

Miscellaneous

No: 1572

UK Regulation (EU) No. 965/2012

Publication date: 05 April 2023

General Approval

General Approval for Wet Lease-in Agreements in Exceptional Circumstances

Background

- 1) This General Approval is an alleviation to enable rapid wet lease-in arrangements for UK Air Carriers in urgent need as a result of an unforeseen circumstance.
- 2) The purpose of this General Approval is to enable United Kingdom (UK) Air Carriers to enter into wet lease agreements with a Community Air Carrier when the aircraft is registered in the EEA or Switzerland.
- 3) This General Approval may only be used in exceptional circumstances and when there are no UK registered aircraft available to wet lease-in from a UK Air Carrier.
- 4) In order to benefit from the alleviation herein, details of the agreements, notification period and documentation required to be presented to the UK Civil Aviation Authority (the CAA), prior to commencement of these agreements is outlined within this General Approval.
- 5) This General Approval may only be used in exceptional circumstances and for a maximum of 3 calendar days, cumulative, in any rolling 12-month period by a UK lessee. It must not be used as an alternative to appropriate route capacity planning.

Interpretation

- 6) In this Approval, references to EU regulations are to those regulations as retained and amended in UK domestic law under the European Union (Withdrawal) Act 2018 and are referenced hereafter as "UK Regulation (EU) year/number" or "UK Regulation (EU) No. number/year".
- 7) For the purposes of this approval: -
 - a) "UK Air Carrier" means an Air Carrier holding an air operator certificate (AOC) and an operating licence (OL) granted by the UK CAA;
 - b) "Community Air Carrier" means an operator from an EEA Member State or Switzerland, who holds an air operator certificate (AOC) and an operating licence (OL) granted by the relevant competent authority; and
 - c) "wet lease agreement" has the same meaning as in UK Regulation (EU) No. 965/2012.

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- 8) In exceptional circumstances, the CAA, hereby approves, in accordance with ARO.OPS.110(a)(2) of UK Regulation (EU) No. 965/2012, any urgent wet lease-in agreement of an aircraft registered in the EEA or in Switzerland by a UK Air Carrier from a Community Air Carrier, subject to the following conditions:
- a) in any period of 12 consecutive months, the cumulative operation of aircraft pursuant to this General Approval shall not be greater than 3 calendar days in total;
 - b) the lease is for the purposes of commercial air transport;
 - c) there is a valid, written lease agreement in place between the Air Carriers prior to the commencement of the lease;
 - d) the Lessee complies with the requirements of ORO.AOC.110 of UK Regulation (EU) No. 965/2012;
 - e) the UK Air Carrier must ensure that the Community Air Carrier from which it is wet leasing-in the aircraft, has been granted a permission to operate in the UK, as required by Articles 250, of the ANO;
 - f) the UK Air Carrier must ensure that the Community Air Carrier from which it is wet leasing-in the aircraft, has been granted a Third Country Operator authorisation, as required by Article 3 of UK Regulation (EU) No. 452/2014;
 - g) if the wet-leased-in operator (the lessor) and/or aircraft do not meet the requirements of UK Regulation (EU) 2018/1139 and its Implementing Rules, the UK Air Carrier (the lessee) shall satisfy itself, and be able to demonstrate to the UK CAA, that the lessor and the aircraft that are the subject of the lease, meet an equivalent level of safety;
 - h) the UK Air Carrier shall comply with Annex A of this General Approval;
 - i) the UK Air Carrier shall notify the CAA, at least 30 minutes prior to the commencement of the wet lease-in of the specified aircraft, using the CAA's wet leasing online form ([Notify the CAA about a Wet Lease-in from an EASA member state](#)). The notification must include all of the information required in accordance with Annex A of this approval;
 - i) in very exceptional circumstances and subject to prior approval, the 3 day limit may be reset on a case by case basis, by application to the UK Air Carrier's CAA Flight Operations Inspector (FOI) or a CAA Flight Operations Manager (FOM), with information to Aircraft.Leasing@caa.co.uk.
- 9) This approval replaces the approval published in the Official Record Series 4 No. 1549, which is hereby revoked.

Date in Force

- 10) This approval has effect from **05 April 2023** until **04 April 2024**, both dates inclusive, unless previously revoked.

J Hanafin
for the Civil Aviation Authority

05 April 2023

ANNEX A – for wet leases under Paragraph 8) above**1. Required Notifications to the CAA for Use of this Approval**

- a) UK Air Carriers shall notify their CAA assigned FOI of all leases entered into pursuant to this approval, prior to the commencement of the lease;
- b) prior to the commencement of the lease, all lease agreements entered into, pursuant to paragraph 4) of this General Approval, shall be notified to the CAA by e-mail to Aircraft.Leasing@caa.co.uk. Details to be included in the notification are as follows:
 - i) the circumstances which led to the lease;
 - ii) the routes to be flown; and
 - iv) the name and full contact details of the operator of the leased aircraft.

2. Additional Information Required including AMC1 ORO.AOC.110

The operator intending to wet lease-in an aircraft shall provide the CAA with the following information:

- a) the aircraft type, registration markings and serial number, as soon as available but no later than 30 minutes prior to the commencement of the wet-lease-in;
- b) the name and address of the registered owner;
- c) a copy of the lessor's AOC, with the areas of operation and the Operations Specifications
- d) a copy of the valid Certificate of Airworthiness (CofA) and Airworthiness Review Certificate (ARC);
- e) a copy of the lease agreement, excluding the financial arrangements;
- f) a statement signed by the UK Air Carrier that the parties to the lease agreement fully understand their respective responsibilities under the applicable requirements; and
- g) the duration of the lease, not to exceed 3 cumulative, calendar days in any 12-month rolling period.

3. Additional Notes

- Please be aware of the following:
 - Article 250, Air Navigation Order 2016, applicable to foreign registered aircraft with regard to Restriction on carriage, where valuable consideration is given or promised, in aircraft registered elsewhere than in the United Kingdom.
 - Article 3 UK Regulation (EU) No. 452/2014 regarding third country operators engaging in commercial air transport operations within, into or out of UK territory.
 - Article 13 UK Regulation (EC) No. 1008/2008 regarding Leasing.