Design Authority.

Changes generated by the organization responsible for the type design (typically in the form of aircraft manufacturer's 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.

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 Registry Authority and approved in accordance with the following procedure.

Changes to aircraft shall be approved by the State of Registry Authority for [State X] registered aircraft. Approval requirements procedures are specified in [State X] aeronautical notice [reference].

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 organization. Maintenance work shall be carried out and released by personnel licensed or qualified in accordance with [CAA OF FOREIGN STATE] requirements.

V— FLIGHT MANUAL

The aircraft must be operated within the limitations described in the flight manual approved by the State of Registry Authority but may include amendments approved by the State of the Operator Authority subject to their acceptance by the State of Registry Authority.

VI— CONTINUING AIRWORTHINESS

In accordance with ICAO Annex 8, the State of Registry Authority shall adopt, or assess and take appropriate actions against, the mandatory airworthiness information issued by the State of Design Authority. The State of Registry Authority may also issue and make mandatory other airworthiness actions in respect of leased aircraft in addition to those mentioned earlier.

In application of the principles stated above, leased aircraft must comply with State of Registry's airworthiness directives (ADs) or other State of Registry mandatory airworthiness actions or information. The State of the Operator Authority shall ensure that the lessee/carrier is in receipt, in accordance with the system established by the State of Registry Authority, of all the applicable ADs or other mandatory airworthiness actions issued by the State of Registry Authority. For [State X] registered aircraft in particular, all ADs issued by the State of Design applicable to the specific aircraft, products, parts and appliances thereof shall apply.

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

Derogations of the State of Registry Authority ADs or other mandatory airworthiness actions, if requested, will be coordinated between DGCA Indonesia and [CAA of Foreign State] on a case-by-case basis.

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

The State of the Operator Authority will be responsible for defining to the operator the type of service information to be reported to the State of Registry Authority. (ICAO Annex 6, Part I, 8.5.1, and Annex 8, Part II, 4.2.8, refer.) The document (DGCA Indonesia— Aeronautical Notice [reference] (latest issue)) describes the type of in- service information to be reported.

The State of the Operator 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/carrier operator to the State of Registry Authority in order to allow proper corrective action. In such cases, the State of Registry 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 Registry Authority that they have taken suitable action.

The State of the Operator Authority shall ensure that the lessee/carrier operator transmits information on significant events affecting continuing airworthiness of leased aircraft to the organization responsible for the type design (ICAO Annex 6, Part I, 8.5.1, and Annex 8, Part II, 4.2.5, refer).

The State of the Operator Authority and the State of Registry Authority will ensure the mutual exchange of information on any result arising from the investigation phases of significant in-service events 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 organizations and implements the resulting actions considered necessary by the State of the Operator Authority and the State of Registry Authority (ICAO Annex 6, Part I, 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, Part I, 3.6 and 8.5.1 refer). Relevant procedures shall be specified in the operator's maintenance manual exposition (MME) or maintenance control manual (MCM).

VII— REPAIRS

Application of repairs on aircraft will be made under the surveillance and responsibility of the State of the Operator Authority according to its usual procedures.

All major repairs, unless contained in the SRM, shall be approved by the State of Design Authority and the State of Registry Authority. Any damage resulting from a major incident should be notified to the State of Registry Authority prior to the commencement of any repair.

VIII— MAINTENANCE

The State of the Operator Authority shall ensure that the operator's MME or equivalent manual (e.g. MCM) and aircraft maintenance programme comply with the State of Registry and State of the Operator requirements as specified in this appendix. The State of the Operator Authority shall approve the MME or MCM and any revision thereof and ensure that the relevant copies are sent to the State of Registry Authority.

Leased aircraft, its engines and equipment will be maintained in accordance with the State of Registry Authority's 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) to the aircraft maintenance programme shall be approved by

the State of Registry Authority with the agreement of the State of the Operator Authority. The maintenance programme will be based on the Maintenance Review Board (MRB) report, manufacturer recommendations (e.g. maintenance planning document) or internationally recognized standards, etc. Where a reliability programme forms part of, or is a condition within, the approved maintenance schedule approved by the State of Registry and the State of the Operator Authority, the State of the Operator Authority will ensure that the reliability programme complies with national procedures and will monitor the effectiveness of such a programme.

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

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

IX— RECORDS

The State of Registry Authority shall ensure that maintenance and in-service records and documentation relevant to the leased aircraft, as stated in ICAO Annex 6, Parts I and III, accompany or be made available to the lessee/carrier at the time of aircraft delivery.

The State of the Operator Authority will ensure that the operator is responsible for maintaining aircraft records and for transferring them to the lessor/charterer 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; and
- f) Details on maintenance activities performed.
(ICAO Annex 6, Part I, 8.4, and Part III, 6.8; Annex 8, Part II, 4.2; and ICAO Doc 9642 — Continuing Airworthiness Manual, Part VIII, Appendix A, Section 3, refer.)

The State of the Operator Authority shall ensure that the lessee/carrier operator shall make these records available for the lessor/charterer and the State of Registry Authority at the end of the leasing period and for each aircraft C of A 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 the principles laid down in ICAO Doc 9642 — Continuing Airworthiness Manual, Part VIII, Appendix A.

Issue, validation and renewal of the aircraft C of A by the State of Registry Authority shall be considered an endorsement of the status of the aircraft documentation and its associated maintenance records.

In the course of activities leading to the approval of the lease agreement and preceding aircraft delivery to the lessee/carrier, the DGCA Indonesia and [CAA Of Foreign State] inspectors in charge, with the assistance of the lessor/charterer and lessee/carrier, will coordinate to guarantee that the maintenance records and documentation used for the issuance, validation and renewal of the aircraft C of A by the State of Registry are those provided to the lessee/carrier for ensuring the continuing airworthiness of the aircraft during the lease period.

X— FLIGHT OPERATIONS AND AUTHORIZATION

The State of the Operator Authority shall be responsible for the authorization of all operations in respect of a leased aircraft to be conducted in accordance with the State of Registry's approved aircraft flight manual and the State of the Operator Authority's approved operations manual.

The minimum equipment list (MEL) for each leased aircraft in accordance with which aircraft operations may be allowed shall be approved by the State of the Operator Authority and shall not be less restrictive than the relevant master minimum equipment list (MMEL) approved by the State of Design Authority.

A copy of the Operator's MEL, including the amendment service, shall be provided by the aircraft operator to the State of Registry 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 the lessee/carrier operator in accordance with its current procedures in order

to verify that aircraft operations are 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 that affects the validity status of any certificate or documentation issued in respect of the leased aircraft or the terms and conditions of the lease authorization or the lessee/carrier operator.

XII— CERTIFICATE OF AIRWORTHINESS (C of A) RENEWAL

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

XIII— COOPERATION

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.

For [CAA OF FOREIGN STATE]

For [DGCA INDONESIA]

MENTERI PERHUBUNGAN
REPUBLIK INDONESIA,

ttd

BUDI KARYA SUMADI

Salinan sesuai dengan aslinya

KEPALA BIRO HUKUM,


WAHJU ADJI H., SH, DESS
Pembina Utama Muda (IV/c)
NIP. 19651023 199203 1 003