

Agreement between

Aruba, Kingdom of the Netherlands, represented by

The Department of Civil Aviation of the Ministry of Tourism,  
Transportation, Primary Sector and Culture of Aruba

and

The Kingdom of Saudi Arabia, represented by the  
General Authority of Civil Aviation

on the Implementation of Article 83bis of the  
Convention on International Civil Aviation

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*WHEREAS* the protocol relating to Article 83bis of the *Convention on International Civil Aviation* (Chicago, 1944), (hereinafter referred to as “The Convention”), to which The Kingdom of the Netherlands, in respect to Aruba, and The Kingdom of Saudi Arabia are parties, entered into force on 20 June 1997;

*WHEREAS*, Article 83bis of the Convention on International Civil Aviation (Chicago, 1944) (the Convention), with a view to enhanced safety, provides that a State of Registry may transfer to the State of the Operator all or part of the State of Registry's functions and duties of registry under Articles 12, 30, 31, and 32(a) of the Convention;

*WHEREAS*, in order to establish precisely the international obligations and responsibilities of Aruba (State of Registry) and the Kingdom of Saudi Arabia (State of the Operator); and

*WHEREAS*, with reference to the relevant Annexes to the Convention on International Civil Aviation, this Agreement organises the transfer from Aruba to the Kingdom of Saudi Arabia (KSA) of responsibilities normally carried out by the State of Registry, as set out in Sections 3 and 4 below;

The Government of Aruba, represented by its Department of Civil Aviation, (hereinafter called DCA);

and

The Government of the Kingdom of Saudi Arabia, represented by its General Authority of Civil Aviation, (hereinafter called GACA);

Herein after referred to as “the Parties”, have agreed as follows:

## **ARTICLE I—SCOPE**

Section 1. Aruba shall be relieved of responsibility in respect of the functions and duties transferred to the Kingdom of Saudi Arabia under this Agreement, upon due publicity or notification of this Agreement as determined in paragraph b) of article 83bis.

Section 2. The scope of this Agreement shall be limited to types of aircraft on the civil aircraft registry of Aruba and operated by operators holding an AOC issued by the Kingdom of Saudi Arabia. The list of aircraft concerned, identified by type, registration number, serial number and lease agreement expiry date, as applicable, is reproduced in Attachment 1. Attachment 1 forms an integral part of this agreement and may be amended at any time by mutual agreement of both parties.

A photograph of two handwritten signatures in blue ink. The signature on the left appears to be "DCA" and the signature on the right appears to be "GACA".

## **ARTICLE II—TRANSFERRED RESPONSIBILITIES**

Section 3. Under this Agreement, the Parties agree that Aruba transfers to the Kingdom of Saudi Arabia the following functions and duties, including oversight and control of relevant items contained in the respective Annexes to the Convention:

Annex 1: Personnel Licensing.

Annex 2: Rules of the Air, enforcement of compliance with applicable rules and regulations relating to the flight and manoeuvre 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.

Section 4. Under this Agreement, Aruba will retain full responsibility under the Convention for the regulatory oversight and control of Annex 8 — Airworthiness of Aircraft, and the approval of repair stations used by the operator. 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. Attachment 2 forms an integral part of this agreement and may be amended at any time by mutual agreement of both parties.

## **ARTICLE III—NOTIFICATION**

Section 5. Responsibility for notifying directly any States concerned of the existence and contents of this Agreement rests with Aruba as the State of Registry, as needed. This Agreement, as well as any amendments to it, shall also be registered with ICAO by Aruba in accordance with the Rules for Registration with ICAO of Aeronautical Agreements and Arrangements (Doc 6685).

Section 6. A certified true copy, in the English language, 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 the operator by the Kingdom of Saudi Arabia, in which the aircraft concerned will be duly listed and properly identified, will also be carried on board each aircraft. These aircraft will not be listed in any other AOC issued by any other State.



## **ARTICLE IV—COORDINATION**

Section 8. Meetings between the DCA and the GACA will be held at approximately yearly intervals to discuss both operations and airworthiness matters resulting from inspections that have been conducted by respective authorities. In the interest 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
- Review of the agreement, including addition or subtraction of aircraft to or from Attachment 1

Section 9. Subject to reasonable notice, the DCA will be permitted access to the GACA's documentation concerning operator listed in Attachment 1 in order to verify that the Kingdom of Saudi Arabia is fulfilling its safety oversight obligations as transferred from Aruba.

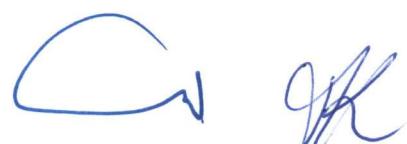
Section 10. During the implementation of this Agreement, and prior to any aircraft subject to it being made the object of a sub-lease, the Kingdom of Saudi Arabia, remaining the State of the Operator, shall inform Aruba. None of the duties and functions transferred from Aruba to the Kingdom of Saudi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

## **ARTICLE V—FINAL CLAUSES**

Section 11. This Agreement will enter into force on its date of signature. 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 directors of civil aviation (or representatives) of Aruba and the Kingdom of Saudi Arabia have signed this Agreement.



For Aruba

Name: Anthony Kirchner

Title: Deputy Director

Place: Aruba

Signature:



Date: 11 October 2016

For the Government of the Kingdom of Saudi Arabia

Name: Captain / Abdulhakim Albdir

Title: Assistant President Safety, Security and Air Transport

Place: Jeddah

Signature:



Date: 02 Nov. 2016

Attachment 1 - Aircraft Affected by this Agreement

Attachment 2 - Responsibilities of the Republic of Aruba and the Kingdom of Saudi Arabia Regarding Airworthiness

**ATTACHMENT 1**  
**AIRCRAFT AFFECTED BY THIS AGREEMENT**

Aircraft Type	Registration Marks	Serial Number	Lease expiry date	Operator
Boeing 737-4YO	P4-NOF	23976	6 May 2018	PrivatAir Saudi Arabia



**ATTACHMENT 2****General Authority of Civil Aviation of Saudi Arabia and Department of Civil Aviation of Aruba****Functional Responsibilities Matrix**

- (a) This document formatted, as a matrix sets out the division of functional regulatory oversight responsibilities between GACA and the DCA  
 References are given to applicable ICAO SARPs.

(c) For clarity this matrix has four sections, each addressing primary functional areas of regulation.

**Section One - Aircraft Operations and Airworthiness Interface**

Line Ref	ICAO Reference	Subject	Responsibilities of the State of Registry (DCA)	Responsibilities of the State of Operator (GACA)
1	Annex 8 Part II Chapter 3.6.3	Permit to Fly (Ferry)	Issuance of Permit to Fly in response to an application, after review.	On application from the Operator shall undertake to validate the Permit to Fly issued by the DCA.
2	Annex 8 Part II Chapter 1.2.2	Aircraft certification standards	DCA shall provide GACA the certification basis for aircraft listed in Attachment 1 of the agreement.	In respect to functions of operational oversight, GACA shall consider the certification basis of each aircraft.
3	Annex 6 Part I Chapter 4	Special Operations	In coordination with GACA process the issuance of Special Operations approvals, ensure the applicable DCA airworthiness, certification standards and maintenance requirements are complied with for the issuance of airworthiness approvals required by Special Operations approvals.	For the issue of Special Operations approvals, co-ordinate with the DCA to ensure that required airworthiness approvals are granted.
4	Annex 5	Units of Measurement	DCA shall coordinate with the GACA to ensure any additional aircraft to schedule 1 of the agreement and that of any proposed design change for the same are compatible with GACA operational standards for units of measurement.	GACA shall ensure by coordination with the DCA that installed aircraft instrumentation units of measurement are compliant with GACA operational requirements.
5	Annex 6 Part I Chapter 6.1.1	Equipment and Configuration	DCA shall coordinate with GACA in respect to undertaking any required certification and/or airworthiness approval in support of ensuring the aircraft are compliant with applicable equipment and configuration standards.	In addition to the minimum equipment necessary for the issuance of a certificate of airworthiness, the instruments, equipment and flight documents prescribed by GACA regulation shall be required to be installed or carried as appropriate in accordance to the airplane mode of operation and to the circumstances under which any particular flight is to be conducted. The prescribed instruments and equipment shall be that at least required by Annex 6 Part 1.
6	Annex 8 Part II Chapter 3.4 Annex 6 Part I Chapter 5.2.3	Aircraft Limitations and Information	DCA shall promulgate to GACA the approved document references of all flight performance data and limitations required to be complied with for safe operation of the aircraft listed in Schedule 1.	GACA shall ensure through regulatory oversight that aircraft are operated in compliance with the terms of their certificates of airworthiness and within the approved operating limitations contained in the applicable Flight Manual and associated data.

Responsibilities of the State of Operator (GACA)			
Line Ref	ICAO Reference	Subject	Responsibilities of the State of Registry (DCA)
7	Annex 8 Part II Chapter 3.6	Damage to aircraft	DCA shall ensure that rectification action has been accomplished in accordance with the applicable certification standard, to approved data and to maintenance standards required by DCA regulation.
8	Annex 8 Part II Chapter 4.2.4	Accident Prevention Measures	DCA shall correlate, analyze and report on established corrective actions to AW occurrences and where appropriate by arrangement with GACA.
<b>Section Two - Certification of Aircraft</b>			
9	Annex 8 Part II Chapter 3.2.1 &3.2.3	Issue and re issue of the Certificate of Airworthiness	GACA shall issue and reissue certificates of airworthiness in compliance with the applicable TCDS.
10	Annex 8 Part II Chapter 3.5	Temporary loss of airworthiness	DCA shall have oversight of the operators [GMM] control procedures that shall ensure appropriate operational control of aircraft in the event of the certificate of airworthiness not being in force.
11	Annex 6 Part I Chapter 6.1.3	MEL	DCA will inform GACA of the certification standards of an MMEL / CDL for each aircraft listed in schedule 1.
12	Annex 6 Part I Chapter 6.13	Noise Certification	DCA shall issue noise certificates in compliance with ICAO Annex 16.
<b>Section Three - Continued Airworthiness of Aircraft</b>			
13	Annex 6 Part I Chapter 8.1.1	Operators Maintenance Responsibility	DCA shall promulgate to GACA standards of continued airworthiness management. Each airplane operated in accordance with this Agreement shall be required to be maintained in an airworthy condition (Certificate of Airworthiness to be in force).
14	Annex 8, Part II, Chapter 4; Doc 9760, Volume II, Part B, Chapter 8	Mandatory continuing airworthiness information	DCA shall confirm that the GACA and the AOC holders listed in Schedule 1 receive all applicable mandatory continuing airworthiness information and verify with the operator through a program of regular oversight; compliance with this data.
15		Software Management	DCA shall promulgate to GACA standards of software management and verify through operator oversight.

Line	ICAO Reference Ref	Subject	Responsibilities of the State of Registry (DCA)	Responsibilities of the State of Operator (GACA)
16	Annex 6 Part I Chapter 7.4.1	Electronic navigation data management	DCA shall promulgate standards of electronic navigation database management to GACA.	GACA shall ensure that operators monitor both the process for utilization in operation; navigation databases and the products delivered meet acceptable standards of integrity and are compatible with the intended function of the equipment that will use them.
17	Annex 6 Part I Chapter 8.3.1	Maintenance Programme	DCA shall approve and maintain continued oversight of the operators' aircraft maintenance programme(s).	GACA shall require appropriate operators approved procedures (MCM).
18	Annex 6 Part I Chapter 8.5.1 & 8.5.2	Continuing airworthiness information & Instructions	DCA shall investigate for approval of maintenance programme amendments and ensure that operators obtain and assess continuing airworthiness information available from the organization responsible for Type Design and implement resulting actions considered necessary in accordance with an approved procedure.	GACA shall require operator procedures (MCM) to ensure compliance with continued airworthiness information identified by the applicable Type Design organization or that identified in any DCA approved design change or maintenance programme amendment.
19	Annex 6 Part I Chapter 8.6	Modifications and repairs	DCA shall investigate for approval of all design changes and repairs and coordinate with GACA where Flight Manual changes are made.	GACA shall verify operator compliance to any required Flight Manual amendment resulting from an incorporated design change.
20	Annex 6 Part I Chapter 8.4	Records	The DCA shall ensure that maintenance and in-service records and documentation relevant to the aircraft are made available.	GACA will ensure that the operator is responsible for maintaining aircraft records. The records will include: <ul style="list-style-type: none"> <li>a) Total time in service for the aircraft and life-limited components;</li> <li>b) Current compliance with all mandatory continuing airworthiness information;</li> <li>c) Details of modifications and repairs;</li> <li>d) Time in service since last overhaul and/or last inspection of the aircraft instruments, equipment and components;</li> <li>e) Current aircraft inspection status; and</li> <li>f) Details on maintenance activities performed.</li> </ul>
<b>Section Four- Maintenance Arrangements</b>				GACA shall require appropriate operators approved procedures (MCM).
21	Annex 6 Part I Chapter 8.7.1.1	Maintenance Organization Approval	DCA shall accept or approve maintenance organizations, as applicable.	GACA shall require appropriate operators approved procedures (MCM).
22	Annex 6 Part I Chapter 8.1.2	Maintenance and release of aircraft	Oversee that all maintenance is accomplished and released by DCA approved or accepted maintenance organization(s).	GACA shall require appropriate operators approved procedures (MCM).

9 

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Line Ref	ICAO Documents	Subject	Responsibilities of the State of Registry (DCA)	Responsibilities of the State of Operator (GACA)
23	Annex 6 Part I Chapter 8.1.4	Maintenance i.a.w. MCM (*)	DCA shall maintain oversight of the operators Continued Airworthiness Management arrangements in compliance with GACA approved MCM.	GACA shall require appropriate operators procedures and personnel accountabilities (MCM).
24	Annex 6 Part I Chapter 8.1.5	Maintenance Responsibilities	Oversee compliance with DCA approved Maintenance Programme and approved Reliability Management System as required by the applicable aircraft Type Certificate Holder.	GACA shall validate the operators approved MCM requiring the operator to maintain its aeroplanes in accordance with the approved Maintenance Programme and associated Reliability Programmes.
25	Annex 6 Part I Chapter 8.2.1	Operator's maintenance control manual (*)	DCA shall perform regulatory oversight of the operators' compliance with DCA Continued Airworthiness Management Requirements.	GACA shall ensure the operator provides, for the use and guidance of maintenance, airworthiness and operational personnel concerned, a maintenance control approved by DCA manual.
26	Annex 6 Part I Chapter 8.2.4	Operator's maintenance control manual (*)	DCA shall provide GACA and operator procedures to be included in the approved MCM.	GACA shall approve or validate the Operators MCM, and shall incorporate in it such mandatory material as the DCA may require.
27	ICAO Annex 13	Accident Incident Investigation	DCA shall in the event of an accident or serious incident cooperate with GACA and any appointed investigator in charge established under the standards of the ICAO convention and Annex 13.	GACA shall in the event of an accident or serious incident cooperate with the DCA and any appointed investigator in charge established under the standards of the ICAO convention and Annex 13.
<b>Section Five-Other Arrangements</b>				
28	ICAO Annex 1	Licenses	DCA shall issue a blanket validation for GACA licences Pilots and Technicians.	GACA shall ensure that pilots and technicians are certified according to ICAO Annex 1.
29		Various	Mutual exchange of information	Mutual exchange of information of significant in-service events or reporting of damage

(\*): The Maintenance Control Manual (MCM) is also referred to as General Maintenance Manual (GMM) or Maintenance Management Exposition (MME)



10