



an / to: Bundesamt für Zivilluftfahrt BAZL / Frau Christa Friedli, MLaw,
Rechtsanwältin
el. / Phone: +41 (0)58 465 59 16 Fax: +41 (0)58 465 80 32
Ihr Zeichen: BAZL-305.2-1/56/3
von / from: Mag. Hans Jürgen Altmann
Tel./ Phone: ++43-5-1703 1647 Fax: ++43-5-1703 1606
e-mail: hans-juergen.altmann@austrocontrol.at
Flight inspector: Harald.Nepras@austrocontrol.at
Betrifft / Subject: Transfer of responsibilities for the aircraft HB-VTS
Bezug / Reference: Agreement on the Implementation of Art 83bis of the Convention on
International Civil Aviation for the Transfer of Responsibilities
Datum / Date: February 16th, 2024
Seiten inkl. Deckblatt / pages incl. cover page: 1

Dear Mr Messerli,
dear Mr Giacomelli,

With reference to your letter dated 11st of December 2023, we wish to inform you that Austro Control GmbH hereby accepts to undertake the operational and technical surveillance for the below mentioned aircraft while being operated by Jet Pool Network Luftverkehrs GmbH (AOC A-118):

HB-VTS 390 serial number RB-291

The transfer of surveillance responsibilities shall be effective from **16th of February 2024 until 31st of December 2027.**

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

Zeno Welsersheimb, MSc., MBA
Director
Aviation Agency

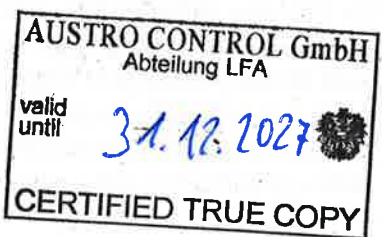
	Unterszeichner	Austro Control GmbH
	Datum/Zeit	2024-02-16T11:55:31+01:00
	Prüfinformation	Informationen zur Prüfung der elektronischen Signatur finden Sie unter: http://www.signaturpruefung.gv.at/ Informationen zur Prüfung des Ausdrucks finden Sie unter: https://www.austrocontrol.at/luftfahrbehoerde/formulare__serviceinfo/amtsignatur
Hinweis	Dieses Dokument wurde amtssigniert. Auch ein Ausdruck dieses Dokuments hat gemäß § 20 E-Government-Gesetz die Beweiskraft einer öffentlichen Urkunde.	



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

Federal Office of Civil Aviation FOCA
Safety Division - Flight Operations

CH-3003 Bern FOCA; frf POST CH AG



A-PRIORITY

Austro Control GmbH
z.H. Herrn Mag. Hans Jürgen Altmann
Schnirchgasse 17
A-1030 Wien

File: BAZL-305.2-1/56/3
Ittigen, 11 December 2023

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

Dear Mr. Welsersheimb,

We, the Federal Office of Civil Aviation Switzerland (FOCA), were informed by Swiss Global Jet Management AG that the Swiss registered aircraft HB-VTS, Hawker Beechcraft Corporation 390 Premier IA (PRM1), serial number RB-291 shall be operated under a dry lease contract between Swiss Global Jet Management AG (Lessor) and Jet Pool Network Luftverkehrs GmbH (Lessee) on the Air Operator Certificate (AOC) of Jet Pool Network Luftverkehrs GmbH (Operator).

Considering that Austria and Switzerland generally agreed to collaborate under the terms of article 83^{bis} 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 the aircraft HB-VTS as follows:

1 Function, Duties and responsibilities

1.1 As the State of the operator¹ 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.

¹ State of the operator as defined in Annex 6 Chapter 1 of the Chicago Convention.

Federal Office of Civil Aviation FOCA
Christa Friedli
3003 Bern
Location: Papiermühlestrasse 172, 3063 Ittigen
Tel. +41 58 465 5916, Fax +41 58 465 80 32
Christa.Friedli@bazl.admin.ch
<https://www.bazl.admin.ch/>





This includes the issuance of exemptions from these applicable regulations

For the sake of clarity, the responsibility for the aircraft's MEL (Minimum Equipment List) and AMP (Approval of the Aircraft Maintenance Programme as well as all the revisions and deviations thereto) is included in the responsibilities transferred to AUSTRO CONTROL GMBH. FOCA will instead be provided with a copy of the latest revision of the approved AMP and MEL. 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) 1321/2014² 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.1.51;
 - (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 CAMO 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.

² 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.

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

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 31/12/2027 or any earlier termination/expiry of the Lease Agreement between Swiss Global Jet Management GmbH and Jet Pool Network Luftverkehrs GmbH. If the said Agreement will not enter into force, this agreement will become invalid.
- 3.2 This agreement may be extended after a positive evaluation 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:

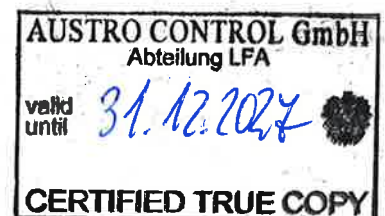
Competent person for any questions is Ms. Christa Friedli, e-mail christa.friedli@bazl.admin.ch or phone +41 58 465 59 16)

Occurrence reports:
[ECCAIRS2 | Report an Occurrence \(aviationreporting.eu\)](#)

Accidents and serious incidents:
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 or phone +43 51703 -1630 (fax: -1666).

e-mail: airworthiness@austrocontrol.at

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

Occurrence reports:
[ECCAIRS2 | Report an Occurrence \(aviationreporting.eu\)](#)

Accidents and serious incidents:
FUS@bmk.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


Fritz Messerli, Director
Head of Safety Division - Flight
Operations


Gianmario Giacomelli, Director
Head of Safety Division - Aircraft

