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INTERNATIONAL CIVIL AVIATION ORGANIZATION

A UN SPECIALIZED AGENCY



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2ND EDITION

CIVIL AVIATION LEGAL ADVISORS FORUM(CALAF/2)

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USING ICAO'S ENHANCED TOOLS FOR THE IMPLEMENTATION OF ARTICLE 83 *BIS* TO REDUCE POTENTIAL AVIATION SAFETY RISKS

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Bureau, ICAO

Overview of presentation

1. Correct use of Article 83 *bis* and benefits
2. Content of Article 83 *bis* agreements and resulting safety oversight responsibilities
3. Agreement registration requirements
4. The ICAO Website of Aeronautical Agreements and Arrangements (WAGMAR)
5. Available Guidance Material

1. CORRECT USE OF ARTICLE 83 *BIS*

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BACKGROUND

Protocol

- Protocol on Article 83 *bis* approved by the Assembly in 1980 at A23, entered into force on 20 June 1997.

Rationale

- Lease, charter or interchange of an aircraft can lead to the State of Registry being different from State of the Operator and to split oversight responsibilities.

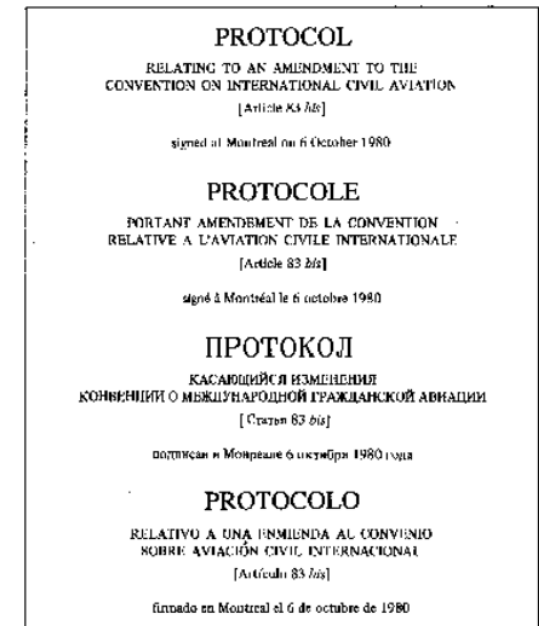
Article 83 bis Task Force

- 5 Recommendations

Wide Participation

- Currently 180 parties to the Protocol.

Doc 9318



1980

INTERNATIONAL CIVIL AVIATION ORGANIZATION
ORGANISATION DE L'AVIATION CIVILE INTERNATIONALE
МЕЖДУНАРОДНАЯ ОРГАНИЗАЦИЯ ГРАЖДАНСКОЙ АВИАЦИИ
ORGANIZACIÓN DE AVIACIÓN CIVIL INTERNACIONAL

1. CORRECT USE OF ARTICLE 83 *BIS*

When

International lease, charter or interchange of Aircraft

Who

State of Registry / State of the Operator

What

Transfer of certain State of Registry functions and duties

How

Agreement, registration and made public

Effect

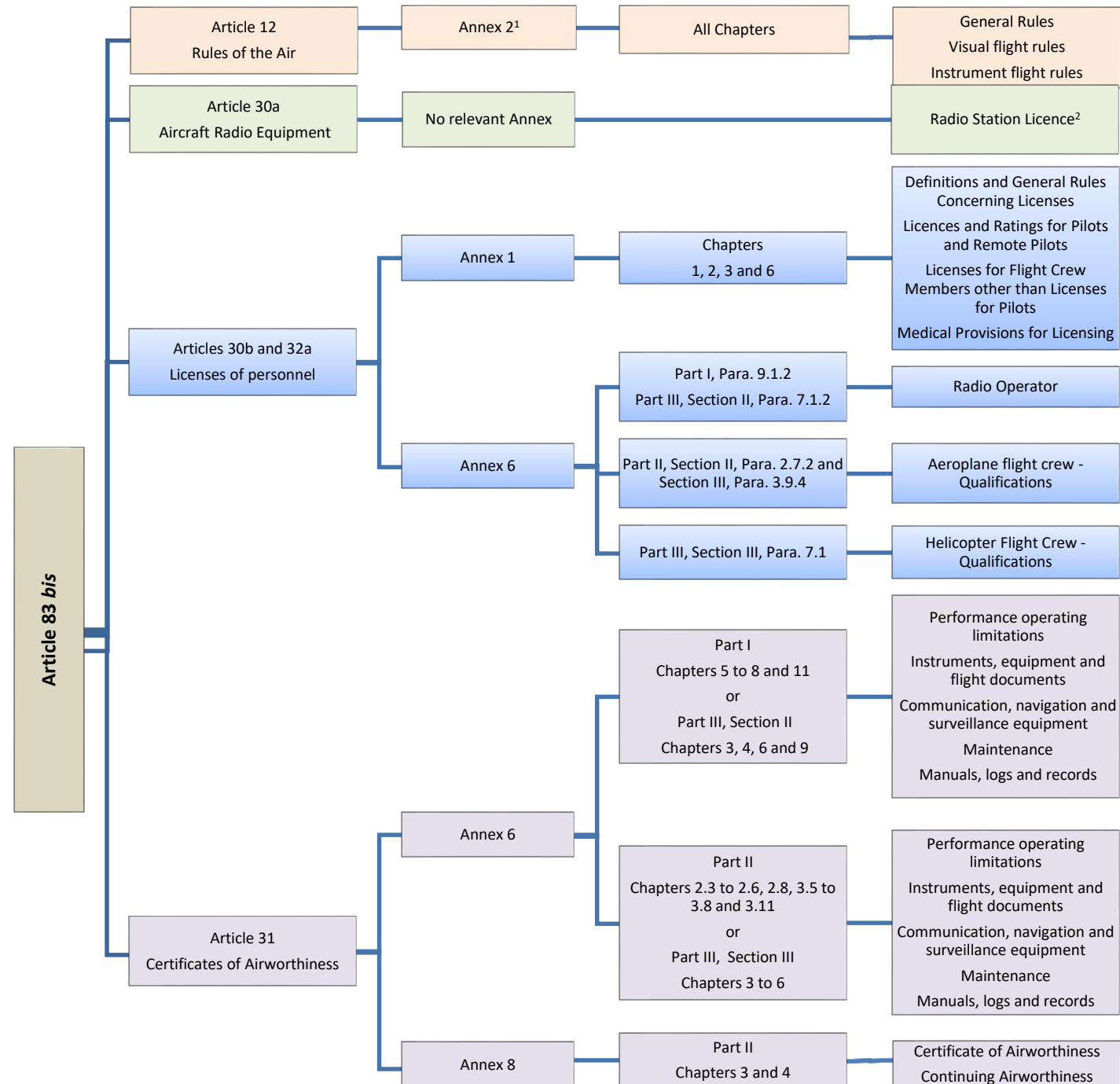
State of Registry relieved of responsibility. Multilateral recognition of transfer.

Article 83 *bis*

Transfer of certain functions and duties

- a) Notwithstanding the provisions of Articles 12, 30, 31 and 32 a), when an aircraft registered in a contracting State is operated pursuant to an agreement for the **lease, charter or interchange** of the aircraft or any similar arrangement by an operator who has his principal place of business or, if he has no such place of business, his permanent residence in another contracting State, the **State of registry may, by agreement with such other State, transfer** to it all or part of its functions and duties as State of registry in respect of that aircraft under **Articles 12, 30, 31 and 32 a)**. **The State of registry shall be relieved of responsibility in respect of the functions and duties transferred.**
- b) The transfer shall not have effect in respect of other contracting States before either **the agreement** between States in which it is embodied **has been registered with the Council and made public pursuant to Article 83** or the existence and scope of the agreement have been directly communicated to the authorities of the other contracting State or States concerned by a State party to the agreement.

Articles and Annexes of the Convention under which responsibilities may be transferred in whole or in part from the State of Registry to the State of the Operator



Benefits to using Article 83 *bis*

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Facilitation

proper supervision even when the aircraft is based at a distance from the State of Registry

- Improved oversight of aircraft maintenance;
- Harmonized qualification and training of crew;
- Dry leases vs. wet leases.

Efficiency

reduced costs for both the operator and the State of Registry

Responsibility

responsible way to maintain standards of supervision whilst enabling the operator to have flexibility

- Law of the State of the Operator applied by the State of the Operator

2. NEGOTIATION AND CONTENT OF ARTICLE 83 BIS AGREEMENTS

Preparation for negotiations

- National legislation
- Assessment of the State of the Operator
- Transfer not delegation

Main elements of an agreement

- State of Registry
- State of Operator
- Description of the functions and duties transferred under Article 83 bis
- Operator
- Aircraft affected by the agreement
- Duration of the agreement
- Termination provisions

SAFETY OVERSIGHT RESPONSIBILITIES

Coordination between the State of the Operator and the State of Registry

Responsibilities of the State of the Operator	Responsibilities of the State of Registry	Responsibilities of Third States
<ul style="list-style-type: none">• Training of Inspectors• Inspection Guides• Continuing Airworthiness Responsibilities• Assistance to the Operator• Reporting to the State of Registry• No delegation of functions without agreement of State of Registry	<ul style="list-style-type: none">• Monitoring safety oversight of the State of the Operator• Airworthiness Responsibilities• Training of Inspectors• Assistance to owner/lessor• Responsibilities on termination of the agreement	<ul style="list-style-type: none">• Legislation to account for transfer of functions and duties• Training of inspectors

Annex 6: Article 83 *bis* Agreement Summary Requirements

ICAO confirms that the content of this Agreement Summary stems from the registered agreement as certified by the States Parties.

ARTICLE 83 <i>bis</i> AGREEMENT SUMMARY		
Title of the Agreement:		
State of Registry:		Focal point:
State of the Operator:		Focal point:
Date of signature:	By State of Registry ¹ :	
	By State of the Operator ¹ :	
Duration:	Start Date ¹ :	End Date (if applicable) ² :
Languages of the Agreement:		
ICAO Registration No.:		
Umbrella Agreement (if any) with ICAO Registration number:		

Convention on International Civil Aviation	ICAO Annexes affected by the transfer of responsibility in respect of certain functions and duties to the State of the Operator		
Article 12: Rules of the air	Annex 2, all chapters	Yes <input type="checkbox"/> No <input type="checkbox"/>	
Article 30 a): Aircraft radio equipment	Radio Station Licence	Yes <input type="checkbox"/> No <input type="checkbox"/>	
Articles 30 b) and 32 a): Licenses of personnel	Annex 1, Chapters 1, 2, 3 and 6; and Annex 6, Part I, Radio Operator; or Annex 6, Part II (qualifications and/or flight crew member licensing); or Annex 6, Part III, Section II (composition of the flight crew) (radio operator); or Annex 6, Part III, Section III (qualifications)	Yes <input type="checkbox"/> No <input type="checkbox"/>	Annex 6: [Specify Part and paragraph] ³
Article 31: Certificates of airworthiness	Annex 6	Yes <input type="checkbox"/> No <input type="checkbox"/>	[Specify Part and chapters] ³
	Part I or Part III, Section II	Yes <input type="checkbox"/> No <input type="checkbox"/>	[Specify Part and chapters] ³
	Annex 6 Part II or Part III, Section III	Yes <input type="checkbox"/> No <input type="checkbox"/>	[Specify Part and chapters] ³
	Annex 8 Part II, Chapters 3 and 4	Yes <input type="checkbox"/> No <input type="checkbox"/>	[Specify chapters] ³

Aircraft affected by the transfer of responsibilities to the State of the Operator					
Aircraft make, model, series	Nationality and registration marks	Serial No.	AOC No. (Commercial air transport)	Dates of transfer of responsibilities	
				From ¹	To (if applicable) ²

Annex 6 Requirements

An aeroplane subject to an Art. 83 *bis* agreement shall carry a certified true copy of the Agreement Summary

The Agreement Summary shall be transmitted to ICAO for registration

Recommended template

3. REGISTRATION REQUIREMENTS

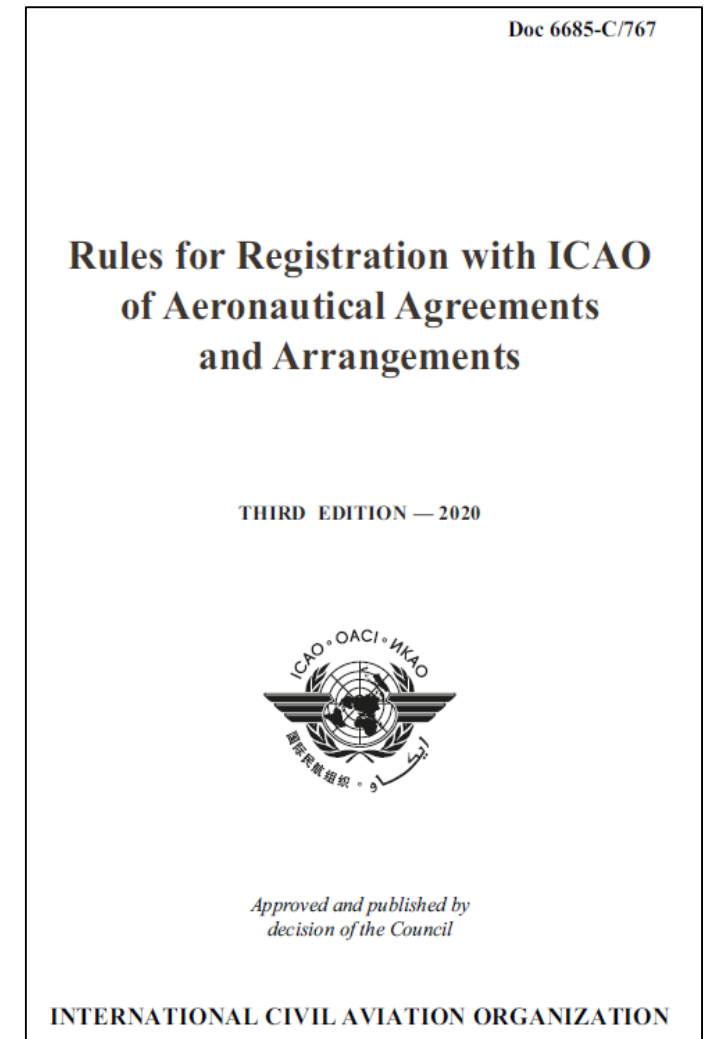
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Article 83: Obligation to Register Article 83 bis Agreement

Rules for Registration

- Agreements to be registered as soon as possible
- Agreement may be registered by either party
- Submission to include:
 - Certified true copy of the agreement
 - The Agreement Summary
- Translation if original agreement or Agreement Summary is not in an ICAO working language

WAGMAR





ICAO

WAGMAR WEBSITE OF AERONAUTICAL
AGREEMENTS AND ARRANGEMENTS

Search Agreement

Search Aircraft

User Guide

LOGIN

WAGMAR

WEBSITE OF AERONAUTICAL
AGREEMENTS AND ARRANGEMENTS

WAGMAR, new online interactive registration platform for swift and efficient registration of Article 83 bis agreements.

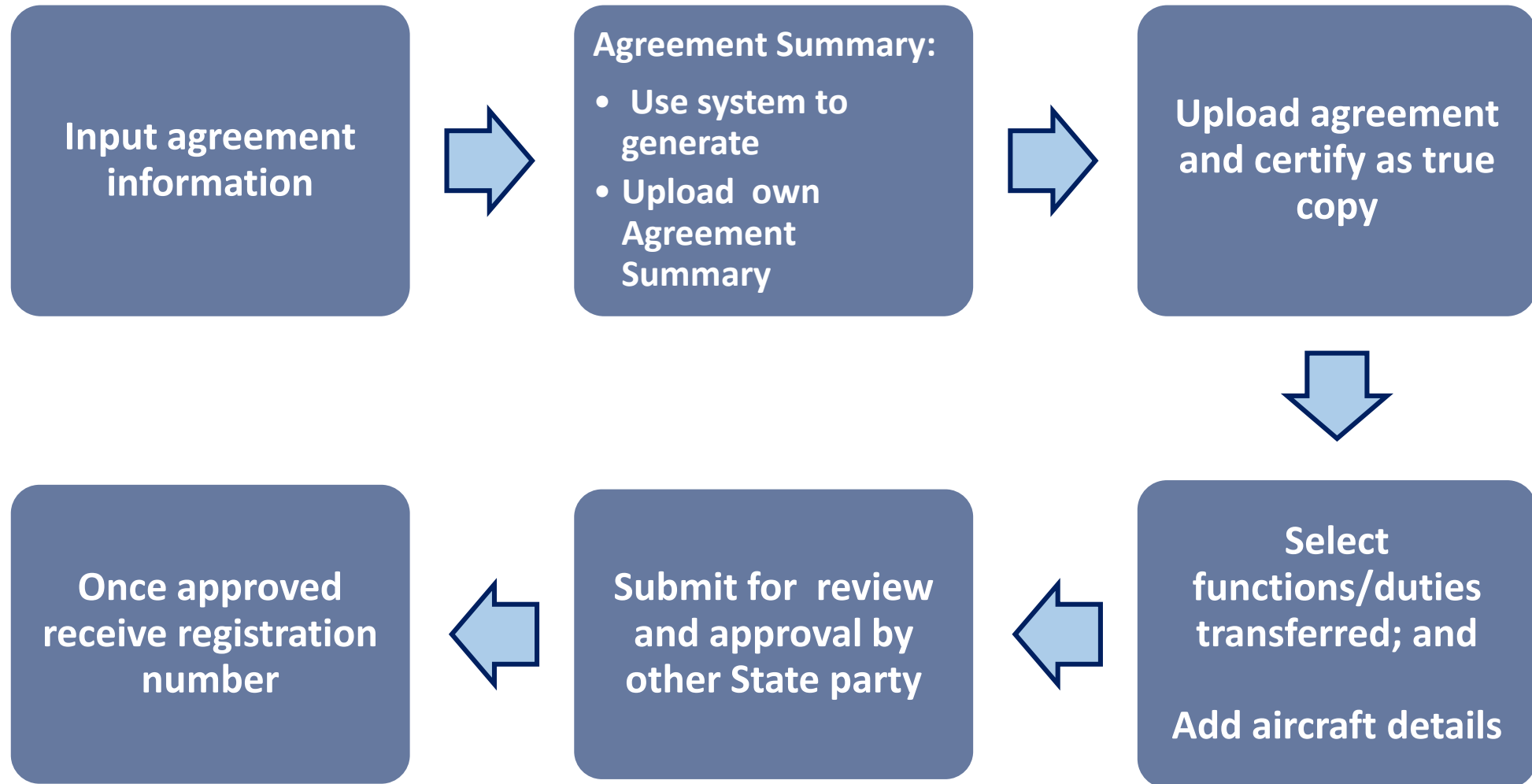
Main Features and Benefits

- Self-registration of agreements by State Focal Points;
- Intuitive process;
- No need to mail certified true paper copies to ICAO;
- Automated notifications to the other State party;
- Increased certainty



4. WAGMAR REGISTRATION PROCESS

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Agreement and Aircraft Search

Search Aircraft page

Filters

Serial Number

SerialNumber

OR

Nationality & Registration Marks

Nationality & Registration Marks

OR

Make

Nothing selected

Model

Nothing selected

Series

Nothing selected

From

01/01/0001

To

01/01/0001

AOC Number

AOC Number

Registration Number

Registration Number

SEARCH

CLEAR

Search Agreement page

Filters

Registration Number

Registration Number

OR

Organization

Nothing selected

State

Nothing selected

Start Date

01/01/0001

End Date

01/01/0001

Signed After

01/01/0001

Signed Before

01/01/0001

☒ Agreement 83

☒ Agreement 83 bis

☐ Exclude Agreements no longer In Force

SEARCH

CLEAR

Reg.#	Agreement Type	Registering State/Entity Other State/Entity Party	State of Registry State of the Operator	Registration Date
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ICAO

WAGMAR

WEBSITE OF AERONAUTICAL
AGREEMENTS AND ARRANGEMENTS

Search Agreement

Search Aircraft

User Guide

LOGIN

WAGMAR

WEBSITE OF AERONAUTICAL
AGREEMENTS AND ARRANGEMENTS

Current Use & Next Steps

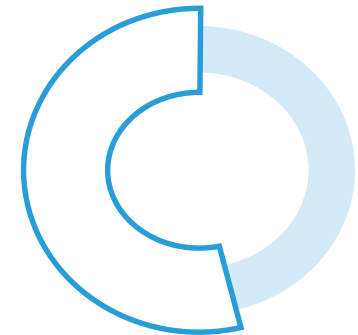
104 Focal Points
nominated by
States

More than 5000
agreements and
arrangements
available on
WAGMAR

Main upgrades
to functionalities
currently under
development

Nomination of
Focal Points by
senior official, as
detailed in State
Letter LE 4/70—
20/57

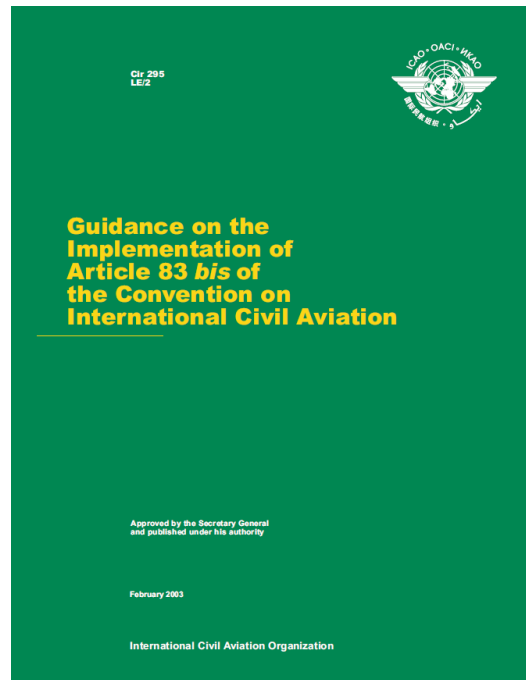
**Number of States
with Focal Points**



53%

5. GUIDANCE MATERIAL

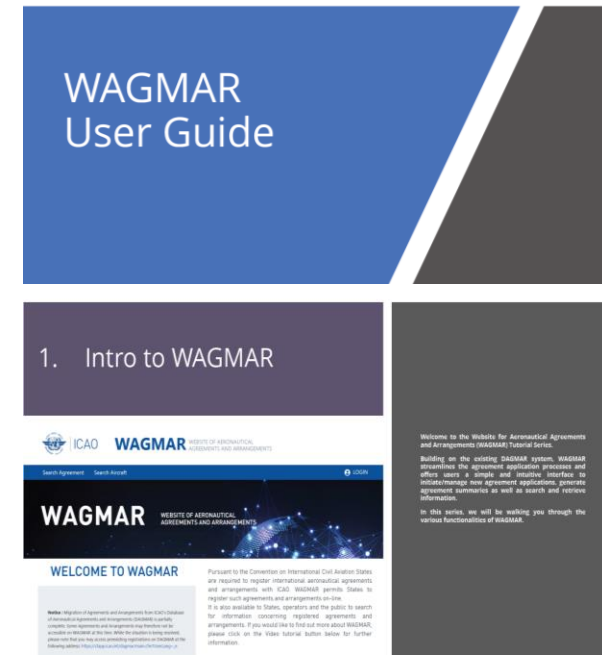
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ICAO Circular 295



Manual on the Implementation of Article 83 *bis* of the Convention



WAGMAR User Guide
WAGMAR homepage:
<https://dna.icao.int/WAGMAR>.

Registration questions:
WAGMAR@icao.int



Thank You!