

NOTICE

U.S. DEPARTMENT OF TRANSPORTATION
FEDERAL AVIATION ADMINISTRATION

N 8900.523

National Policy

Effective Date:
9/30/19

Cancellation Date:
9/30/20

SUBJ: Wet Lease Agreement Applications and Issuance of OpSpec C083 for Foreign Air Carriers with Restrictions on Their Part 129 OpSpecs

- 1. Purpose of This Notice.** This notice provides guidance to Federal Aviation Administration (FAA) aviation safety inspectors (ASI) who process Title 14 of the Code of Federal Regulations (14 CFR) part 129 foreign air carrier applications for service to the United States under a wet lease agreement after the State of the Operator (country) of the foreign air carrier was assessed under the International Aviation Safety Assessment (IASA) Program as Category (CAT) 2. This is a nonmandatory change to part 129 Operations Specification (OpSpec) C083, IASA Category 2 Special Operational Restrictions—Scheduled and Non-Scheduled Operations, Additional Aircraft and Special Authorizations.
- 2. Audience.** The primary audience for this notice is International Field Offices (IFO), principal inspectors (PI), and ASIs who issue part 129 OpSpecs. The secondary audience includes Flight Standards (FS) offices and policy divisions whose U.S. air carriers execute wet lease agreements with foreign air carriers.
- 3. Where You Can Find This Notice.** You can find this notice on the MyFAA employee website at https://employees.faa.gov/tools_resources/orders_notices. Inspectors can access this notice through the Flight Standards Information Management System (FSIMS) at <http://fsims.avs.faa.gov>. Operators can find this notice on the FAA's website at <http://fsims.faa.gov>. This notice is available to the public at http://www.faa.gov/regulations_policies/orders_notices.
- 4. Background.** OpSpec C083 is issued to a foreign air carrier who serves the United States under part 129 and whose State of the Operator (country) was assessed under the IASA Program as CAT 2. Through the issuance of OpSpec C083, a foreign air carrier from an IASA CAT 2 country is allowed to wet lease aircraft and required crewmembers for aircraft operation from a duly authorized and properly supervised U.S. air carrier (lessor), or a foreign air carrier (lessor) from an IASA CAT 1 country authorized to serve the United States.
- 5. Policy Clarification.** The International Program Division is clarifying OpSpec C083 subparagraph d(1) in reference to wet lease agreements, specifically that the wet lease agreement is not a damp lease (see Appendix A for a sample of the revised part 129 OpSpec C083). When pursuing a wet lease agreement, a foreign air carrier from an IASA CAT 2 country must include

the aircraft and all required crewmembers for aircraft operation from the U.S. air carrier (lessor) or foreign air carrier (lessor) of an IASA CAT 1 country.

Note: The International Civil Aviation Organization (ICAO) uses the term “damp lease” to define an agreement where the lessor provides the aircraft, flightcrew, and possibly one or more of the cabin crew to the lessee. The FAA considers this a “wet lease” and does not use the term “damp lease” to identify a lease agreement.

6. Action. ASIs with responsibility for reviewing wet lease agreements involving a part 129 foreign air carrier after the State of the Operator (country) of the foreign air carrier was assessed under the IASA Program as CAT 2 must ensure that the wet lease agreement includes all required crewmembers for aircraft operation when considering all future applications.

7. Disposition. We will incorporate the information in this notice into FAA Order 8900.1, Volume 12, International Aviation, before this notice expires. Direct questions concerning information in this notice to the International Program Division at (202) 267-0962.



Rick Domingo
Executive Director, Flight Standards Service

Appendix A. Sample OpSpec C083, IASA Category 2 Special Operational Restrictions—Scheduled and Non-Scheduled Operations, Additional Aircraft and Special Authorizations: 14 CFR Part 129

a. This operations specification is issued to the foreign air carrier after the State of the Operator (country) of the foreign air carrier was assessed under the International Aviation Safety Assessment (IASA) Program as IASA Category 2. The restrictions in this operations specification apply only to operations conducted by the foreign air carrier to which it is issued. These restrictions do not apply to operations conducted by another carrier from an IASA Category 1 country under the terms of a wet lease agreement authorized in accordance with operations specification A028.

b. Scheduled Operations. The foreign air carrier must only conduct scheduled operations to and from the United States as listed in Table 1 below.

Table 1 – Scheduled Operations—Routing and Frequency Authorized

Routing, Including Cities and ICAO Airport ID(s)	Frequency

c. Non-Scheduled Operations. The foreign air carrier’s non-scheduled operations to and from the United States are listed in Table 2 below.

Table 2 – Non-Scheduled Operations

United States Geographic Areas	Number of Flight Segments

d. Additional Aircraft and Special Authorizations. On or after the date the State of the Operator for the foreign air carrier was determined to be IASA Category 2, no additional aircraft (including substitution of aircraft) or special authorizations (such as CAT II/III, instrument landing system (ILS)/precision runway monitor (PRM), land-and-hold-short operations (LAHSO), Reduced Vertical Separation Minimum (RVSM), etc.) that require approval, acceptance, or authorization by the State of the Operator’s Civil Aviation Authority (CAA) may be added to these operations specifications, except as follows:

(1) Through the issuance of operations specification A028, authorizing the foreign air carrier to conduct operations under a wet lease agreement with a duly authorized and properly supervised U.S. carrier (lessor), or a foreign air carrier (lessor) from an IASA Category 1 country authorized to serve the United States, using the lessor’s aircraft and crewmembers required for aircraft operation; or

(2) With the written approval of the AFS-50 division manager. (Aircraft must be for the same make, model, and series (M/M/S) and configuration of aircraft, typically for inspection, maintenance, or alterations. The special authorization must be in the interest of safety.)

e. Frequency/Flight Segment Considerations. The following limitations and provisions apply:

(1) Overflights of the United States are not counted against the frequency authorized.

(2) Scheduled stops for non-traffic purposes as defined in 14 CFR Part 375, § 375.1 are not counted against the frequency authorized.

(3) Unplanned stops in the United States in case of emergency relating to the safety of the aircraft, passengers, cargo, or crew are not counted against the frequency authorized.

[Select the following subparagraph if applicable.]

(4) For non-scheduled operations as authorized in subparagraph c above:

(a) A flight segment is a single operation between a foreign city and a U.S. city or between two U.S. cities. A roundtrip operation between a U.S. and foreign city or an operation from a foreign city to a U.S. city and then to another foreign city counts as two flight segments.

(b) Ferry/positioning between a foreign airport and a U.S. airport where passengers, cargo, or mail are disembarked or embarked, or between a U.S. airport where passengers, cargo, or mail are disembarked or embarked and another U.S. airport where passengers, cargo, or mail are disembarked or embarked, must be counted towards the number of flight segments authorized.