

Article 83 *bis*

Background to the Article 83 *bis* Task Force

- At the 35th Session the Secretariat reported on difficulties States encounter in implementing Article 83 *bis*.
- The Committee established a Working Group which reported :
 - No legal issues per se with the language of Article 83 *bis*;
 - A lack of understanding by some member States on the application of Article 83 *bis* and the nature of leasing;
 - As a result some agreements registered with ICAO as Article 83 *bis* agreements do not meet the requirements of that article.
- The Council agreed to the recommendation of the Legal Committee that a task force be formed.

Article 83 *bis* Task Force

The Article 83 *bis* Task Force was established in September 2014.

Deliverables of the Task Force:

- Assist the ICAO Secretariat by making recommendations for revisions to ICAO Circular 295; and
- Identify options to be considered by ICAO as alternatives to the current registration system, possibly web-based.

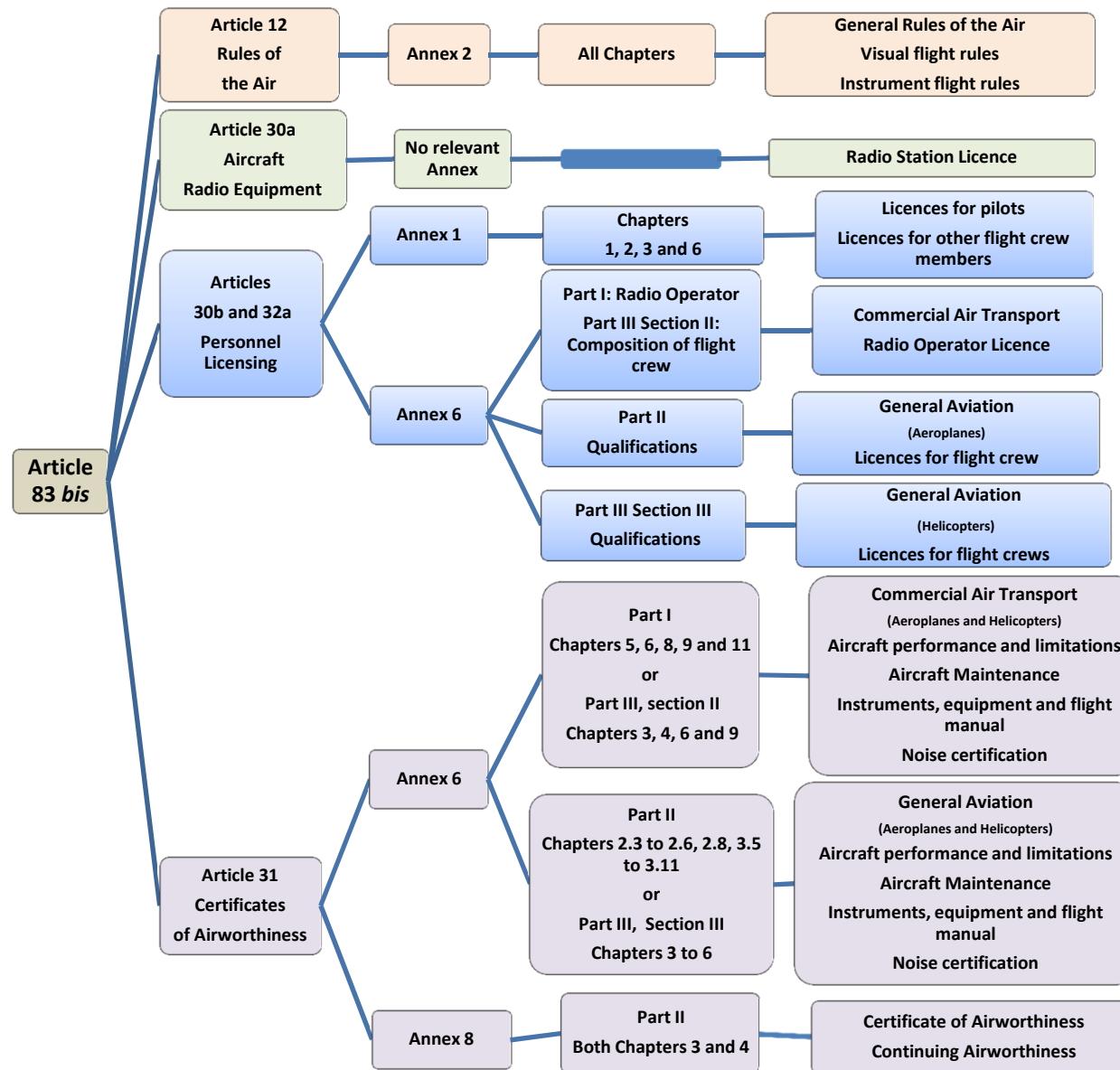
A new Manual on Article 83 *bis*

The Task Force recommended that Circular 295 should not be replaced by another circular but updated in the form of a Manual.

Features of the draft Manual on Article 83 *bis*

- **Suitability of Article 83 *bis***: Use is recommended mostly in situations of long term dry leases.
- **Flow Chart**:
 - Setting out the references in the Convention Annexes which correspond to the provisions mentioned in Article 83 *bis* as a possible basis for transfer of responsibilities (Articles 12, 30, 31 and 32a);
 - To help clarify which specific duties and functions of the State of Registry are candidates for transfer.

Article 83 *bis* Transfer Flowchart



Further features of the draft Manual

- **Negotiation, content and signature of Article 83 *bis* Agreements:** Step-by-step description of the entire process leading to signature of Article 83 *bis* agreements.
- **Inspections:** Guidance on inspections of aircraft operated under Article 83 *bis* agreements and the training of inspectors.
- **Template for an Article 83 *bis* Agreement Summary:** Three uses:
 - Cover page to an Article 83 *bis* Agreement, assisting the parties to determine the scope of their agreed transfer;
 - To facilitate registration with ICAO of the agreements, providing improved clarity of the information published;
 - To be carried on board aircraft concerned, to facilitate verifications by ramp inspectors.

83bis Agreement Summary

SUMMARY OF ARTICLE 8S BIS AGREEMENT FOR THE PURPOSE OF REGISTRATION OF THE AGREEMENT AND CARRYING ON BOARD THE AIRCRAFT

Title of the Agreement:	
State of Registry & Focal Point:	
State of the Operator & Focal Point:	
Date of signature ¹	By State of Registry: By State of the Operator:
Date of entry into force ¹ :	
[Duration/Expiry date ¹ :]	
Languages of the Agreement:	
ICAO Registration No. (if available)	
Umbrella Agreement (if any) with ICAO Registration number:	

Chicago Convention	ICAO Annexes affected by the transfer to the State of the Operator of responsibility in respect of certain functions and duties			
Article 12: Rules of the Air	Annex 2	Yes	☐	All chapters
		No	☐	
Article 30a: Aircraft radio equipment	Radio Station Licence	Yes	☐	
		No	☐	
Articles 30b and 32a: Personnel Licensing	Annex 1 and	Yes	☐	Chapters 1, 2, 3 and 6.
	Annex 6 Part I: Radio Operator or Part III, Section II: Composition of the flight crew, and/or Part II, or Part III, Section III: Qualifications	No	☐	Specify:
Article 31: Certificates of Airworthiness	Annex 6 Part I or Part III, Section II	Yes	☐	Specify:
		No	☐	
	Annex 6 Part II or Part III, Section III	Yes	☐	Specify:
		No	☐	
	Annex 8 Part II, Chapters 3 and 4	Yes	☐	Specify:
		No	☐	

Aircraft affected by the transfer of responsibilities to the State of the Operator					
Aircraft make, model, series	Nationality & Registration marks	Serial No	AOC # (Commercial Aviation)	Lease/Charter/Interchange From date ¹	Lease/Charter/Interchange To date ¹

¹ (dd/mm/yyyy)

Recommendations to the Legal Committee

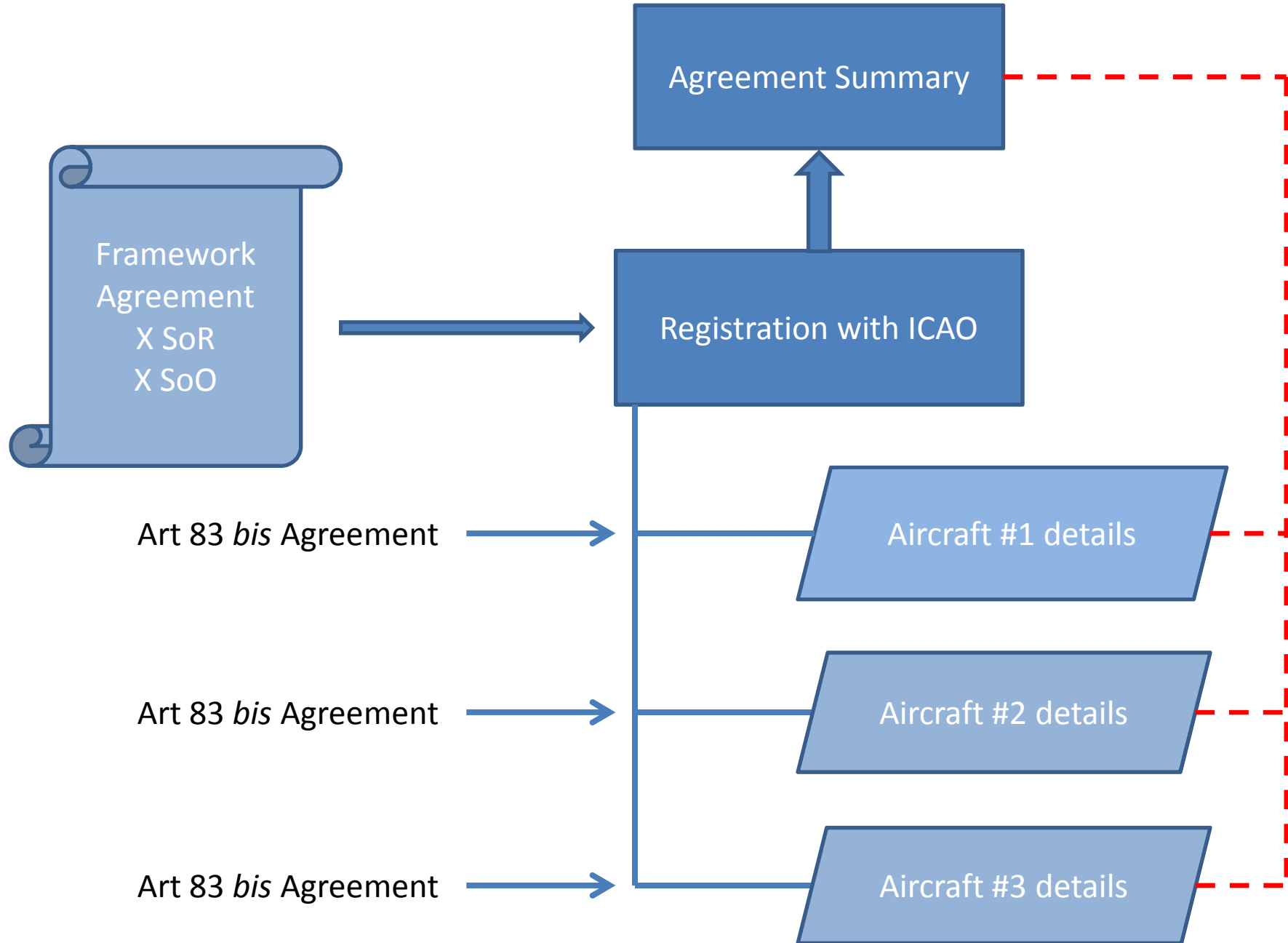
Five recommendations for the consideration and endorsement by the Legal Committee:

1. ICAO amend its Rules for Registration to permit web based registration of Article 83 *bis* agreements.
2. ICAO establish a web-based registry for the timely registration and publication of Article 83 *bis* agreements.
3. Annex 6 to the Chicago Convention be amended to make it a standard that the one page summary of the Article 83 *bis* agreement (in paper or electronic format) be carried on board the aircraft while the agreement is in force.
4. ICAO clarifies the notions of Operator and State of the Operator in the context of general aviation and considers amending relevant standards for the transfer of responsibilities from the State of Registry; and to explore the applicability of Article 83 *bis* to Aerial Work aircrafts and Remotely Piloted Aircraft .
5. Promotion of ratification of the Protocol on Article 83 *bis* by States not parties to it and making consequential changes to their national laws.

Digital Registration of Art 83 *bis* Agreements and Arrangements

Typical Structures for Article 83 *bis* Agreements

- Single aircraft agreements
 - Detailed agreement dedicated to the transfer of a single aircraft
- Multi aircraft agreements
 - Single agreement that lists multiple aircraft issued on a one off basis
- Framework agreements
 - High level agreement setting out how and what is to be transferred but not listing any aircraft
 - Lower level agreement or Schedules listing affected aircraft and on a dynamic basis as aircraft are leased



Basic Principals for the Register

- Agreements still signed in pen and ink or however the States involved agree
- Register only records the agreements, the salient points of the elements transferred and the aircraft affected
- Digital signatures are used to verify the registration actions and not the signature of the agreements

Familiar Digital Signature Technologies

- Chip and pin systems used in personal banking systems
- Digital certificates already used by many States world wide for tax return systems
- Proprietary well known brand names for digital signature of electronic documents
- Existing registries already working using such technology – International Registry of Mobile Assets (Cape Town Convention)

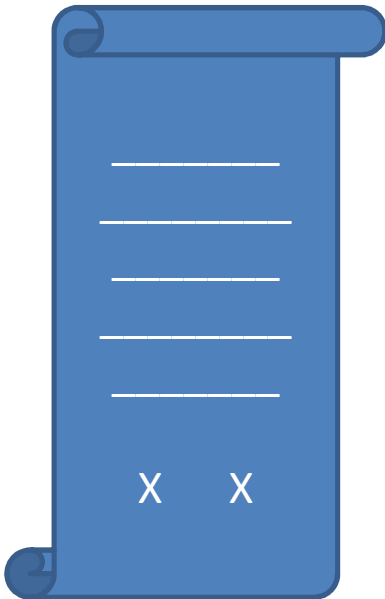
Digital Registration Process

- Overview of basic steps
- Not recommending any specific technology
- Description at concept level
- But consistent with existing systems in other domains

Original paper
Agreement
signed by States
1 & 2

Step 1

Article 83 *bis* Agreement



- Article 83 *bis* agreement signed on paper using ink in the conventional way
- Simpler for the present but possible to dispense with in the future subject to the acceptance of digital signatures by States for such purposes
- The register uses digital signatures to register the agreements - not to make the agreements

Provisional
notification to
ICAO

Scanned
Agreement

Agreement
Summary
Sheet

1 . S
2 . X
3 . S
4 . S

State
1

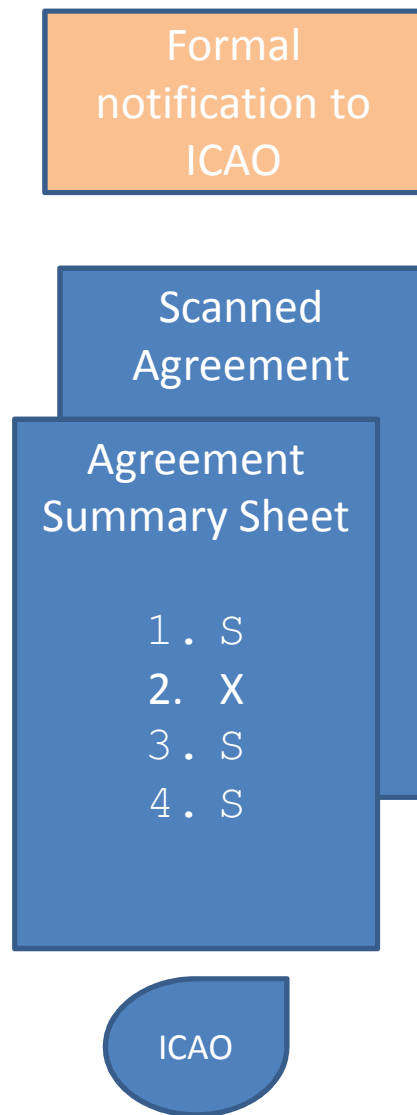
State
2

Other States

Step 2

Provisional Notification

- First State scans the agreement and uploads to the ICAO database.
- First state fills out the Agreement Summary sheet
- The second State verifies the scanned copy and Summary sheet and digitally signs the record thereby locking it.
- The First State digitally signs the scanned copy and the Summary sheet thereby completing the formal registration of the agreement.
- States have the ability to notify other contracting States automatically on completion of this stage.
- Scanned copy of agreement and Summary sheet submitted for ICAO verification.



Step 3

Formal Notification

- ICAO formally receives the digital record on the database
- ICAO carries out an automated check, which if successful results in the ICAO digital signature of the record and the automatic publication of the Article 83 *bis* agreement on the register
- ICAO manually checks any agreement that does not pass the automated check and digitally signs if appropriate

Final formal
record

Step 4 Final Formal Record

#1

- Scanned Agreement
- Agreement Summary Sheet

#2

- Scanned Agreement
- Agreement Summary Sheet
- Schedule

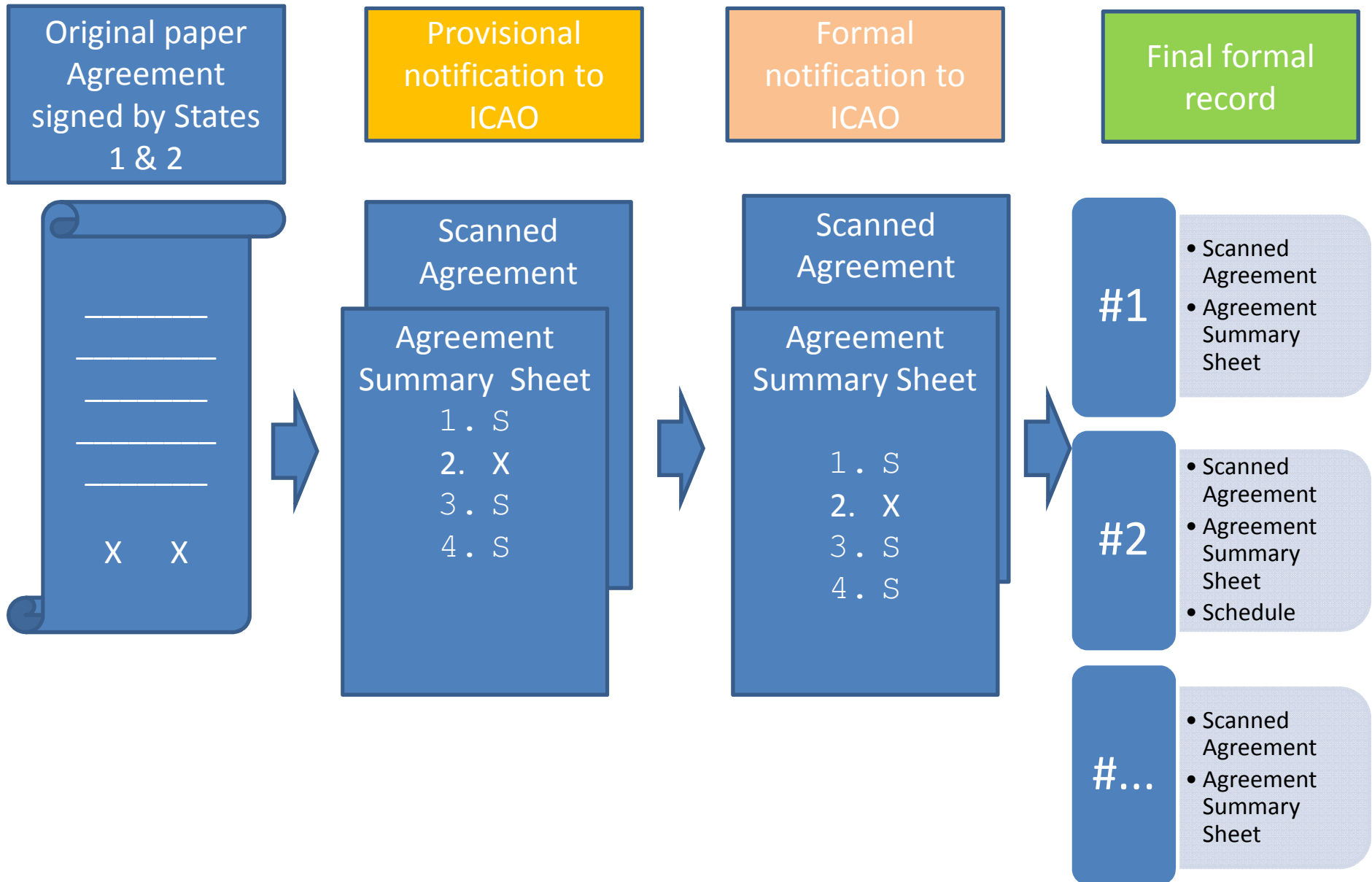
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- Scanned Agreement
- Agreement Summary Sheet

- Searchable on the ICAO official website
- Facility for system to send automated notices to other contracting States by email
- Generates reports and trends for the management by ICAO Secretariat and member States

Searches,
requests, notices
by email, reports
trends etc

Digital Registration Process Overview



Conclusions

- The effective use of Article 83 *bis* requires near real time registration and notification to the ICAO community.
- The technology to create and operate electronic registers is already proven and trusted.
- The development of an ICAO digital register for Article 83 *bis* is recommended.