

The Republic of the Union of Myanmar

Ministry of Transport

Department of Civil Aviation



Aircraft Leasing Manual

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FOREWORD

The Myanmar Civil Aviation Requirements (MCARs) permit the leasing of aircraft by Air Operators with the approval of the Director General of Department of Civil Aviation. This approval may allow short-term leasing (without an agreement under 83 bis) or involve a decision regarding the need to conclude an agreement between the Government of Myanmar and the State of Registry or the State of the Operator under Article 83 *bis* of the Convention.

Aircraft leasing can take many forms, leading to varied and complex safety scenarios, especially if an aircraft registered in another Contracting State is to be operated in Myanmar by a Myanmar Air Operator. Effective coordination is required among the organization providing the aircraft, the operator, and the relevant regulatory authorities. It is crucial that inspectors responsible for assessing a leased aircraft to be added to an Air Operator Certificate (AOC) ensure that all safety responsibilities are clearly understood, documented, and met by all parties involved.

This document outlines the policy and guidelines for managing an aircraft lease to ensure the regulatory obligations are fulfilled and that operational safety is not compromised by the conditions of the lease.

This document is applicable to the operator holding an AOC under Chapter XII of Myanmar Aircraft Rules, Rule 156.



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Department of Civil Aviation Myanmar

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Aircraft leasing can take many forms, leading to varied and complex safety scenarios, especially if an aircraft registered in another Contracting State is to be operated in Myanmar by a Myanmar Air Operator. Effective coordination is required among the organization providing the aircraft, the operator, and the relevant regulatory authorities. It is crucial that inspectors responsible for assessing a leased aircraft to be added to an Air Operator Certificate (AOC) ensure that all safety responsibilities are clearly understood, documented, and met by all parties involved.

This document outlines the policy and guidelines for managing an aircraft lease to ensure the regulatory obligations are fulfilled and that operational safety is not compromised by the conditions of the lease.

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RECORD OF REVISIONS

The table below is provided as a reference to highlight when a major changes were made to the content of this manual. It does not cover editorial changes. Amendments/ revisions of this manual are recorded below in order of most recent first.

Edition No.	Revision No.	Action	Date	Subject	Inserted by
First	00	-	August 2026	-	FSD

CHAPTER 1

GENERAL

1.1 These guidelines apply to parties involved in operational leasing arrangements, including Myanmar Air Operator Certificate (AOC) holders and any foreign air operator leasing aircraft. Financial or capital leases (such as sale and leaseback arrangements between an operator and financial institutions) are not considered operational leases and are not addressed.

1.2 A Myanmar AOC holder planning to lease and operate aircraft registered in a foreign State must have at least one aircraft on its AOC which is registered in Myanmar.

1.3 In a lease arrangement, the leased aircraft may be registered in a State different from the State that issues the Air Operator Certificate. It is essential, for both commercial and regulatory reasons, that the lessor and lessee are familiar with the requirements of the State of Registry and the State of the Operator. Typical obligations expected of the State of Registry and the State of the Operator are described in Chapter 5, providing an overview of the regulatory compliance expected from the lessor and lessee.

1.4 When the leasing arrangement involves safety oversight by foreign Authority(s), the arrangement should include information on compliance with relevant regulations of both the DCA Myanmar and the foreign Authority(s). Failure to include this information could preclude the lease from taking place.

CHAPTER 2

DEFINITIONS

- 2.1 **Lease:** An agreement by a person (the lessor) to furnish an aircraft to another (the lessee) to be used for compensation or hire purposes for a specified period or a defined number of flights. A lease can also be understood to be a contractual arrangement whereby a properly licensed air operator gains commercial control of an entire aircraft without transfer of ownership.
- 2.2 **Lessor:** The term lessor means the party from which the aircraft is leased.
- 2.3 **Lessee:** The term lessee means the party to which the aircraft is leased.
- 2.4 **Dry Lease:** A lease arrangement whereby a lessor provides an aircraft without crew to the lessee.
- 2.5 **Wet Lease:** A lease arrangement whereby a lessor provides an aircraft with entire crew to the lessee for a specified period or a defined number of flights. A wet lease does not include a code sharing or charter arrangement.
- 2.6 **Damp Lease:** A lease arrangement whereby a lessor provides an aircraft with partial crew to the lessee.
- 2.7 **State of Registry:** The State on whose register the aircraft is entered.
- 2.8 **State of the Operator:** The State in which the operator's principal place of business is located or, if there is no such place of business, the operator's permanent residence.
- 2.9 **Operator:** A person, organization or enterprise engaged in or offering to engage in an aircraft operation.
- 2.10 **Operational Control:** The exercise of authority over initiation, continuation, diversion or termination of a flight in the interest of the safety of the aircraft and the regularity and efficiency of the flight.
- 2.11 **Operating Lease:** An operating lease is designed to meet an air operator's need for additional aircraft, often on a seasonal or short-term basis.

CHAPTER 3

ARTICLE 83 bis TO THE CHICAGO CONVENTION- TRANSFER OF STATE OF REGISTRY RESPONSIBILITIES

3.1 Article 83 *bis* to the Chicago Convention provides for the transfer of certain safety oversight responsibilities from the State of Registry to the State of the Operator. Such a transfer will be recognized by all other States which have ratified Article 83 *bis*. The transfer of responsibility may involve functions and duties under Article 12, 30, 31 or 32 a) of the Chicago Convention, which address rules of the air, radio licensing, certificates of airworthiness, and personnel licenses respectively.

- **Article 12 – Rules of the Air**

The responsibilities flowing from this Article are ensuring that the aircraft complies with the rules and regulations relating to the flight and maneuver of aircraft in force wherever such aircraft may be; and the prosecution of all persons violating such rules and regulations (the State of the Operator/ Principle location of a general aviation operator (PLG) shall have established this principle under national law).

- **Article 30 a) – Aircraft radio equipment**

The responsibility that may be transferred under this Article is the issuing of a license to install and operate radio transmitting apparatus.

- **Article 30 b) and 32 a) – Licenses of personnel**

The responsibilities flowing from these Articles are the issuing or rendering valid of licenses and certificates of competency for pilots and other operating flight crew members, including for operating the radio transmitting apparatus, of aircraft engaged in international navigation.

- **Article 31 – Certificate of Airworthiness**

The responsibilities flowing from this Article are the issuing or rendering valid of certificate of airworthiness as well as the surveillance of the continuing airworthiness of the aircraft.

3.2 The above issues are interrelated responsibilities for the safe operation and airworthiness of an aircraft.

CHAPTER 4

COMPONENTS OF AN ARTICLE 83 bis AGREEMENT

- 4.1 When considering an aircraft leasing arrangements that may utilize Article 83 bis provisions, the viability and practicality of such an agreement must be negotiated between:
- an aircraft's Certificate of Registration (C of R) holder/ Registered Operator;
 - the foreign operator intending to operate the aircraft overseas;
 - the regulatory authority on whose register the aircraft is recorded (State of Registry); and
 - the foreign regulatory authority under whose jurisdiction the aircraft will be operated (State of the Operator).
- 4.2 Once it has been established that an Article 83 bis agreement is the most appropriate mechanism for maintaining effective airworthiness control and regulatory oversight of an aircraft under an international leasing agreement, the following four mandatory components must be addressed before the agreement can come into force:
- 4.2.1 **A Formal Agreement** between the two Contracting States, specifying the division of responsibilities. This agreement must be signed by the responsible persons of the Foreign Civil Aviation Authority and the Department of Civil Aviation Myanmar.
- 4.2.2 **An exchange of letters of Undertaking** between the two Contracting States as follows:
- One letter from the State of Registry for the aircraft being transferred, requesting that the State in which the aircraft will be operated will undertake specified regulatory oversight responsibilities. Where Myanmar is the State of Registry, this letter must be signed by the Director General of the Department of Civil Aviation Myanmar.
 - One letter from the State of the Operator, confirming to the State of Registry that it will undertake the requested and agreed-upon oversight responsibilities. Where Myanmar is the State of Registry, this confirmation must likewise signed by the Director General of the Department of Civil Aviation Myanmar.
- 4.2.3 **A Delegations Agreement** between the two Contracting States specifying the transfer and on-going arrangements, including the delegation of functions and responsibilities. This agreement will be signed by the responsible persons from Foreign Civil Aviation Authority and Department of Civil Aviation Myanmar.

- 4.2.4 **An Agreement regarding the airworthiness responsibilities** of each Contracting State for the transferred aircraft. This agreement must be signed by the Director (Airworthiness) of Department of Civil Aviation Myanmar, together with the authorized official of the Civil Aviation Authority of the other Contracting State.
- 4.3 Once all parts of the agreement have been signed by the various parties, DCA Myanmar, if it is the State of Registry, must register the Article 83 bis Agreement with ICAO. If the foreign Contracting State is the State of Registry and DCA Myanmar is the State of the Operator, the foreign CAA must register the agreement with ICAO.
- 4.4 Generally, Myanmar will only enter into an Article 83 bis agreement for a Myanmar Registered aircraft to be operated by a foreign operator on a foreign AOC if:
- it is practical to do so;
 - there are no differences registered with ICAO by Myanmar as the State of Registry against the Standards and Recommended Practices published in the Annexes that would affect the regulatory oversight of the aircraft by the foreign State of the Operator;
 - the Myanmar Registered aircraft will be based overseas for a long duration, making it impractical or not cost-effective for DCA Myanmar inspectors to conduct appropriate regulatory oversight;
 - DCA Myanmar has sufficient confidence in the foreign operator's competence to safely operate and maintain the aircraft; and
 - DCA Myanmar has sufficient confidence that the foreign regulatory authority under whose jurisdiction the aircraft will be operated is technically capable of undertaking the required regulatory oversight work and also has adequate resources to meet the obligations imposed by the Article 83 bis agreement.
- 4.5 Similarly, DCA Myanmar will only enter into an Article 83 bis agreement for a foreign registered aircraft to be operated within Myanmar under an Myanmar AOC if:
- it is practical to do so;
 - there are no differences registered with ICAO by the foreign State of Registry against the Standards and Recommended Practices published in the Annexes that would affect the regulatory oversight of the aircraft;
 - DCA Myanmar has sufficient confidence in the foreign regulatory authority on whose register the aircraft is recorded to meet all of the obligations and requirements specified in the Article 83 bis agreement;
 - DCA Myanmar has sufficient confidence in the Myanmar air operator's competence to safely operate and maintain the foreign registered aircraft; and

- DCA Myanmar has sufficient technical personnel available to undertake the regulatory oversight and reporting commitments specified in the Article 83 bis agreement.
- 4.6 An aircraft operating under an Article 83 bis agreement shall carry a certified true copy of the Article 83 bis agreement summary, in either an electronic or hard copy format. If the summary is issued in a language other than English, an English translation shall be included.
- 4.7 The agreement summary of an Article 83 bis agreement shall be accessible to a Civil Aviation Safety Inspector to determine which functions and duties are transferred under the agreement by the State of Registry to the State of the Operator when conducting surveillance activities such as ramp checks.

CHAPTER 5

RESPONSIBILITIES OF THE STATE OF REGISTRY AND STATE OF THE OPERATOR

- 5.1 Operators intending to engage in leasing arrangement should familiarize themselves with the responsibilities of the State of Registry and the State of the Operator when the aircraft is registered in a State different from the State responsible for oversight of its operations. It is essential that the responsibilities of the lessor and lessee are explicitly specified in the lease agreement to ensure proper airworthiness and operational oversight and control of the leased aircraft.
- 5.2 The State of Registry is the State on whose register the aircraft is entered. The State of Registry is responsible for the safety oversight and airworthiness standards for aircraft on its register, including leased aircraft. The person or organization to which the aircraft is registered must ensure compliance with all applicable requirements of the State of Registry. The responsibilities of the State of Registry include:
- notifying the State of Design that it has entered such an aircraft type on its register.
 - ensuring that the airworthiness standards of the State of Registry are maintained for the aircraft.
 - issuing and validating the airworthiness certificate for aircraft (C of A) for aircraft on its register.
 - overseeing the continuing airworthiness of the aircraft according to the standards of the State of Registry, regardless of where it is operated.
 - ensuring that personnel performing maintenance work on the aircraft meet the experience, knowledge, and skill requirements of the State of Registry.
 - ensuring that flight crew operating the aircraft meet the experience, knowledge, and skill requirements to safely operate the aircraft in accordance with the State of Registry's requirements.
 - ensuring that operational personnel related to the aircraft operation continue to meet the standards required by the State of Registry.
 - ensuring timely and appropriate actions to correct all deficiencies highlighted by the flight crew regarding the maintenance and operation of the aircraft.
 - informing the organization responsible for the type design of any faults, malfunctions, defects and other occurrences that may affect the continuing airworthiness of the aircraft.
 - ensuring that mandatory continuing airworthiness information from the State of Design is assessed and appropriate action is taken in a timely manner.

5.3 The State of the Operator is the State where the principal place of business of the operator is located, or if no such business exists, the operator's permanent residence. The operator must ensure that the aircraft operations meet the requirements of the State of the Operator. The responsibilities of the State of the Operator include:

- demonstrating safe and efficient operations prior to the initiation of any flight operations.
- conducting operations in compliance with the original certification criteria or operational specifications on a continuing basis.
- taking timely and necessary actions to resolve safety issues related to aircraft maintenance, flight operations, and other air operator responsibilities, including the actions of the operator's personnel.

CHAPTER 6

TYPES OF OPERATIONAL LEASING ARRANGEMENTS

6.1 Wet or Damp Lease arrangement: The lessor assumes operational control of the aircraft operations. Aircraft operations must comply with the requirements in the lessor's air operator for the duration of the lease.

6.1.1 Types of Wet or Damp Leases:

- Wet or Damp Lease (out) of Myanmar registered aircraft to a foreign operator (**Wet Lease Out**)
- Wet or Damp Lease (in) a foreign registered aircraft by a Myanmar AOC holder (**Wet Lease In**)
- Wet or Damp Lease of Myanmar registered aircraft between Myanmar AOC holders (**Intra State Wet Lease**)

6.2 Dry Lease arrangement: The lessor provides an aircraft without crew to the lessee, who usually assumes operational control of the aircraft. The aircraft operates under the lessee's air operator certificate. Compliance with other relevant regulatory requirements depends on the Civil Aviation Authority of the State where the aircraft is registered.

6.2.1 Types of dry Leases:

- Dry lease (out) of Myanmar registered aircraft to a foreign operator without change of aircraft registration (**Dry Lease Out**)
- Dry lease (in) of foreign registered aircraft by Myanmar AOC holder without change of aircraft registration (**Dry Lease In**)

6.3 Aircraft Registered with the Authority of the lessee

Parties to a dry lease agreement may register the aircraft with the Authority of the lessee. This change of registration results in the lessee being solely responsible for the operational control and the airworthiness of the aircraft.

6.3.1 Types of Registrations

- (a) **Dry Lease (out):** Myanmar registered aircraft leased to a foreign operator with the change of aircraft registration. Regulatory requirements related to Myanmar registered aircraft will not apply when the aircraft is de-registered from the Myanmar registry. The leased aircraft may be re-registered back into the Myanmar registry at the end of the lease, provided it meets all applicable DCA requirements at the time of re-registration.

- (b) **Dry Lease (in):** Foreign registered aircraft leased by a Myanmar AOC holder with a change of aircraft registration. This is similar to registering an aircraft by a Myanmar AOC holder. The Myanmar AOC holder will comply with all regulatory requirements related to a Myanmar registered aircraft and be responsible for the operational control of the aircraft for the duration of the lease.

CHAPTER 7

LEASING PROCEDURE

7.1 General

7.1.1 Application for approvals of lease arrangements shall be received in Flight Standards Division of DCA in the prescribed form along with the requisite details.

7.1.2 Upon receipt of the information in accordance with the following paragraph, the DCA may convene a meeting with the Myanmar operator with a view to finalizing the arrangements and modalities for operation of the leased aircraft during the period of lease. Representatives of foreign operator as well as the foreign regulatory authority may also be allowed to participate in the meeting.

7.1.3 On the basis of the deliberations in the meeting, the DCA shall take a decision regarding desirability of conclusion of an agreement under Article 83 bis, with the State of Registry or the State of Operator, as the case may be, for transfer of certain regulatory functions, as considered appropriate.

7.2 Foreign registered aircraft leased to Myanmar Operators

7.2.1 The Flight Standards Division on receipt of the application (LF-1) shall:

- (a) Ensure that the LF-1 has been duly completed and signed in ink.
- (b) Will check the Myanmar Operator's leasing file to ensure that the Myanmar Operator has at least one aircraft on its AOC which is registered in Myanmar.
- (c) Will distribute the LF-1, a copy of the lease and other documentation received to the following divisions:
 - Airworthiness Division
 - Air Transport Division
- (d) On the receipt of signed application form, the Flight Standards Division will process the file for issuance of the leasing permission.
- (e) The leased aircraft will be entered in the AOC of the air operator by the way of issuance of a **Supplement of Operations Specifications**.

7.2.2 Consent of Foreign Civil Aviation Authority

The consent of the applicable foreign civil aviation authority is required before a leasing permission can be issued. This consent should be in writing.

7.2.3 Aircraft Eligibility Requirements

To be eligible for permission, an aircraft:

- Shall be included in the Myanmar DCA Type Acceptance List (in the case of dry leasing)
- Shall be registered in the Foreign State;
- Shall hold a valid Certificate of Airworthiness;
- Shall not be subject to another lease during the term of the lease authorized by the DCA for that aircraft;
- Shall be less than 16 years of age and the aircraft shall not have completed more than 55% of its manufacturer's approved life in terms of flight cycles (except for cargo aircraft);
- Shall be free from accident history;
- Shall have its maintenance programme approved from the State of Registry; and
- Shall have a continuing airworthiness control system approved or accepted by the State of Registry, as described in Airworthiness Notices-A/47.

Additional requirement: Full compliance with Airworthiness Notice A/47 is mandatory for detailed airworthiness standards.

7.2.4 Maintenance Records Inspection

Prior to commencing operations in Myanmar, the aircraft and its maintenance records must be inspected by assigned airworthiness inspectors to verify that the aircraft has been maintained in accordance with standards equivalent to those prescribed in MCARs.

7.2.5 Foreign Inspection Program

If the inspection program to be used is one that is required by the foreign air operator's regulatory authority, it must be evaluated and where necessary, supplemented by additional tasks to meet Myanmar airworthiness requirements.

7.2.6 Long Term Airworthiness Requirements

Certain airworthiness requirements have long term implementation times that are subject to additional compliance action. These include, but are not limited to, Airworthiness Directives (ADs) that address corrosion prevention and control programs. Aircraft that are subject to these ADs must be inspected and maintenance records reviewed to determine compliance with the provisions of the ADs, paying particular attention to the following:

- (a) Corrosion and structural related service bulletins;
- (b) Structural modifications and repairs, including major and multiple site damage repairs and damage tolerant repair;
- (c) Application of Supplement Structural Inspection Programs (SSIPs);
- (d) Fatigue quality of multiple repairs; and
- (e) Major repair documentation, such as drawings, procedures and related technical data.

7.2.7 Modifications and Repairs- Review and Acceptance

A review of modifications and repairs on foreign aircraft shall be made. Following the review of embodied modifications and repairs, the acceptance should be recorded by attaching the list of accepted modifications and repairs (including all supporting documentation) to the leasing file.

7.3 Myanmar registered aircraft leased to foreign operator

7.3.1 The Flight Standards Division on receipt of the application (LF-2) shall:

- (a) Ensure that the LF-2 has been duly completed and signed in ink.
- (b) Will check the organization leasing file to that the Myanmar air operator has not leased to a foreign air operator a number of that exceeds 25 percent of the total number of Myanmar aircraft registered to that Myanmar air operator.
- (c) Will distribute the LF-2, a copy of the lease and other documentation received to the following divisions:
 - Airworthiness Division
 - Air Transport Division
- (d) On the receipt of signed application form, the Flight Standards Division will process the file for issuance of the leasing permission.
- (e) The DCA shall issue no objection/ consent letter for the proposed leasing of aircraft.
- (f) In case of dry lease, the aircraft shall be removed from the AOC of the lessor.
- (g) In case of wet lease, the aircraft will remain on the AOC of the lessor.

7.3.2 Consent of Foreign Civil Aviation Authority

The consent of the applicable foreign civil aviation authority is required before a leasing permission can be issued. This consent should be in writing.

7.3.3 Airworthiness Eligibility Requirements

The following clarifies the requirements of the regulations and standards and is necessary to ensure the safe operation of a Myanmar registered aircraft by a foreign air operator:

- (a) Where the aircraft is to be maintained by or under the authority of the foreign air operator, the organization that will perform and certify the work must have a valid maintenance approval or equivalent document, for the aircraft type that is the subject of the leasing operation, issued by the airworthiness authority of the country of the lessee. This approval will ensure that an evaluation of the maintenance organization has been carried out by the foreign civil aviation regulatory authority; and

- (b) The DCA inspectors must assess the foreign air operator's ability to maintain the aircraft to Myanmar airworthiness standards by:
 - i. Inspecting the proposed maintenance facility, if required;
 - ii. Reviewing the qualifications of personnel who are assigned maintenance;
 - iii. Supervision and certification responsibilities;
 - iv. Ensuring that the operator is aware of and can comply with Myanmar requirements in all respects; and
 - v. Reviewing foreign maintenance rules to determine that they are acceptable and do not conflict with Myanmar maintenance rules.

7.3.4 Responsibility for Airworthiness Surveillance

In case there is no transfer for responsibilities under Article 83bis, the responsibility for airworthiness surveillance will remain with DCA where aircraft is normally based. A surveillance schedule for the leasing operation will be developed based on a risk assessment of the safety of the operation.

7.4 Leasing aircraft from one Myanmar Air Operator to another Myanmar Air Operator

7.4.1 The Flight Standards Division on receipt of the application (LF-3) shall:

- (a) Ensure that the LF-3 has been duly completed and signed in ink.
- (b) Will check the Myanmar Operator's leasing file to ensure that the Myanmar Operator has at least one aircraft on its AOC which is registered in Myanmar.
- (c) Will distribute the LF-3, a copy of the lease and other documentation received to the following divisions:
 - Airworthiness Division
 - Air Transport Division
- (d) On the receipt of signed application form, the Flight Standards Division will process the file for issuance of the leasing permission.
- (e) The aircraft, in case of wet lease, shall remain on the AOC of the lessor and an endorsement to this effect shall be made on the AOC of lessee. However, in case of dry lease, the aircraft will be deleted from the AOC of the lessor and added on the AOC of the lessee.

7.4.2 The Flight Standards and Airworthiness Divisions will review the LF-3, other relevant documentation, and conduct any inspection(s) necessary to determine compliance with MCARs as follows:

Provide evidence establishing that throughout the term of the lessee, the aircraft:

- Will be in the legal custody and control of the lessee and will not be made the subject of another lease during the term of the lease permission for that aircraft.

- Evidence establishing that the lessor and the lessee each hold a Myanmar AOC.
- Evidence establishing that lessee/ lessor is responsible for the maintenance of the aircraft (in case of dry/ wet lease) in accordance with the applicable standards of airworthiness and the maintenance control system and the maintenance programme approved by DCA, and in accordance with any requirements set out in the permission issued.

7.4.3 Guidance for review by Flight Operations Inspectors for Operational Control assessment is given in Appendix A.

SAMPLE ARTICLE 83 BIS AGREEMENT

International Air Transport Operations Agreement

This is the sample model of a formal agreement which will be signed by the Responsible Director of Civil Aviation of the Foreign Authority of the Contracting State and by the Responsible Director of Department of Civil Aviation Myanmar. This model closely follows the ICAO Guidelines.

Model Agreement Between Myanmar And (Foreign State) Concerning Transfer of Regulatory Oversight Functions And Duties

International Commercial Air Transport Operations

Whereas, the protocol relating to Article 83 *bis* of the *Convention on Civil Aviation* (Chicago 1944) (hereinafter referred to as “the Convention”), to which Myanmar 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 9760 (Airworthiness Manual), Volume II, Part B, Chapter 10, and in light of ICAO Doc 8335 (Manual of Procedures for Operations Inspection, Certification and Continued Surveillance), Part V, it is necessary to establish precisely the international obligations and responsibilities of Myanmar, 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 Myanmar to [foreign State] of responsibilities normally carried out by the State of registry, as set out in Sections 3 and 4 below;

The Government of Myanmar, represented by its Department of Civil Aviation, and the Government of [foreign State], represented by its [Civil Aviation Authority],

Hereinafter referred to as “the Parties”, have agreed on the basis of Articles 33 and 83 *bis* of the Convention:

ARTICLE I – SCOPE

Section 1. Myanmar shall be relieved of responsibility in respect of the functions and duties transferred to [foreign State], upon due publicity or notification of this Agreement as determined in paragraph b) of Article 83 bis.

Section 2. The scope of this Agreement shall be limited to [types of aircraft] on the register of civil aircraft of Myanmar and operated under leasing arrangement by [operator], whose principal place of business is [foreign State]. The list of aircraft concerned, identified by type, registration number and serial number, is reproduced in Attachment 1, which also indicates the term of each leasing arrangement.

ARTICLE II – TRANSFERRED RESPONSIBILITIES

Section 3. Under this Agreement, the Parties agree that Myanmar transfers to [foreign State] the following functions and duties, including oversight and control of relevant items contained in the respective Annexes to the Convention:

- Annex 1 – Personnel Licensing, issuance and validation of licenses.
- 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 – Aeroplanes and Part III- International Operations – Helicopters), all responsibilities which are normally incumbent on 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 is defined in Attachment 2.

Section 4. Under this Agreement, while Myanmar will retain full responsibility under the Convention for the regulatory oversight and control of Annex 8 – Airworthiness of Aircraft, the responsibility for the approval of line stations used by the [operator], which are located away from its main base, is transferred to [foreign State]. The procedures related to the continuing airworthiness of aircraft to be followed by the [operator] will be contained in the operator's maintenance control manual (MCM). Attachment 2 hereunder describes the responsibilities of the Parties regarding the continuing airworthiness of aircraft.

ARTICLES III – NOTIFICATION

Section 5. Responsibility for notifying directly any States concerned of the existence and contents of this Agreement pursuant to Article 83 *bis b*) rests with [foreign State] as the State of the Operator, as needed. This Agreement, as well as any amendments to it, shall also be registered with ICAO by Myanmar as the State of Registry or [foreign State] as the State of the Operator, as required by Article 83 of the Convention and in accordance with the *Rules for Registration with ICAO of Aeronautical Agreements and Arrangements* (Doc 6685).

Section 6. A certified true copy of this Agreement shall be placed on board each aircraft to which this Agreement applies.

Section 7. A certified true copy of the air operator certificate (AOC) issued to [operator] by [foreign State], in which the aircraft concerned will be duly listed and properly identified, will also be carried on board each aircraft.

ARTICLE IV – COORDINATION

Section 8. Meetings between DCA Myanmar and [foreign CAA] will be held at [three-] month intervals to discuss both operations and airworthiness matters resulting from inspections that have been conducted by respective inspectors. For the sake of enhanced safety, these meetings will take place 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] operations. The following subjects will be among those reviewed during these meetings:

- Flight operations
- Continuing airworthiness and aircraft maintenance
- Operator's MCM procedures, if applicable
- Flight and cabin crew training and checking
- Any other significant matters arising from inspections

Section 9. Subject to reasonable notice, DCA Myanmar will be permitted access to [foreign CAA] documentation concerning [operator] in order to verify that [foreign CAA] is fulfilling its safety oversight obligations as transferred from DCA Myanmar.

Section 10. During the implementation of this Agreement, and prior to any aircraft subject to it being made the object of a sub-lease, [foreign State], remaining the State of the Operator, shall inform DCA Myanmar. None of the duties and functions transferred from DCA Myanmar to [foreign State] may be carried out under the authority of a third State without the express written agreement of DCA Myanmar.

ARTICLE V – FINAL CLAUSES

Section 11. This Agreement will enter into force on its date of signature, and come to an end for aircraft listed in Attachment 1 at the completion of the respective leasing arrangements under which they are operated. Any modification to the Agreement shall be agreed by the parties thereto in writing.

Section 12. Any disagreement concerning the interpretation or application of this Agreement shall be resolved by consultation between the Parties.

Section 13. In witness thereof, the undersigned Responsible Director of DCA Myanmar and the duly authorized representative of [foreign State] have signed this Agreement.

For the
Government of Myanmar

For the
Government of [foreign State]

[Signature]

[Signature]

[Name, title, place and date]

[Name, title, place and date]

Attachments: Attachment 1 – Aircraft Affected by this Agreement
Attachment 2 – Responsibilities of DCA Myanmar and [foreign State]
Regarding to Airworthiness
Attachment 3 – Article 83 bis Agreement Summary

Attachment 1
Aircraft Affected by this Agreement

Aircraft type	Registration number	Serial number	Leasing term
			[date]
			[date]
			[date]
			[date]

Attachment 2

RESPONSIBILITIES OF MYANMAR AND [FOREIGN STATE] REGARDING TO AIRWORTHINESS

ICAO Doc	Subject	Responsibilities of Myanmar, the State of Registry	Responsibilities of [foreign State], the State of the Operator
Annex 8, Part II, Chapter 4; Doc 9760, Volume II, Part B, Chapter 8	Mandatory continuing airworthiness information	Ensure that [foreign State-CAA] receive all applicable mandatory continuing airworthiness information	Ensure that the [operator] complies with mandatory continuing airworthiness information by DCA Myanmar
Annex 6, Part I, 5.2.4	Operation of aircraft in compliance with the certificate of airworthiness (C of A)		Assume State of Registry's responsibility as defined in 5.2.4 of Annex 6, Part I
Annex 6, Part I, 8.1.2 Annex 6, Part III, 6.1.2	Operator's maintenance responsibilities	Approve maintenance organization used by the [operator], except for line stations away from operator's main base.	Approve line stations away from the [operator's] main base.
Annex 6, Part I, 8.1.2 to 8.2.4 Annex 6, Part III, 6.1.2 to 6.2.4	Operator's maintenance control manual (MCM)		Ensure that guidance is contained in the MCM, approve the MCM and transmit a copy to DCA Myanmar.
Annex 6, Part I, 8.4.1 to 8.4.3	Maintenance records	Inspect maintenance records and documents every six months	Ensure that records are kept in accordance with 8.4.1 to 8.4.3 of Annex 6, Part I, and inspect in accordance with the requirements with of the AOC.
Annex 6, Part I, 8.5.1 and 8.5.2 Annex 6, Part III, 6.5.1 and 6.5.2	Continuing airworthiness information	Ensure that the airworthiness requirements of Myanmar are known to both [foreign State-CAA] and [operator].	Ensure that the airworthiness requirements of DCA Myanmar and [foreign State] are complied with and adequate procedures are incorporated in the MCM.

ICAO Doc	Subject	Responsibilities of Myanmar, the State of Registry	Responsibilities of [foreign State], the State of the Operator
Annex 6, Part I, 8.6; Annex 6, Part III, 6.6 Doc 9760, Volume II, Part B, Chapter 10, Appendix A	Modifications and repairs	Ensure that they have been previously approved by the States of Design and of Manufacture.	Ensure that the requirements are contained in the MCM and approve the MCM.
Annex 6, Part I, 8.7 and 8.8 Annex 6, Part III, 6.7	Approved maintenance organization and maintenance release	Approval of the [operator's] base maintenance and procedures in accordance with 8.7 of Annex 6, Part I, and , as applicable, 8.8 of Annex 6, Part I, or 6.7 of Annex 6, Part III, and communication to [foreign State-CAA] of related procedures to be included in the MCM.	Approval of the [operator's] line maintenance arrangements away from base. Ensure that procedures are contained in the MCM and approve the MCM.

Attachment 3

Article 83 bis Agreement Summary

Article 83 bis Agreement Summary		
Title of the Agreement		
State of Registry:		Focal point:
State of the Operator:		Focal point:
Date of signature:	By State of Registry ¹ :	
	By State of the Operator ¹ :	
Duration:	Start Date ¹ :	End Date(if applicable) ² :
Languages of the Agreement		
ICAO Registration No:		
Umbrella Agreement(if any) with ICAO Registration number:		

Chicago Convention	ICAO Annexes affected by the transfer to the State of the Operator of responsibility in respect of certain functions and duties		
Article 12: Rules of the Air	Annex 2, all chapters	Yes ☐	
		No ☐	
Article 30a): Aircraft radio equipment	Radio Station Licence	Yes ☐	
		No ☐	
Article 30b) and 32a): Personnel Licensing	Annex 1, Chapter 1, 2, 3 and 6 and Annex 6 Part I, Radio Operator or Part III, Section II, Composition of the flight crew (radio operator) and/or Part II, Qualifications and/or Flight crew member licensing or Part III, Section III, Qualifications	Yes ☐	Annex 6: [Specify Part and Paragraph] ³
		No ☐	

Article 31: Certificates of Airworthiness	Annex 6 Part I or Part III, Section II	Yes ☐	[Specify Part and Chapters]
		No ☐	
	Annex 6 Part II or Part III, Section III	Yes ☐	[Specify Part and Chapters]
		No ☐	
	Annex 8 Part II, Chapters 3 and 4	Yes ☐	[Specify Part and Chapters]
		No ☐	

Aircraft affected by the transfer of responsibilities to the State of the Operator					
Aircraft make, model, series	Nationality and Registrations makrs	Serial No	AOC#(Commercial Air Transport)	Date of transfer of responsibilities	
				From ¹	To (if applicable)

Notes-

1. dd/mm/yyyy.
2. dd/mm/yyyy or N/A if not applicable.
3. Square brackets indicate information that needs to be provided.

LF-1 Foreign Registered Aircraft leased to a Myanmar Air Operator

Aircraft Leasing Form (LF-1)		
APPLICATION FOR AUTHORIZING A LEASING OPERATION INVOLVING A FOREIGN AIR OPERATOR (LESSOR) TO A MYANMAR AIR OPERATOR (LESSEE)		
A. IDENTIFICATION OF THE AIRCRAFT AND OWNERSHIP		
Aircraft Manufacturer:	Model Designation:	
Serial No:	Nationality and Registration Mark:	Maximum Take-off Weight:
Name and address of registered owner of aircraft:	Certificate of Airworthiness No. and Validity date:	
B. LESSOR/ LESSEE		
Name and address of the Foreign Air Operator (Lessor):	Telephone:	Fax:
	Air Operator Certificate No. and Validity date:	
Name and address of the Myanmar Air Operator (Lessee):	Telephone:	Fax:
	Air Operator Certificate No. and Validity date:	
C. MAINTENANCE		
Name and address of person/ company who will maintain the aircraft:	Telephone:	Fax:
	Location of aircraft main maintenance base:	
D. TYPE OF LEASE: (LEASE-IN- WET,DAMP,DRY)	E. WHETHER THE AIRCRAFT'S REGISTRATION WILL CHANGE DURING THE LEASE:	

Page 1 of 2			
F. LEASE AGREEMENT		G. AUTHORIZATION DATES REQUESTED- DATE	
Commencement Date:	Termination Date:	Commencement Date:	Termination Date:
H. CERTIFICATION OF APPLICATION- ATTESTATION			
I certify that: 1. The responsibility for legal custody and control of the aircraft is clearly vested in the lessee during the term of the lease. 2. All of information and statements contained in this application are true and complete to the best of my knowledge and belief.			
Signature of Applicant:			
Name of Applicant:			
Date:			
Page 2 of 2			

LF-2 Myanmar Registered Aircraft leased to a Foreign Air Operator

Aircraft Leasing Form (LF-2)		
APPLICATION FOR AUTHORIZING A LEASING OPERATION INVOLVING A FOREIGN AIR OPERATOR (LESSEE) AND A MYANMAR AIR OPERATOR (LESSOR)		
A. IDENTIFICATION OF THE AIRCRAFT		
Aircraft Manufacturer:	Model Designation:	
Serial No:	Nationality and Registration Mark:	Maximum Take-off Weight:
B. LESSOR/ LESSEE		
Name and address of the Myanmar Air Operator (Lessor):	Telephone:	Fax:
	Air Operator Certificate No. and Validity date:	
Name and address of the Foreign Air Operator (Lessee):	Telephone:	Fax:
	Air Operator Certificate No. and Validity date:	
C. OPERATIONS - UTILIZATION		
Aircraft will be based at:	Intended use of aircraft:	
List of countries in or over which the aircraft will operate:		

Page 1 of 2			
D. MAINTENANCE			
Name and address of person/ company who will maintain the aircraft:		Telephone:	Fax:
		Location of aircraft main base:	
E. TYPE OF LEASE: (LEASE-OUT- WET,DAMP,DRY)		F. WHETHER THE AIRCRAFT'S REGISTRATION WILL CHANGE DURING THE LEASE:	
G. LEASE AGREEMENT		H. AUTHORIZATION DATES REQUESTED- DATE	
Commencement Date:	Termination Date:	Commencement Date:	Termination Date:
I. CERTIFICATION OF APPLICATION- ATTESTATION			
I certify that: 1. The responsibility for legal custody and control of the aircraft is clearly vested in the lessee during the term of the lease. 2. All of information and statements contained in this application are true and complete to the best of my knowledge and belief. Signature of Applicant: Name of Applicant: Date:			
Page 2 of 2			

LF-3 Leasing aircraft from one Myanmar Air Operator to another Myanmar Air Operator

Aircraft Leasing Form (LF-3)		
APPLICATION FOR AUTHORIZING A LEASING OPERATION INVOLVING A MYANMAR AIR OPERATOR (LESSOR) AND TO ANOTHER MYANMAR AIR OPERATOR (LESSEE)		
A. IDENTIFICATION OF THE AIRCRAFT		
Aircraft Manufacturer:	Model Designation:	
Serial No:	Nationality and Registration Mark:	Maximum Take-off Weight:
B. LESSOR/ LESSEE		
Name and address of the Myanmar Air Operator (Lessor):	Telephone:	Fax:
	Air Operator Certificate No. and Validity date:	
Name and address of the Myanmar Air Operator (Lessee):	Telephone:	Fax:
	Air Operator Certificate No. and Validity date:	
C. OPERATIONS - UTILIZATION		
Aircraft Base of Operations- Lessor:	Aircraft Base of Operations- Lessee	
D. MAINTENANCE		
Name and address of person/ company who will maintain the aircraft:	Telephone:	Fax:
	Location of aircraft main maintenance base:	
E. TYPE OF LEASE: (LEASE-IN- WET,DAMP,DRY)	F. WHETHER THE AIRCRAFT'S REGISTRATION WILL CHANGE DURING THE LEASE:	

Page 1 of 2			
G. LEASE AGREEMENT		H. AUTHORIZATION DATES REQUESTED- DATE	
Commencement Date:	Termination Date:	Commencement Date:	Termination Date:
I. CERTIFICATION OF APPLICATION- ATTESTATION			
I certify that: 1. The responsibility for legal custody and control of the aircraft is clearly vested in the lessee during the term of the lease. 2. All of information and statements contained in this application are true and complete to the best of my knowledge and belief. Signature of Applicant: Name of Applicant: Date:			
Page 2 of 2			

Appendix A- Guidance for Operational Control Assessment

Prior to adding a leased aircraft to an AOC, DCA Myanmar must assess the arrangements for operational control of the aircraft. ICAO defines operational control as, “the exercise of authority over the initiation, continuation, diversion or termination of a flight in the interest of the safety of the aircraft and the regularity and efficiency of the flight”.

A wet lease is the provision of an aircraft with a crew. The Lessor and the Lessee will often be operating companies, and it is often difficult to determine the identity of the company or individual who is exercising “operational control” over the aircraft, in order to make a determination as to who should be the AOC holder. In most cases it will be the wet lessor who manages the aircraft, who owns the aircraft and controls through employees the operating systems, and maintains and offers the services of the aircraft to others.

The “operator” is considered the person or company who exercises authority and responsibility for operational functions such as assigning crew members for particular flights, directly paying crew members for their services, and initiating and terminating flights.

While reviewing the Operational aspects for the approval of leases, the following need to be ascertained:

- a) Flight crew training,
- b) Cabin crew training,
- c) Operational control,
- d) Dispatch and flight watch, and
- e) Crew members scheduling.

In addition, the following approvals will need to be considered:

- a) The method for establishing minimum flight altitudes;
- b) The method of determining aerodrome operating minima;
- c) Flight time, flight duty periods and rest periods;
- d) EDTO;
- e) Aircraft-specific minimum equipment list (MEL);
- f) Performance-based navigation operations;
- g) MNPS operations;
- h) RVSM operations;
- i) Procedures for electronic navigation data management;
- j) Training in the transport of dangerous goods;
- k) Pilot-in-command area, route and aerodrome qualifications; and
- l) Use of flight simulation training devices.

Job Aid for Operational Control Assessment

Air Operator Name	
Aircraft Type and Model	
Type of Lease Sought	

Legend:**S- Satisfactory, NS- Not Satisfactory, A- Additional Information Required**

No.	Item	Operator's Response (To be filled by the Applicant/ Lessee)	Remarks (S/NS/A) (To be completed by DCA Myanmar Inspector)
1.	Flight Crew Training		
2.	Cabin Crew Training		
3.	Operational Control		
4.	Crew Members Scheduling		
5. Ascertain Following Approvals (as applicable)			
5.1	The method for establishing minimum flight altitudes		
5.2	The method of determining aerodrome operating minima		
5.3	Flight time, flight duty periods and rest periods		
5.4	EDTO		
5.5	Aircraft Specific Minimum Equipment List (MEL)		
5.6	Performance Based Navigation Operations		
5.7	MNPS Operations		
5.8	RVSM Operations		
5.9	Procedures for electronic navigation data management		
5.10	Training in the transport of dangerous goods		

5.11	Pilot-in-Command Area, Route and Aerodrome Qualifications		
No.	Item	Operator's Response (To be filled by the Applicant/ Lessee)	Remarks (S/NS/A) (To be completed by DCA Myanmar Inspector)
5.12	Use of Flight Simulation Training Devices		
Remarks:			
Signature of Inspector: Name of Inspector:			Date: