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| OPERATIONS ADVISORY NOTICE (OAN) | |  Transport Malta Civil Aviation Directorate Flight Operations Inspectorate Transport Malta Centre Triq Pantar Lija LJA 2021 Malta |
| OAN Number: 01/24 | Issue Date: 29 th February 2024 | |
| Subject: Contracted Activities: guidelines for compliance with ORO.GEN.205 and relevant AMCs in case of Wet Lease Out operations | | |

This OAN aims to provide guidelines for Wet Lease Out operations, to ensure their compliance with ORO.GEN.205 “Contracted Activities” and the relevant AMCs.

THE CASE

In a recent EASA oversight inspection, an operator was asked to provide a copy of the contract with a specific ground handling agent at one of its destinations. As the concerned flight was carried out under a Wet Lease Out agreement, there was no existing contract of such nature. Despite an arrangement was in place between the Lessee and the local handling agent for ground services, the operator could not present it during the inspection. Consequently, a finding was raised due to non-compliance with the provisions outlined in to ORO.GEN.205.

ANALYSIS

The Lessor is not required to establish a direct agreement with the service provider at destination if the Lessee fulfill this requirement. Nevertheless, it remains the obligation on the Lessor to have access to such an agreement as the ultimate responsibility for the adherence of external organizations' products or services to the applicable requirements rests with the operator.

Furthermore, the Lessor is also required to verify that the clauses incorporated in any service agreement related to its operations align with the standards and procedures outlined in its Operations Manual.

COMPLIANCE TO ORO.GEN.205

1) Short-term Wet Lease Out agreements

As part of the Wet Lease Out agreement, it is imperative for the Lessor to have access to the contracts established between the Lessee and its service providers as for all contracted activities, including ground handling, ground de-icing/anti-icing, flight support and other relevant services.

These contracts shall remain for the required retention period into the Lessor's record keeping system, available upon request for any future inspections conducted by TM-CAD.

2) Long-term Wet Lease Out Agreements

The contracted safety-related activities relevant to the Wet Lease Out agreement shall be included in the Lessor's safety management and compliance monitoring programmes.

To this end, the agreement shall include the right of the Lessor to audit any of these activities and for the Lessee to share their audits of these activities with the Lessor Compliance System.

Furthermore, these agreements must include the right of TM-CAD, as the authority, to audit any contracted activities it deems necessary.

Please be guided accordingly.

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