



an / to: Bundesamt für Zivilluftfahrt BAZL / Frau Christa Friedli, MLaw,  
Rechtsanwältin

Tel. / Phone: +41 (0)58 465 59 16 Fax: +41 (0)58 465 80 32

Ihr Zeichen: BAZL-305.2-1/42/2

von / from: Mag. Hans Jürgen Altmann

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Flight Inspector: [andreas.pfeifer@austrocontrol.at](mailto:andreas.pfeifer@austrocontrol.at)

Betrifft / Subject: Transfer of responsibilities for the aircraft HB-VTW

Bezug / Reference: Agreement on the Implementation of Art 83bis of the Convention on  
International Civil Aviation for the Transfer of Responsibilities

Datum / Date: November 18<sup>th</sup>, 2020

Seiten inkl. Deckblatt / pages incl. cover page: 1

FAX

Dear Mr Steiner,  
dear Mr Giacomelli,


With reference to your letter dated 22<sup>nd</sup> of October 2020, we wish to inform you that Austro Control GmbH hereby accepts to undertake the operational and technical surveillance for the aircraft HB-VTW, Cessna 525, serial number 525-1044, while being operated by AFS Alpine FlightService GmbH (AOC A-092).

The transfer of surveillance responsibilities shall be effective from 18<sup>th</sup> of November 2020 until 10<sup>th</sup> of August 2022.

The delegation will be accomplished in accordance with the terms and conditions laid down in the aforementioned agreement.

Kind regards

On behalf of  
Austro Control Österreichische Gesellschaft für Zivilluftfahrt  
mit beschränkter Haftung



Franz Graser  
Deputy Director  
Aviation Agency

Austro Control  
Österreichische Gesellschaft  
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Beschränkter Haftung  
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On behalf of 



Schweizerische Eidgenossenschaft  
Confédération suisse  
Confederazione Svizzera  
Confederaziun svizra

Federal Department of the Environment, Transport,  
Energy and Communications DETEC

Federal Office of Civil Aviation FOCA  
Safety Division - Flight Operations

4397/20

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FOCA; fr

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z.H. Herrn Horst Hasenhütl, MSc MSD  
Wagramer Strasse 19  
A-1220 Wien



File: BAZL-305.2-1/42/2  
Ittigen, 22. Oktober 2020

## HB-VTW: Transfer of Responsibilities according to Art. 83bis of the Convention on International Civil Aviation

Dear Mr. Hasenhütl

We, the Federal Office of Civil Aviation Switzerland (FOCA), were informed by AFS Alpine Flight-service GmbH that the Swiss registered aircraft HB-VTW, C525 Cessna Citation M2, serial number 525-1044, shall be operated under a dry lease contract between Transwing Ltd. (Lessor) and Alpiner Flugservice GmbH (Lessee) on the Air Operator Certificate (AOC) of Alpiner Flugservice GmbH (Operator).

Considering that Austria and Switzerland generally agreed to collaborate under the terms of article 83<sup>bis</sup> of the Convention on International Civil Aviation (agreement dated 4./19. July 2016) and that the operational and technical surveillance is undertaken more efficiently by the authority of the state of operator, FOCA Switzerland kindly requests AUSTRO CONTROL GMBH to accept the transfer of responsibilities concerning HB-VTW as follows:

### 1 Function, Duties and responsibilities

1.1 As the State of the operator<sup>1</sup> the AUSTRO CONTROL GMBH assumes, concerning the Aircraft, all the responsibilities otherwise falling on the State of Registry as far as defined in the ICAO-Chicago convention article 12 (Rules of the Air) and its Annex 6 and 8, and Commission Regulation (EU) No 965/2012.

This includes the issuance of exemptions from these applicable regulations.

<sup>1</sup> State of the operator as defined in Annex 8 Chapter 1 of the Chicago Convention.

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For the sake of clarity, the responsibility of the MEL (Minimum Equipment List) of the Aircraft is included in the responsibilities transferred to AUSTRO CONTROL GMBH. The responsibility of the AMP (Approval of the Maintenance Programme of the Aircraft, as well as all the revisions and deviations thereto) will not be transferred and remains within FOCA. Operations Specifications (OPS Specs) shall be issued (after consultation of the technical department of FOCA) and overseen by AUSTRO CONTROL GMBH.

- 1.2 FOCA assumes, concerning the Aircraft, all the rest of the responsibilities falling on the State of registry defined as such in the ICAO-Chicago convention articles 30 (Aircraft Radio Licence), 31 (Certificate of Airworthiness), 32 (a) (Licences of Personnel) and its Annex 6 and 8.

More specifically:

- 1.2.1 Pursuant to article 30 of the Convention of Chicago, the Aircraft Radio Station License is delivered by Switzerland.
- 1.2.2 Pursuant to article 31 of the Convention of Chicago and in accordance with the provisions of Regulation (EU) 1321/2014<sup>2</sup> and paragraphs M.1.1 and M.1.4 of Part M and in accordance with the Commission Regulation (EU) No 965/2012 and all amendments thereto, FOCA retains the following functions, duties and responsibilities, concerning the aircraft:
- (a) Oversight of modifications and repairs, including interior installation and emergency and safety equipment, as the Competent Authority for Part-M M.1.§1;
  - (b) Issuance of exemptions from applicable regulations regarding continuing airworthiness;
  - (c) Technical inspections of the Aircraft within the framework of the survey programme of FOCA to monitor the status of the fleet (M.B.303);
  - (d) Issuance and review of the Airworthiness Review Certificate of the Aircraft;
  - (e) Reception of occurrence reports envisaged in Part M, article M.A.202 of Regulation 1321/2014; in addition accidents and serious incidents in accordance with ICAO Annex 13 have to be reported to Swiss AIB;
  - (f) Oversight of Part-M M.A.301.5 of Regulation (EU) 1321/2014. For M.A.301.5(IV) EASA AD's must be followed;
  - (g) The issuance of Permits to Fly, unless Permits to Fly are issued by the Continuing Airworthiness Management Organisation according to its privileges under M.A.711 (c).

The AUSTRO CONTROL GMBH has the responsibility to ensure the oversight of the continuing airworthiness management system of the Continuing Airworthiness Management Organisation approved in accordance with Part M, Subpart G of Regulation (EU) 1321/2014.

The AUSTRO CONTROL GMBH grants FOCA the right to carry out any inspections on the aircraft on Austrian territory or at the premises of the Operator, its Continuing Airworthiness Management Organisation or its Part-145 organisation. FOCA will inform the AUSTRO CONTROL GMBH at least 48 hours in advance of planned inspections (except in cases of urgent safety concerns).

- 1.2.3 Pursuant to Commission Regulation (EU) 1178/2011 (as amended), the pilot licence of the crew members must be issued or rendered valid by an EASA member State.

The pilot licence of the crew conform to the conditions in 1.2.3 para. 1 are deemed validated by the FOCA.

<sup>2</sup> Commission Regulation (EU) 1321/2014 of 26 November 2014 on the continuing airworthiness of aircraft and aeronautical products, parts and appliances, and on the approval of the organisations and personnel involved in these tasks.



## 2 Notification, coordination and control

The FOCA and AUSTRO CONTROL GMBH will notify each other in case of level 1 findings regarding: (a) the Monitoring of the Continuous Airworthiness, (b) the Maintenance of the Aircraft and (c) any exemption issued with regard to the relevant regulations within 72 hours after first notice.

## 3 Duration of the Agreement

- 3.1 This agreement will enter into force on its signature date and will be valid until 10/08/2022 or any earlier termination/expiry of the Lease Agreement between Transwing Ltd. and Alpinair Flugservice GmbH. If the said Lease Agreement will not enter into force, this agreement will become invalid.
- 3.2 This agreement may be extended after a positive evaluation meeting between FOCA and AUSTRO CONTROL GMBH.
- 3.3 Both parties are entitled to resolve this agreement with written notice within a delay of 7 days.

## 4 Others

A certified true copy of the current Agreement shall always be on board of the Aircraft, together with the technical log.

This agreement does not cover any sublease of the mentioned aircraft.

Any change in owner or operator of the aircraft will automatically cancel this Bilateral Agreement.

Communication:

- **FOCA**

For matter of principles in relation to this agreement, co-ordination for specific issues with the other interested FOCA Departments:

Competent person for any questions is Ms. Christa Friedli, e-mail [christa.friedli@bazl.admin.ch](mailto:christa.friedli@bazl.admin.ch) or phone +41 58 465 59 16)

Occurrence reports:

Reporting Tool on the homepage of FOCA:  
<http://www.aviationreporting.eu/AviationReporting/>

Accidents and serious incidents:  
[info@SUST.admin.ch](mailto:info@SUST.admin.ch)

- **AUSTRO CONTROL**

For matter of principles in relation to this agreement, co-ordination for specific issues with the other interested ACG involved Departments:

Competent person for any questions is Mr. Wilhelm Jagritsch, e-mail [wilhelm.jagritsch@austro-control.at](mailto:wilhelm.jagritsch@austro-control.at) or phone +43 51703 -1630 (fax: -1666).

e.mail: [airworthiness@austrocontrol.at](mailto:airworthiness@austrocontrol.at)



File reference: BAZL-305.2-1/42/2

Coordination: Mr. Hans Jürgen Altmann,  
e-mail: [hans-juergen.altmann@austrocontrol.at](mailto:hans-juergen.altmann@austrocontrol.at) or phone +43 51703 -1647 (fax: -1666).

Occurrence reports:

Reporting Tool on the homepage of Austro Control GmbH: [http://www.austrocontrol.at/en/aviation\\_agency/safety/reporting/reporting\\_tool](http://www.austrocontrol.at/en/aviation_agency/safety/reporting/reporting_tool)

Accidents and serious incidents:

[FUS@bmvit.gv.at](mailto:FUS@bmvit.gv.at)

We kindly ask you to confirm the acceptance of the transfer of responsibilities under the above-mentioned conditions and for the designated period.

Please do not hesitate to contact us in case of any questions.

Yours sincerely,

Federal Office of Civil Aviation



Roland Steiner, Director  
Head of Safety Division – Flight Operation

p.o. 

Gianmario Giacomelli, Director  
Head of Safety Division - Aircraft

