



LEGAL COMMITTEE — 37TH SESSION

(Montreal, 4 to 7 September 2018)

Agenda Item 2: Consideration of the General Work Programme of the Legal Committee

**SUPPORTING AN AIRCRAFT REGISTRATION NETWORK IN COMPLYING
ARTICLE 21 OF THE CHICAGO CONVENTION**

(Presented by Indonesia)

SUMMARY

To increase Member States compliance with Article 21 to the Chicago Convention in furnishing data concerning ownership and control, it is necessary to provide a ‘user friendly’ and non hassle reporting system which give benefits to them. A new Aircraft Registration System (ARS) must be developed to meet this objective.

1. INTRODUCTION

1.1 Article 21 Task Force meeting has been successfully conducted twice in ICAO head quarter attended by several member states and expert with the aim to encourage Member States in fulfilling their obligation to furnish data concerning ownership and control required by Article 21 of the Chicago Convention. It is reported there are several different registration systems applied by Member States where it is allowed by Article 19 to the Chicago Convention to use system according to its laws and regulation.

1.2 Secretariat is developing a web-based system for the provision of aircraft registration data to assist States in fulfilling their obligation of Article 21 to Chicago Convention.

2. AIRCRAFT REGISTRATION NETWORK

2.1 Considering the differences of aircraft registration system with the difference definition of ‘ownership’, in addition to the translation of Article 21 to Chicago Convention in Spanish and Russian where the ‘ownership’ could also means as either ‘possession’ or ‘ownership’. It is agreed that Task Force team would not recommend any amendments to Article 21 in attempt to define ‘ownership’ to conform to any of the prevailing system. Instead, it attempts to develop some recommendation to make differences in the concept of ‘ownership’ more transparent. These differences are also considered to delay the transfer of aircraft from one State to another for registration. Recognizing some Member of Task Force require to verify information to title independently and therefore this exchange of information would not essential to the registration process. However it is agreed among Member of Task Force that data concerning ownership and control is considered essential by next State of Registry for the purpose of aircraft registration. Understanding the differences between registration system will improve the current state of affairs amongst States when the aircraft is transferred form one State to another for registration.

2.2 ICAO established registration reporting system in 2010 namely Aircraft Registration System (ARS) as a mean for Member States to fulfill their obligation to furnish report to ICAO in accordance with Article 21. ARS has many deficiencies and not functioning optimally in its current form. This does not provide any benefits for the State, moreover give additional task and workload with numerous technical issue in using it. A new system Aircraft Registration Network (ARN) is being develop to replace ARS and is presented during second meeting of Article 21 task force meeting. This web-based system for the provision on aircraft registration system will establish a global dataset of aircraft and provide additional inter-State operability services and features that will benefit the global aviation community. This objective is to facilitate an easy and automatic provision of data with no or little workload implication, by providing a web-based application that would enable States to manage the registration of aircraft within their State in an end-to-end electronic system that the data would be automatically communicate to the ICAO database system, or for States that are already equipped with electronic registration system, the ARN would establish the necessary technical interface with ICAO database system.

2.3 In supporting ARN to meet its objective as a ‘user friendly’ system which gives benefit to Member States, thus increasing its compliance with Article 21 to the Chicago Convention, some considerations may be made.

2.4 To make reporting using a mandatory tools such as Annex, by still considering States laws and regulation, even though an adoption process is not an easy and quick process.

2.5 To give benefits to Member States, the data must be able to inform the differences of each Member State registration system. Although concepts of ownership has different meaning in different States, it may be categorized into three, first where aircraft are registered based on the person or entity having custody and control of the aircraft and define ‘ownership’ to mean custody and control of the aircraft, second where registration is accorded to entities that have legal and/or beneficial ownership of the aircraft (ie. where the entity have possession, the power to use, dispose or otherwise deal with the aircraft), and third is in between, where it records legal ownership as well as details of custody and control over aircraft. This choice must be carefully designated to avoid ambiguity during fulfilling the report. Information on deregistration data also essential as well as ownership and control in order to speed up transfer of registration between states, therefore the proposal to standardize certificate of deregistration maybe put into considerations. Some States where requiring an independent review prior registering an aircraft, still have some benefit of having early or general information may require for the review. A standardized certificate of deregistration must also be flexible to accommodate information on ownership and airworthiness control in term of different registration system.

2.6 To avoid the effort by adopting States current registration system or providing simple electronic registration system. Existing ARN system is not successful due to its abundant data to be provided represent and additional task and workload. It is why so important to design an easy and simple system with no or less additional workload implication. Reducing in the number of field with unnecessary data and providing spaces to accomodate different registration system should be considered. Shall this ARN working properly, the similar and duplicating reports such as Circular 95 and Form H must be eliminated accordingly.

3. ACTION BY THE MEETING

3.1 The meeting is invited to consider the information above and support the development of ARN.