

DELEGATION AGREEMENT BETWEEN

IRELAND and PHILIPPINES

On The Implementation Of Article 83 bis To The Chicago Convention

Whereas the protocol relating to Article 83 bis of the Convention on International Civil Aviation (Chicago, 1944), to which **IRELAND** and **PHILIPPINES** are parties, entered into force on 20th June 1997.

Whereas Article 83 bis, with a view to enhanced safety, provides for the possibility of transferring to the State of the Operator all or part of the State of Registry's functions and duties pertaining to Articles 12, 30, 31, and 32 (a) of the Convention;

Whereas, in line with ICAO Document 9642, Part VIII, Chapter 1, and in light of ICAO Document 8335, Chapter 10, it is necessary to establish precisely the international obligations and responsibilities of **IRELAND** (State of Registry) and **PHILIPPINES** (State of the Operator) in accordance with the Convention;

Whereas, with reference to the relevant Annexes to the Convention, this agreement organises the transfer from **IRELAND** to **PHILIPPINES** of responsibilities normally carried out by the State of Registry, as set out in paragraphs 3 and 4 below;

Whereas the protocol was ratified by **Ireland** through the transfer of certain functions as defined in Statutory Instrument SI 322 of 1989 "Air Navigation" (Transfer of Certain Functions and Duties of State of Registry) Order 1989, has given affect to the agreement in relation to 83bis.

The Civil Aviation Authority of **IRELAND**

IRISH AVIATION AUTHORITY
Aviation House
Hawkins Street
Dublin 2.
Ireland.

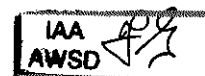
and

The Civil Aviation Authority of **PHILIPPINES**

Department Of Transport And Communication
RP-Air Transportation Office
Pasay City
Merto Manilla 1300
Republic Of The Philippines.

Hereinafter referred to as "the Parties", have agreed as follows on behalf of their respective Governments on the basis of Articles 33 and 83 bis of the Convention:

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GENERAL

1. In pursuance of the Chicago Convention and article 4 and 5 of Statutory Instrument S.I. 322 of 1989 **IRELAND** shall be relieved of responsibility in respect of the functions and duties transferred to **PHILIPPINES** upon due publicity or notification of this agreement as determined in paragraph (b) of Article 83 *bis*.
2. The scope of this agreement shall be limited to aircraft on the register of civil aircraft of **IRELAND** and operated under leasing arrangement by an Philippine operator who's principal place of business is in **PHILIPPINES**

The list of current Irish registered aircraft types and Philippine carrier concerned, is reproduced in the attached Schedule 1,

TRANSFERRED RESPONSIBILITIES

3. Under this agreement, the parties agree that **IRELAND** transfers to **PHILIPPINES** the following responsibilities, including oversight and control, of relevant items contained in the respective Annexes to the Convention:

Annex 1

Personnel Licensing - issuance and validation of licenses.

Annex 2

Rules of the Air - enforcement of compliance with applicable rules and regulations relating to the flight and manoeuvre of aircraft.

Annex 6

Operation of aircraft (Part 1 International Commercial Air Transport-Aeroplanes) all responsibilities which are normally incumbent on the State of Registry. Where responsibilities in Annex 6, Part 1, may conflict with responsibilities in Annex 8 *Airworthiness of Aircraft*, allocation of specific responsibilities is defined in the attached Schedule.2.

4. Under this agreement, while **IRELAND** will retain responsibility under the Chicago Convention for the regulatory oversight and control of Annex 8 - *Airworthiness of Aircraft*. The responsibility for the maintenance surveillance of Irish registered aircraft, operated by an **Philippine** operator is hereby transferred to **PHILIPPINES**, including Annex 8 part ii Para 4, Continuing Airworthiness Of Aircraft, Para 6 Temporary Loss Of Airworthiness, and Para 8 Aircraft Limitations And Information [Aircraft Flight Manual].
5. The procedures related to the continuing airworthiness of **Irish** registered aircraft to be followed by an **Philippine** operator are contained in the operator's Maintenance Control Manual (MCM) or equivalent approved manuals.

Schedule 2 (hereunder describes the responsibilities of the parties regarding the Continuing Airworthiness of Aircraft.)

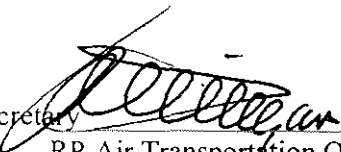
NOTIFICATION

- 6. Responsibility for notifying directly any States concerned of the existence and contents of this agreement pursuant to Article 83 bis (b) rests with the State of the Operator **PHILIPPINES**.
- 7. This agreement, as well as any amendments to it, will also be registered with ICAO by the **Irish Aviation Authority** or the State of the Operator **PHILIPPINES "Air Transportation Office"** as required by Article 83 of the Convention, and in accordance with the Rules for Registration with ICAO of Aeronautical Agreements (ICAO Doc 6685).
- 8. A certified true copy of this agreement shall be placed on board each aircraft to which this agreement applies. A certified true copy of the Air Operator Certificate (AOC)-issued to **Philippine operators** of Irish registered aircraft by the **Philippines "Air Transportation Office"** in which the aircraft concerned will be duly listed and properly identified, shall also be carried on board each aircraft.

FINAL

- 9. This agreement will enter into force on its date of signature, and come to an end at the culmination of the respective leasing arrangements under which they are operated. Any modification to the agreement shall be agreed by the parties there to in writing.
- 10. This agreement is accepted and signed by:

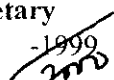
Director 
IRELAND [IAA] Irish Aviation Authority

: Assistant Secretary 
Philippines RP-Air Transportation Office

For the Civil Aviation Authority of IRELAND

For the Civil Aviation Authority of PHILIPPINES

Mr John Nolan
Director- Safety and Regulatory
Dated. 22nd November 1999

Capt. Jacinto F Ortega, Jr
Assistant Secretary
Dated. 1/28 -1999


ATTACHMENTS:

[Schedule 1] Page 4 (Schedule of Irish registered aircraft types and Philippine operators affected by this agreement) [dated 22nd November 1999.]

[Schedule 2] Page 5. Responsibilities of IRELAND and PHILIPPINES Regarding Airworthiness.



SCHEDULE 1

Current Schedule Of Irish Registered Aircraft Types And Philippine Operators Affected

By This Delegation Agreement.

<u>Schedule Of Irish Registered Aircraft Types Affected</u>
Boeing 737-3YO

<u>Schedule Of Philippine Air Operators Affected</u>
Philippine Airlines Inc.

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SCHEDULE 2

**RESPONSIBILITIES OF IRELAND AND PHILIPPINES
REGARDING AIRWORTHINESS**

ICAO Doc.	Subject	Responsibilities Of The State Of Registry. IRELAND	Responsibilities Of State Of Operator. PHILIPPINES
-Annex 8, Part 1, paras 4.2.3, 4.2.4.4.2.5. -Doc 9642, Part V1, Ch. 1	Mandatory Continuing Airworthiness Information	The Irish Aviation Authority will advise Philippine Air Transportation Office of its requirements in this regard.	Ensure that operators comply with mandatory continuing airworthiness information transmitted by Irish Aviation Authority.
Annex 6 part 1 para 5.2.4.	Operation of aircraft in compliance with its certificate of airworthiness		Assume State of Registry's responsibility as defined in para 5.2.4 of Annex 6 Part 1.
Annex 6 Part 1, para. 8.1.2	Operators Maintenance Responsibilities		Approve Operators main base maintenance organisation and line stations away from Operators main base.
Annex 6 part 1, para 8.2.1 to 8.2.4	Operators Maintenance Control Manual (MCM)		Ensure that guidance is contained in the MCM, approve the MCM, and transmit copy to Irish Aviation Authority.
Annex 6 part 1, paras 8.4.1 to 8.4.3	Maintenance Records	Will inspect maintenance records and documents annually, at certificate of Airworthiness renewals.	Ensure that records are kept in accordance with para 8.4.1 to 3.4.3 and inspect in accordance with the requirements of the Air Operators Certificate. (AOC)
Annex 6, Part 1, paras 8.5.1 to 8.5.2	Continuing Airworthiness Information	The Irish Aviation Authority will advise Philippine Air Transportation Office of its requirements in this regard.	Ensure that airworthiness requirements of IRELAND and Philippines are complied with and adequate procedures are incorporated in the MCM.
-Annex 6, Part 1, para 8.6 -Doc. 9642, Part V111, App .A, No.3.7	Modifications And Repairs	Irish Aviation Authority Aeronautical Notice A 6 and A 9 (latest issue) requirements apply in the case of approval for modification and repairs.	Ensure the requirements are contained in the MCM and approve the MCM.
Annex 6, Part 1, paras 8.7.1 to 8.7.7.2.	Approved Maintenance Organisation	Base maintenance organisations (except operators main base) to be utilised by leased fleet operators must be agreed in advance with the Irish Aviation Authority.	-Approval of Operators main base maintenance organisation and procedures, for the paras. 8.7.1 to 8.7.7.2 including line maintenance arrangements away from base. -Ensure the procedures are contained in the MCM and approve the MCM.

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SCHEDULE I(a)

Current Schedule Of Irish Registered Aircraft Types, Registration, Serial Number And Philippine Operators Affected By This Delegation Agreement.

<u>Schedule Of Irish Registered Aircraft Affected</u>
Boeing 737-3YO
Registration EI-BZE Serial Number 24464
Registration EI-BZF Serial Number 24465
Registration EI-BZJ Serial Number 24680
Registration EI-BZL Serial Number 24770
Registration EI-BZN Serial Number 24681
Registration EI-BZM Serial Number 24677
BOEING 737-36N
Registration EI-CUL Serial Number 28559

<u>Schedule Of Philippine Air Operators Affected</u>
PHILIPPINE AIRLINES INC.

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This Schedule is effective on 8 May, 2000 but may change from time to time.

ICAO
May 8, 2000.