

**Agreement
between
the Federal Minister of Transport, Innovation and Technology of the Republic of Austria
presented by the Aeronautical Authorities of the Republic of Austria
and
the Minister of transport of the Russian Federation,
represented by the Aeronautical Authorities of the Russian Federation
concerning the transfer of regulatory oversight functions and duties in
the field of airworthiness**

Preamble

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 the Russian Federation and the Republic of Austria 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 Doc 9760 (Airworthiness Manual), Volume II, Part B, Chapter 10, and in light of 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 the Republic of Austria (State of Registry) and the Russian Federation (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 the Republic of Austria to the Russian Federation of responsibilities normally carried out by the State of Registry, as set out in Articles 3 and 4 below;

The Ministry of Transport of the Russian Federation, represented by the Aeronautical Authorities of the Russian Federation, and the Austrian Federal Minister for Transport, Innovation and Technology, represented by the Aeronautical Authorities of the Republic of Austria, hereinafter referred to as "the Parties", have agreed as follows: on the basis of Articles 33 and 83 *bis* of the Convention;

I. SCOPE

Article 1

The Austrian Civil Aviation Authority shall be relieved of responsibility in respect of the functions and duties transferred to the Aeronautical Authorities of the Russian Federation, upon due publicity or notification of this Agreement as determined in paragraph b) of Article 83 *bis*.

Article 2

The scope of the present Agreement shall be limited to aircraft having a type certificate issued by Interstate Aviation Committee on the register of civil aircraft of the Republic of Austria and are operated by a Russian registered operator, whose principal place of business in the

Russian Federation, under any kind of lease, rental, utilization or management arrangement. 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 lease, rental, utilization or management arrangement. This list will be kept up to date by the Aeronautical Authorities and Changes submitted to ICAO. The technical requirements listed in Attachment 2 are supplemented by the corresponding ICAO Docs for Continuing Airworthiness (ICAO Doc 9760 or Doc 9642).

II. TRANSFERRED RESPONSIBILITIES

Article 3

Under the present Agreement, the Parties agree that the Austrian Civil Aviation Authority transfers to the Aeronautical Authorities of the Russian Federation 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), 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.

Article 4

Under the present Agreement, the Austrian Civil Aviation Authority 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 Russian registered operator, which are located away from its main base, is transferred to the Aeronautical Authorities of the Russian Federation. The procedures related to the continuing airworthiness of aircraft to be followed by the Russian registered operator will be contained in the English version of the operator's maintenance control manual (MCM). Attachment 2 hereunder describes the responsibilities of the Parties regarding the continuing airworthiness of aircraft.

III. NOTIFICATION

Article 5

Responsibility for notifying directly any States concerned of the existence and contents of the present Agreement pursuant to Article 83 *bis* b) rests with the Aeronautical Authorities of the Russian Federation as the State of the Operator. The present Agreement, as well as any amendments to it, shall also be registered with ICAO by the Austrian Civil Aviation Authority as the State of Registry, as required by Article 83 *bis* of the Convention and in accordance with the Rules for Registration with ICAO of Aeronautical Agreements and Arrangements (Doc 6685).

Article 6

A certified true copy, in English, of the present Agreement shall be placed on board each aircraft to which the present Agreement applies.

Article 7

A certified true copy of the air operator certificate (AOC) issued to the Russian registered operator by the Aeronautical Authorities of the Russian Federation, in which the aircraft concerned will be duly listed and properly identified, will also be earned on board each aircraft.

IV. COORDINATION

Article 8

Meetings between the Parties will be held at least six months period 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 operations of the Russian registered operator. The following subjects will be among those reviewed during these meetings:

- Flight operations;
- Continuing airworthiness and aircraft maintenance;
- Operator's MCM procedures;
- Flight and cabin crew training and checking;
- any other significant matters arising from inspections;
- Incidents and Occurances.

Article 9

Subject to reasonable notice, the Austrian Civil Aviation Authority retains the right to perform inspections in order to verify that the Aeronautical Authorities of the Russian Federation are fulfilling its safety oversight obligations as transferred from the Austrian Civil Aviation Authority.

Article 10

During the implementation of the present Agreement, the Aeronautical Authorities of the Russian Federation, remaining the State of the Operator, shall inform the Austrian Civil Aviation Authority of a sub-lease with regard to any aircraft covered by this Agreement. None of the duties and functions transferred from the Austrian Civil Aviation Authority to the Aeronautical Authorities of the Russian Federation may be carried out under the authority of a third State without the express written agreement of the Austrian Civil Aviation Authority.

V. FINAL CLAUSES

Article 11

Any modification to the present Agreement shall be agreed by the Parties thereto in writing.

Article 12

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

Article 13

This Agreement will enter into force on the first day of the month following the date of signature by both Parties.

Either Party may, at any time, give notice in writing to the other Party of its decision to terminate the present Agreement. The Agreement shall terminate ninety (90) days after the date of receipt of such notice by the other Party.

In case of expiry or termination, the Agreement continues to apply to aircrafts listed in Attachment 1 until the completion of the respective lease, rental, utilization or management arrangements under which they are operated.

Done in Vienna on 5 September 2012 and in Moscow on 3 October 2012 in the English language.

For the
Austrian Federal Minister of Transport,
Innovation and Technology
Department of Civil Aviation
Radetzkystraße 2
A-1030 Vienna
Austria

Ursula Zechner m.p.

For the
Aeronautical Authorities of the Russian
Federation
Rozhdestvenka 1/1
Moscow 109012
Russia

Vladimir N. Tasun m.p.

Attachment 1**AIRCRAFT AFFECTED BY THIS AGREEMENT**

Aircraft Type	Reg. No.	Operator	MSN	Lease Term
Bombardier CL600-2B16	OE-INY	Avia Management Group J.S.C.	5644	until 31 May 2015
Bombardier CL600-2B16	OE-INS	Avia Management Group J.S.C.	5707	until 31 May 2015

Attachment 2**RESPONSIBILITIES REGARDING AIRWORTHINESS**

ICAO Ref.	Subject	State of Registry responsibilities	State of Operator responsibilities
Annex 1 par. 1.2.2.	Flight and Ground Crew Licencing	Validation of licences issued by ICAO member state	
Annex 6, part 1, par. 5.2.4.	Operation of aircraft in accordance with its airworthiness certificate	n/a	Assume State of Registry's responsibilities as defined in par. 5.2.4 part 1 Annex 6
Annex 6, part 1, par. 8.1.2	Operator's maintenance responsibilities	Approve maintenance organisations	Accept maintenance organisations
Annex 6, part 1, par. 8.2.1-8.2.4,	Operator's Maintenance Control Manual (MCM)	n/a	Ensure the guidance is contained in MCM, approve MCM and transmit a copy of MCM to Austrian Civil Aviation Authority.
Annex 6, part 1, ch 8, par. 8.3	Maintenance Programme	Maintenance Programme approval	Ensure that duties and responsibilities are duly provided in MCM.
Annex 6, part 1, par. 8.4.1 and 8.4.3	Maintenance records	Check maintenance records in Connection with C of A Renewal.	Ensure compliance with AOC
Annex 6, part 1 par 8.5.1 & 8.5.2	Continuing Airworthiness Information	Ensure that the airworthiness requirements by Austrian Civil Aviation Authority are known to Operator.	Ensure airworthiness Requirements to be submitted to Austrian Civil Aviation Authority.
Annex 6, part 1, par. 8.6	Modifications & Repairs	Ensure modifications and repairs are approved by the state of manufacture/design in accordance with Austrian requirements and corresponding documents issued.	Ensure that the requirements are contained in MCM.
Annex 8, part 2, ch. 3	Aircraft Airworthiness Certificate	Issue and Renewal cease of airworthiness certificates.	n/a
Annex 8 part 2 ch. 4	Mandatory Continuing Airworthiness Information	Ensure all mandatory continuing airworthiness information is transmitted to Russian Aviation Authorities and operator.	Ensure performance of mandatory continuing airworthiness information provided by Austrian Civil Aviation Authority by operators.