

REGULATION OF THE MINISTER OF TRANSPORTATION OF
THE REPUBLIC OF INDONESIA
NUMBER 61 OF 2017

ON

THE FOURTH AMENDMENT TO REGULATION OF THE MINISTER OF
TRANSPORTATION NUMBER PM 28 OF 2013 ON CIVIL AVIATION SAFETY
REGULATION PART 121 ON CERTIFICATION AND OPERATING
REQUIREMENTS : DOMESTIC, FLAG AND SUPPLEMENTAL AIR CARRIERS

BY THE BLESSINGS OF ALMIGHTY GOD

MINISTER OF TRANSPORTATION OF THE REPUBLIC OF INDONESIA,

- Considering :
- a. that certification and operating requirements : domestic, flag and supplemental air carriers have been regulated in the Regulation of the Minister of Transportation Number PM 28 of 2013 on Civil Aviation Safety Regulation Part 121 on Certification and Operating Requirements : Domestic, Flag and Supplemental Air Carriers;
 - b. that it is necessary for refinements and additions to provisions on leasing of aircraft, collision avoidance systems, maintenance program, sources of aeronautical products and proficiency and competency checks, as well as deleting provisions definitions and abbreviations as well as safety management systems, which have been regulated in the Regulation of the Minister of Transportation as referred to in point a;
 - c. that based on considerations as referred to in point a and point b, it is necessary to establish Regulation of the

Minister of Transportation on the Fourth Amendment to Regulation of the Minister of Transportation Number PM 28 of 2013 on Civil Aviation Safety Regulation Part 121 on Certification and Operating Requirements : Domestic, Flag and Supplemental Air Carriers;

- Observing : 1. Law Number 1 of 2009 on Aviation (State Gazette of the Republic of Indonesia of 2009 Number 1, Supplement to the State Gazette of the Republic of Indonesia Number 4956);
2. Presidential Regulation Number 7 of 2015 on Organization of the State Ministries (State Gazette of the Republic of Indonesia of 2015 Number 8);
3. Presidential Regulation Number 40 of 2015 on Ministry of Transportation (State Gazette of the Republic of Indonesia of 2015 Number 75);
4. Regulation of the Minister of Transportation Number PM 28 of 2013 on Civil Aviation Safety Regulation Part 121 on Certification and Operating Requirements for Domestic Flag And Supplemental Air Carriers (State Bulletin of the Republic of Indonesia of 2013 Number 512) as frequently amended and last by Regulation of the Minister of Transportation of the Republic of Indonesia Number PM 41 of 2016 on Amendment to Regulation of the Minister of Transportation Number PM 28 of 2013 on Civil Aviation Safety Regulation Part 121 on Certification and Operating Requirements Domestic for Flag And Supplemental Air Carriers (State Bulletin of the Republic of Indonesia of 2016 Number 771);
5. Regulation of The Minister of Transportation Number PM 189 of 2015 on Organization and Management of the Ministry of Transportation (State Bulletin of the Republic of Indonesia Number 2015 of 1844) as amended several times last by Regulation of the Minister of Transportation Number PM 44 of 2017 on Second Amendment to Regulation of The Minister of Transportation Number PM 189 to 2015 on Organization and Management of the Ministry of

Transportation (State Bulletin of the Republic of Indonesia of 2017 Number 816);

HAS DECIDED:

To Issue : REGULATION OF MINISTER OF TRANSPORTATION ON THE FOURTH AMENDMENT TO REGULATION OF THE MINISTER OF TRANSPORTATION NUMBER PM 28 OF 2013 ON CIVIL AVIATION SAFETY REGULATION PART 121 ON CERTIFICATION AND OPERATING REQUIREMENTS : DOMESTIC, FLAG AND SUPPLEMENTAL AIR CARRIERS.

Article I

Regulation of the Minister of Transportation Number PM 28 of 2013 on Civil Aviation Safety Regulation Part 121 on Certification and Operating Requirement : Domestic, Flag And Supplemental Air Carriers (State Bulletin of the Republic of Indonesia of 2013 Number 512) as frequently amended by Ministerial Regulations:

- a. Number PM 36 of 2015 on Amendment to Regulation of the Minister of Transportation Number PM 28 of 2013 on Civil Aviation Safety Regulation Part 121 on Certification and Operating Requirements : Domestic, Flag, and Supplemental Air Carriers (State Bulletin of the Republic of Indonesia of 2015 Number 291);
- b. Number PM 107 of 2015 on The Second Amendment to Regulation of The Minister of Transportation Number PM 28 of 2013 on Civil Aviation Safety Regulation Part 121 on Certification and Operating Requirements : Domestic, Flag, and Supplemental Air Carriers (State Bulletin of the Republic of Indonesia of 2015 Number 1133);
- c. Number PM 41 of 2016 on The Third Amendment to Regulation of the Minister of Transportation Number PM 28 of 2013 on Civil Aviation Safety Regulation Part 121 on Certification and Operating Requirements : Domestic, Flag, and Supplemental Air Carriers (State Bulletin of the Republic of Indonesia of 2016 Number 771);

amended as follows:

1. Amend section 121.6 so that section 121.6 reads as follows:

121.6 Leasing of Aircraft

(a) Wet Lease

- (1) Prior to operating an air transportation service with wet leased aircraft, an air carrier shall provide to the Director, copy of the lease agreement, or a written memorandum outlining the terms of such agreement. Where any air carrier whether foreign or domestic, agrees to provide an aircraft to another person certified under this part, the agreement must state which AOC holder and which AMO as applicable, is proposed to be responsible for providing.
 - (i) applicable crewmembers;
 - (ii) operational control; and
 - (iii) the maintenance and servicing of that aircraft.
- (2) Upon receiving a copy of an agreement, or a written memorandum of the terms thereof, the Director determines which party to the agreement is conducting the operation and issues an amendment to the certificate holder's operations specifications containing the following:
 - (i) the names of the parties to the agreement and the duration thereof;
 - (ii) the nationality and registration numbers marks of each aircraft involved in the agreement;
 - (iii) the type of operation (e.g. scheduled, passenger, etc);
 - (iv) the areas of operation;

- (v) the regulation of the CASR(s) applicable to the operation.
- (3) In making a determination under Paragraph (b) of this section, the Director considers the responsibility under the agreement for the following:
- (i) crew members and training;
 - (ii) airworthiness and performance of maintenance;
 - (iii) dispatch;
 - (iv) servicing the aircraft;
 - (v) scheduling;
 - (vi) any other factor the Director considers relevant.
- (4) After a review of the leasing arrangement, if a foreign operator is considered responsible for the operation of the leased aircraft each route segment must include either a takeoff or a landing to or from a foreign airport.
- (b) Dry Lease
- (1) Under most dry lease agreements, the lessee, who provides the crew, is the accountable party who exercises operational control over the aircraft with all the attendant responsibilities. If the lessee does not have operational control of the leased aircraft under the lease agreement, DGCA may evaluate the arrangements to ensure that the operation can be conducted with an adequate level of safety in accordance with the applicable regulations.
- (2) DGCA required an applicant for an AOC, or an existing operator, wishes to use dry leased aircraft, the applicant or operator should provide the DGCA with the following information:

- (i) the aircraft type, model and serial number;
 - (ii) the name and address of the registered owner;
 - (iii) State of Registry, nationality and registration marks;
 - (iv) certificate of airworthiness and statement from the registered owner that the aircraft fully complies with the airworthiness requirements of the State of Registry;
 - (v) name, address and signature of lessee or person responsible for operational control of the aircraft under the lease agreement, including a statement that such individual and the parties to the lease agreement fully understand their respective responsibilities under the applicable regulations;
 - (vi) copy of the lease agreement or description of lease provisions;
 - (vii) duration of the lease; and
 - (viii) areas of operation.
- (3) After careful review within the authority and liaison necessary with other competent authorities, the Directorate General of Civil Aviation needs to make the determination as to which party to the lease arrangement is in fact responsible for the conduct of the operation. In making this determination, the DGCA considers the responsibilities of the parties under the lease arrangement for:

- (i) flight crew member licensing and training;
 - (ii) cabin crew member training;
 - (iii) airworthiness of the aircraft and the performance of maintenance;
 - (iv) operational control, including dispatch and flight following;
 - (v) scheduling of flight crew and cabin crew members; and
 - (vi) signing the maintenance release.
- (4) If the lease arrangement is determined to be a dry lease involving aircraft that possess valid certificates of registration and certificates of airworthiness issued by DGCA, which is the aircraft is Indonesian register, the dry lease arrangement is acceptable to the DGCA, the operations manual and/or the operations specifications should be amended to provide at least the following data:
- (i) names of the parties to the lease agreement and the duration thereof;
 - (ii) nationality and registration marks of each aircraft involved in the agreement;
 - (iii) type of aircraft to be used;
 - (iv) areas of operation; and
 - (v) regulations applicable to the operation.
- (c) Damp Lease
- Damp Lease is a wet-leased aircraft that includes a cockpit crew but not cabin attendants, generally understood to be a wet lease of an aircraft where the aircraft is operated under the AOC of the lessor, with

the flight crew and possibly part of the cabin crew being provided by the lessor. Part or all of the cabin crew is provided by the lessee.

The lessee's cabin crew members will need to receive additional training, under the approved training programme of the lessor, with respect to their emergency duties on the particular aircraft. In addition, they may have no knowledge of the requirements of the lessor's State of the Operator with respect to flight and duty time limitations and the provision of rest periods, and to the performance of their duties and responsibilities aboard the wet leased aircraft.

2. Delete section 121.7 so that section 121.7 reads as follows:

121.7 Reserved

3. Amend section 121.39 so that section 121.39 reads as follows:

121.39 Sources of Aeronautical Products

- (a) a certificate holder under this part must have the system to obtain the aeronautical products from:

- (1) a manufacturer of aeronautical products;

- (2) a manufacturer who produces, identifies and certifies standard parts and materials which conform to established industrial, national or international standards, and which are referenced in approved design data;

- (3) an organization approved either by DGCA, or Foreign Civil Aviation Authority under CASR part 145, subpart F, to perform maintenance

on aeronautical products and who is authorized to certify such products as serviceable and in a condition for safe operation;

(4) a supplier who provides original certification of product conformity to approved design data for supplies acquired from authorized sources.

(b) a certificate holder under this part must ensure that the source of aeronautical products has the organization, facilities, equipment and the personnel necessary to comply with the policies, responsibilities, methods and procedures established in his product quality control system.

4. Delete Sub-Part C Safety Management Program so that Sub-Part C reads as follows:

SUB-PART C RESERVED

5. Amend section 121.356 so that section 121.356 reads as follows

121.356 Collision Avoidance Systems

(a) Effective January 1, 2018, any airplane operated under this Part must be equipped and operated according to the following table:

Collision Avoidance Systems

Airplane operated	The airplane must be equipped with –
(A) Turbine-powered airplane of more than 33,000 pounds (15,000 kgs) maximum certificated takeoff weight	(1) An appropriate class of Mode S transponder that meets FAA Technical Standard Order (TSO) C-112, or a later version, or its equivalent, and one of the following approved units: (i) TCAS II that meets FAA

	<p>TSO C-119b (version 7.1), or a later version, or its equivalent.</p> <p>(ii) TCAS II that meets FAA TSO C-119a (version 6.04A Enhanced), or its equivalent, that was installed in that aeroplane before May 1, 2003. If that TCAS II version 6.04A Enhanced no longer can be repaired to FAA TSO C-119a standards, it must be replaced with a TCAS II that meets FAA TSO C-119b (version 7.1), or a later version, or its equivalent.</p> <p>(iii) A collision avoidance system equivalent to FAA TSO C-119b (version 7.1), or a later version, or its equivalent, capable of coordinating with units that meet TSO C-119a (version 6.04A Enhanced), or a later version, or its equivalent.</p>
<p>(B) Passenger or cargo/ passenger (combi) airplane that has a</p>	<p>(1) TCAS I that meets FAA TSO C-118, or a later version, or its equivalent; or</p> <p>(2) A collision avoidance system equivalent to has an FAA</p>

passenger seat configuration of 10–30 seats	TSO C-118, or a later version, or its equivalent; or (3) A collision avoidance system and Mode S transponder that meet paragraph (a) (1) of this section.
(C) Piston-powered airplane of more than 33,000 pounds (15,000 kgs) maximum certificated takeoff weight.	(1) TCAS I that meets FAA TSO C-118, or a later version, or its equivalent. (2) A collision avoidance system equivalent to maximum FAA TSO C-118, or a later version, or its equivalent. (3) A collision avoidance system and Mode S transponder that meet paragraph (a) (1) of this section.

6. Amend section 121.367 point (a) so that section 121.367 as a whole reads as follows:

121.367 Maintenance Program

(a) Each certificate holder must have a maintenance program for each aircraft type including foreign registered aircraft that is approved by Directorate General of Civil Aviation, or the State of registry, containing the following:

- (1) maintenance tasks and the intervals at which these are to be performed, taking into account the anticipated utilization of the airplane;
- (2) when applicable, a continuing structural integrity programme;
- (3) procedures for changing or deviating from (1) and (2) above;

(4) when applicable, condition monitoring and reliability programme descriptions for aircraft systems, components and engines; and

(5) maintenance task as required inspection items.

(b) maintenance tasks and intervals, that have been specified as mandatory in approval of the type design shall be identified as such.

(c) Maintenance program required by this section shall be developed by considering the human factor principles.

(d) Copies of all amendments to the maintenance program shall be furnished promptly to all organizations or persons to whom the maintenance program has been issued.

7. Amend section 121.437 so that it reads as follows:

121.437 Pilot Qualification: Licenses Required

(a) No pilot may act as pilot in command of an aircraft unless he holds an airline transport pilot license and an appropriate type rating for that aircraft.

(b) Each pilot who acts as a pilot in a capacity other than those specified in Paragraph (a) of this section must hold at least a commercial pilot license with multi engine and an instrument rating.

8. Amend section 121.441 point (e) so that section 121.441 reads as follows:

121.441 Proficiency and Competency Checks

(a) No certificate holder may use any person nor may any person serve as a required

pilot, flight engineer, and flight navigator unless that person has satisfactorily completed a proficiency check, as follows:

- (1) For a pilot in command, proficiency check within the preceding 6 calendar months;
 - (2) For other pilots, flight engineer and flight navigator a proficiency a check within preceding 12 calendar months;
- (b) Except as provided in Paragraphs (c) and (d) of this section, a proficiency check must meet the following requirements:
- (1) It must include at least the procedures and maneuvers set forth in by the Director;
 - (2) It must be given by the DGCA or a pilot check airman;
- (c) An approved airplane simulator or other appropriate training device may be used in the conduct of a proficiency check.
- (d) If the pilot being checked fails any of the required maneuvers, the person giving the proficiency check may give additional training to the pilot during the course of the proficiency check. In addition to repeating the maneuvers failed, the person giving the proficiency check may require the pilot being checked to repeat any other maneuvers he finds are necessary to determine the pilot's proficiency. If the pilot being checked is unable to demonstrate satisfactory performance to the person conducting the check, the certificate holder may not use him nor may he serve in operations under this part until he has satisfactorily completed a proficiency check.

However, the entire proficiency check (other than the initial second in command proficiency check) required by this section may be conducted in an approved visual simulator if the pilot being checked accomplishes at least two landings in the appropriate airplane during a line check or other check conducted by a pilot check airman (a pilot in command may observe and certify the satisfactory accomplishment of these landings by a second in command). If a pilot proficiency check is conducted in accordance with this paragraph, the next required proficiency check for that pilot must be conducted in the same manner, or a course of training in an airplane visual simulator under Section 121.409 may be substituted therefor.

- (e) In the case of a flight attendant and flight operations officer a competency check shall be valid to the first day of the thirteenth - (13) month following the month in which the competency checks (CC) was taken
- (f) An approved company check pilot who has been delegated the authority to perform flight checks on that aircraft type, or a DGCA inspector shall conduct any pilot proficiency check required by this Subpart. The Director or a person acceptable to him, shall conduct all other checks required by this Subpart. An air carrier shall submit to the Director for approval, a list of proposed examiners, including their qualifications relevant to their position as examiners.

- (g) For the purposes of completing any check required by this subpart, where an aircraft type simulator has been approved for training:
 - (1) in the cases of a PPC required by Subsections (a)(1) and (2) of this section, the same credits given the simulator for training purposes shall apply to the PPC;
 - (2) In the case of the CC required by this section, the same training credits given to that cabin training device, shall apply to the CC.
- (h) Where any flight simulator, or other training device approved for training and checking, does not have all the training and checking credits needed to complete the entire check, the portions of such check not approved to be completed in a simulator, must be carried out in that type of aircraft, as appropriate.
- (i) Where a pilot proficiency check, a competency check or annual training is renewed within the last 60 days of its validity period, such check or training is deemed to have taken place on the last day of the validity period.
- (j) The Director may extend the validity period of a pilot proficiency check, a competency check or annual training by up to 60 days where the Director is of the opinion that aviation safety is not likely to be affected.
- (k) Where the validity period of a pilot proficiency check or a competency check or annual training has been expired for 24 months or more, the person shall re-qualify by meeting all initial training requirements relating to that aircraft.

Article II

This Ministerial Regulation comes into force on the date of its promulgation.

In order that every person may know hereof, it is ordered to promulgate this Ministerial Regulation by its placement in State Bulletin of the Republic of Indonesia.

Issued in Jakarta
on 4 August 2017

MINISTER OF TRANSPORTATION
OF THE REPUBLIC OF INDONESIA,

Signed

BUDI KARYA SUMADI

Promulgated in Jakarta
on 8 August 2017

DIRECTOR GENERAL
OF LEGISLATION OF MINISTRY OF LAW AND HUMAN RIGHTS OF
THE REPUBLIC OF INDONESIA,

Signed

WIDODO EKATJAHJANA

STATE BULLETIN OF THE REPUBLIC OF INDONESIA OF 2017 NUMBER 1097

Jakarta, 16 August 2017

Has been translated as an Official Translation
on behalf of Minister of Law and Human Rights
of the Republic of Indonesia,

DIRECTOR GENERAL OF LEGISLATION,



WIDODO EKATJAHJANA