

NOTICE

U.S. DEPARTMENT OF TRANSPORTATION FEDERAL AVIATION ADMINISTRATION

N 8900.29

National Policy

Effective Date:

1/31/08

Cancellation Date:

1/31/09

SUBJ: Issuance of New Operations Specification A028—Aircraft Wet lease Arrangements

1. Purpose of this Notice. This notice advises all principal inspectors (PI) and other assigned aviation safety inspectors (ASI) of updated OpSpec A028 text for evaluating and approving application packages for air carrier aircraft wet leases. The updated A028 text and handbook guidance provides improved explanation of air carrier industry leasing and charter practices and new leasing arrangements that derive from the United States-European Union (EU) Air Transport Agreement negotiated in 2007.

2. Audience. The primary audience for this notice is Flight Standards District Office (FSDO) PIs and ASIs. The secondary audience includes Flight Standards branches and divisions in the regions and in headquarters.

3. Where You Can Find This Notice. Inspectors can access this notice through the Flight Standards Information Management System (FSIMS) at <http://fsims.avs.faa.gov>. Operators and the public can find this notice at <http://fsims.faa.gov>.

4. Guidance. Field experience with prior guidance to inspectors, regarding aircraft wet leases and charter arrangements, has shown that explanations of this subject require clarification.

a. Inspectors will encounter a variety of leasing and charter arrangements which need to be evaluated for conformance to the FAA definition of a “wet lease.” Industry leasing and charter practices use the term wet lease to describe a variety of aircraft use alternatives; however, many of these agreements are not true wet leases by the FAA definition. Only the actual wet leases will be the subject of A028 issuance. Other arrangements, no matter the commercial term applied to the usage agreement, are charters and do not require A028 issuance.

b. As a result of aviation negotiations between the United States and the EU, a new variant of aircraft usage agreements was developed. The term that these agreements fall under is “provision of aircraft with crew.” This notice explains the features of this new usage variant as well as the Department of Transportation and the FAA actions required when such agreements are presented for approval. While provision of aircraft with crew agreements will first be encountered between U.S. and European air carriers, such agreements will not be limited to EU use and may be expected from any air carrier, worldwide.

c. Appendix A contains a sample of the revised OpSpec A028 template.

5. Action. Principal operations inspectors should review their operator's OpSpecs and reissue OpSpec A028, if appropriate, using the guidance in Order 8900.1, volume 3, chapter 18, section 3, Part A Operations Specifications—General, OpSpec A028, and volume 3, chapter 13, section 4, Wet lease Agreements. Inspectors should use the guidance in Order 8900.1 when issuing OpSpec A028 in the future.

6. Disposition. We will not incorporate the information in this notice into FSIMS. Direct questions concerning this notice to the Air Transport Operations Branch, AFS-220 at (202) 267-9992.

ORIGINAL SIGNED by

James J. Ballough
Director, Flight Standards Service

Appendix A. Sample OpSpec A028, Aircraft “Wet Least” Arrangements**OPSPEC A028 AIRCRAFT “WET LEASE” ARRANGEMENTS**

a. The certificate holder is authorized to enter into wet lease arrangements as listed in the tables below with other 14 CFR Part 119 certificate holders. All operations conducted pursuant to this authorization shall be conducted in accordance with the authorizations, limitations, and provisions of these operations specifications and the terms and conditions specified in each applicable wet lease arrangement listed in the tables below and the following definitions.

(1) The LESSEE is the certificate holder who obtains legal possession and use of specific aircraft FROM another certificate holder.

(2) The LESSOR is the certificate holder who grants legal possession and use of specific aircraft TO another certificate holder.

(3) Section 119.53(b) prohibits a U.S. certificate holder from wet leasing an aircraft from a foreign air carrier or any other foreign person or any person not authorized to engage in common carriage.

(4) A wet lease is a contract by which the lessor grants the right of legal possession and use of specific aircraft to a lessee for a specified period of time or a specified number of flights and the services of at least one crewmember are provided as part of the transaction.

b. When the certificate holder of these operations specifications has operational control: The certificate holder is authorized to conduct operations in accordance with each applicable wet lease arrangement identified in Table 1 below.

(1) The certificate holder shall at all times be responsible for and maintain the operational control and airworthiness of each aircraft identified in each lease arrangement listed in Table 1 below.

(2) The nationality, registration, and serial numbers of the aircraft to be used under the terms of the wet lease arrangement shall be identified in paragraph D080 or D087, as applicable, and D085 of the certificate holder’s operations specifications.

(3) The certificate holder shall not conduct, nor be a party to, operations under these operations specifications with aircraft under any other wet lease arrangement not listed in Table 1 below.

(4) While conducting operations under this authorization, the lessor may use the call sign and flight number(s) of the lessee, provided that, for all flights the certificate holder explains in the remarks section of the applicable flight plan that the flight is actually being conducted under the call sign and flight number(s) of the lessee.

Table 1—Certificate Holder Has Operational Control

Names of the Parties to the Wet lease Arrangement		AIRCRAFT Serial Number	Kind Of Operation	Date Lease Executed	Date Lease Expires	Airports or Areas of Operations
LESSOR	LESSEE			MO/YR	MO/YR	
TABL01	TABL02	TABL03	Flag Domestic Supplemental Commuter On-demand	TABL05	TABL06	TABL07

c. When the certificate holder of this operations specification does not have operational control:
The certificate holder is authorized to exercise the wet lease arrangement(s) identified in Table 2 below in accordance with the following limitations and provisions:

(1) The other party (that does have operational control) in each wet lease arrangement listed in Table 2 below shall at all times be responsible for and maintain the operational control and airworthiness of the aircraft identified in each wet lease arrangement listed in Table 2 below.

(2) The certificate holder is not authorized to have and may not have operational control of any operation conducted by the other party under this subparagraph.

Table 2—Certificate Holder Does Not Have Operational Control

Names of the Parties to the Wet lease Arrangement		AIRCRAFT Serial Number	Date Lease Executed	Date Lease Expires
LESSOR	LESSEE		MO/YR	MO/YR
TABL08	TABL09	TABL10	TABL11	TABL12