

ADMINISTRATIVE PACKAGE FOR RATIFICATION OF THE PROTOCOL ON ARTICLE 83 BIS

1. **Full name of instrument:**

Protocol Relating to an Amendment to the Convention on International Civil Aviation [Article 83 bis], signed at Montreal on 6 October 1980. (Doc 9318)

2. **History:**

Assembly - 23rd Session, Montreal, 16 September to 6 October 1980.

3. **Summary:**

This Protocol provides for the transfer of certain functions and duties from the State of registry to the State of the operator. Notwithstanding the provisions of Articles 12, 30, 31 and 32 a) of the Chicago Convention, when an aircraft registered in a Contracting State is operated pursuant to an agreement for 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 obligations 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. 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 of ICAO and made public pursuant to Article 83 of the Chicago Convention, 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.

4. **Main reasons for ratification:**

The transfer of certain functions and duties from the State of registry to the State of the operator of leased, chartered or interchanged aircraft, as provided for by Article 83 *bis*, clarifies safety responsibilities, simplifies procedures and enhances aviation safety.

5. **Entry into force:**

The Protocol came into force on 20 June 1997.

6. **Depositary:**

The Secretary General
Attention: Legal Bureau
International Civil Aviation Organization
999 University Street
Montreal, Canada
H3C 5H7

Attachment: Model Instrument of Ratification

**MODEL
INSTRUMENT OF RATIFICATION
BY THE
(NAME OF STATE)**

WHEREAS the (name of State) is a party to the Convention on International Civil Aviation, signed at Chicago on 7 December 1944 (hereinafter “the Convention”), having adhered thereto on (date of adherence);

WHEREAS the aforesaid Convention has been amended by the Protocol hereinunder mentioned:

Protocol relating to an Amendment to the Convention on International Civil Aviation [Article 83 *bis*], signed at Montreal on 6 October 1980;

WHEREAS the Protocol came into force on 20 June 1997 for States which have ratified it;

AND CONSIDERING it desirable that the (name of State) should become party to this Protocol of Amendment to the Convention on International Civil Aviation;

NOW THEREFORE, the (name of State), having examined the said Protocol of Amendment, hereby *RATIFIES* the same, and confirms that the (name of State) shall abide by all of the provisions therein contained.

IN WITNESS THEREOF, I have signed this Instrument of Ratification and affixed hereunto the Seal of the (name of State).

Date

(Signature by Head of State,
Head of Government or
Minister for External Affairs)

Seal