



**INTERNATIONAL
CIVIL AVIATION
ORGANIZATION**





| ICAO



Article 83 *bis* and the Registration of Aeronautical Agreements

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Overview of Presentation

1. Article 83 *bis* agreements
2. Registration functions
3. WAGMAR



1. Article 83 *bis* Agreements

Background

Protocol

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

Wide Participation

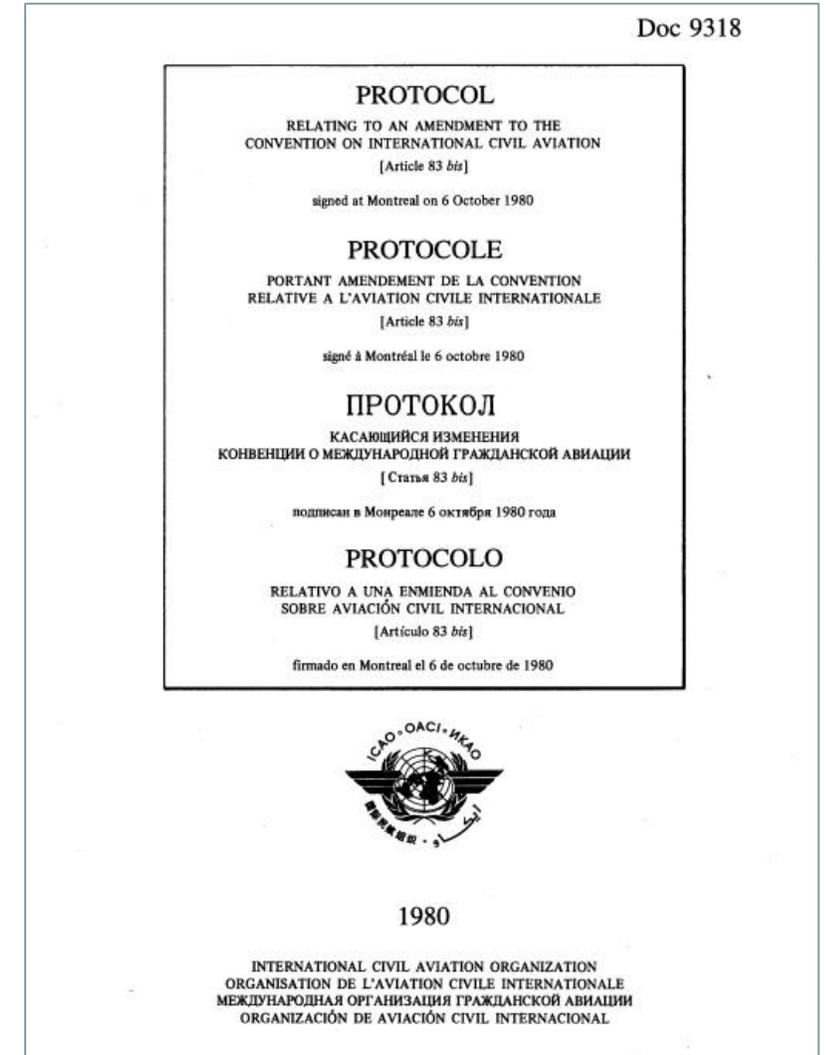
- Currently 182 Parties (**50 African States**) to the Protocol.

Rationale

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

Article 83 *bis* Task Force

- Preparation of the Manual on Article 83 *bis*.
- 5 recommendations.



1. Article 83 *bis* Agreements



Article 83 *bis*

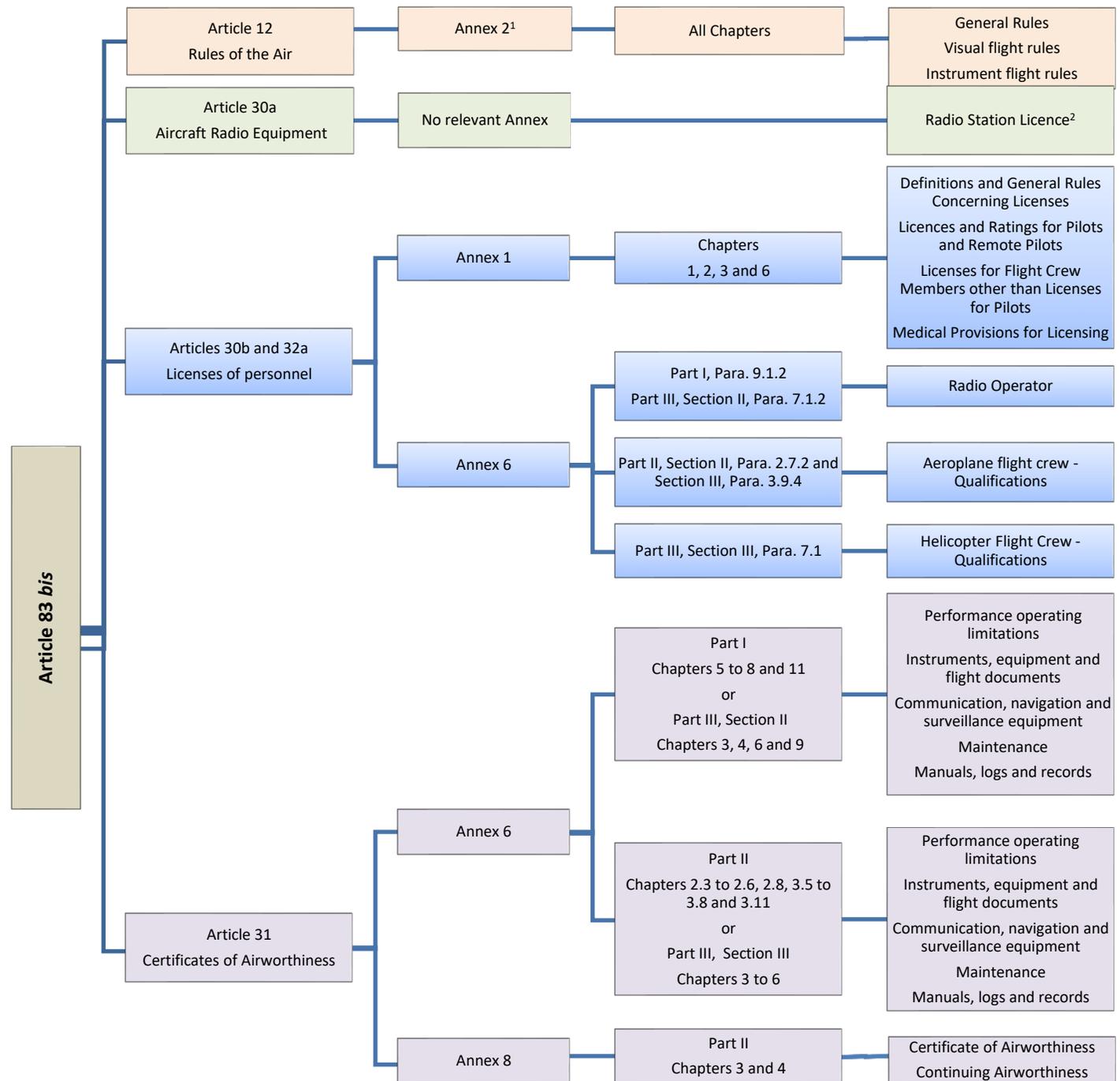
Transfer of certain functions and duties

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.

1. Article 83 bis Agreements

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



1. Article 83 *bis* Agreements

Benefits

Facilitates

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

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

1. Article 83 *bis* Agreements

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

1. Article 83 *bis* Agreements

Safety Oversight Responsibilities

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

Responsibilities of the State of the Operator

- 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

Responsibilities of the State of Registry

- Monitoring safety oversight of the State of the Operator
- Airworthiness Responsibilities
- Training of Inspectors
- Assistance to owner/lessor
- Responsibilities on termination of the agreement

Responsibilities of Third States

- 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 bis 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 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

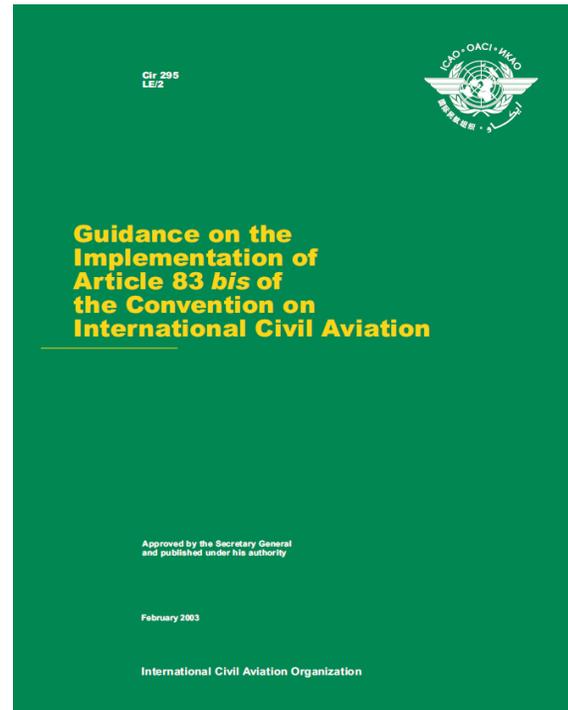
The Agreement Summary shall be transmitted to ICAO for registration

Recommended template



1. Article 83 *bis* Agreements

Guidance Material



ICAO Circular 295

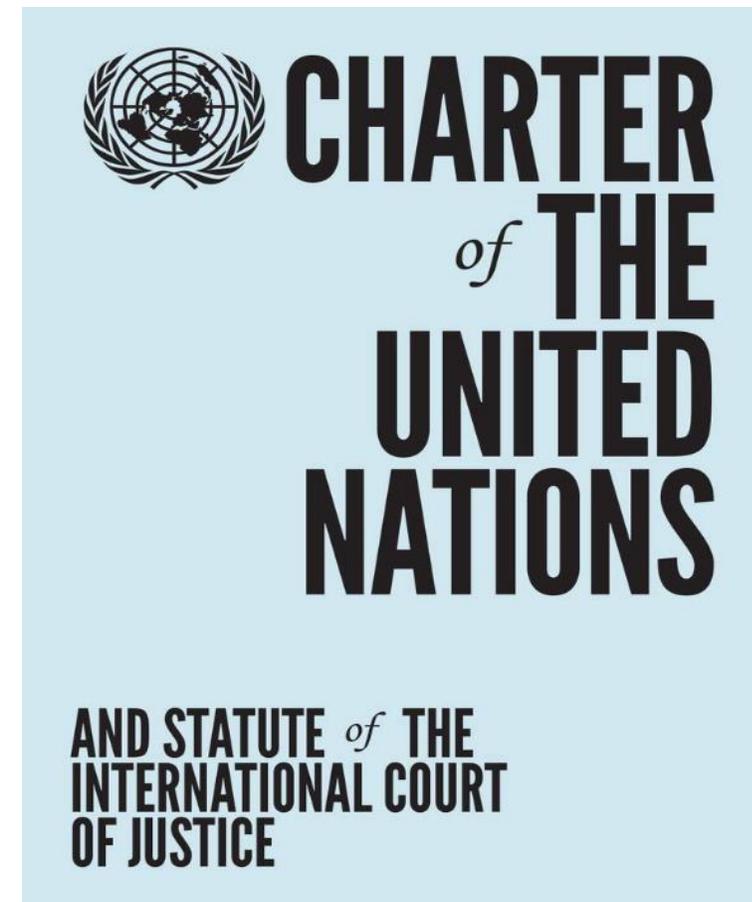


Manual on the Implementation of Article 83 *bis* of the Chicago Convention

2. Registration Functions

Registration of Treaties in International Law

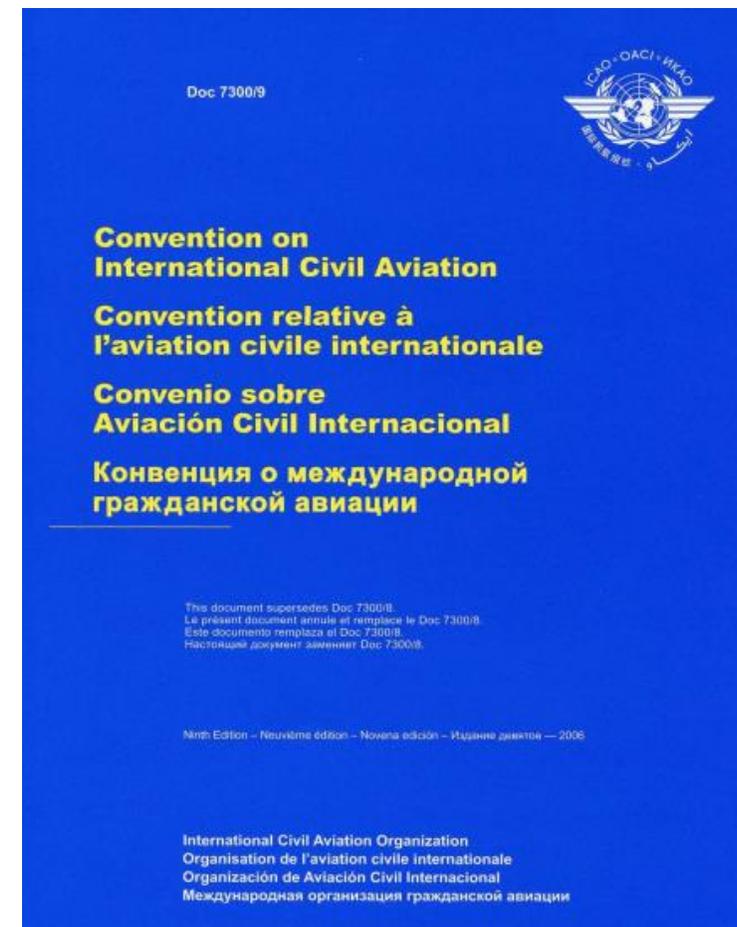
- **Background**
 - Following WWI: 14 Points presented by US President Woodrow Wilson – *Open diplomacy without secret treaties*
- **Registration of Treaties**
 - Article 18, Covenant of the League of 1919
 - Articles 81 and 83, Chicago Convention 1944
 - Article 102, Charter of the United Nations 1945



2. Registration Functions

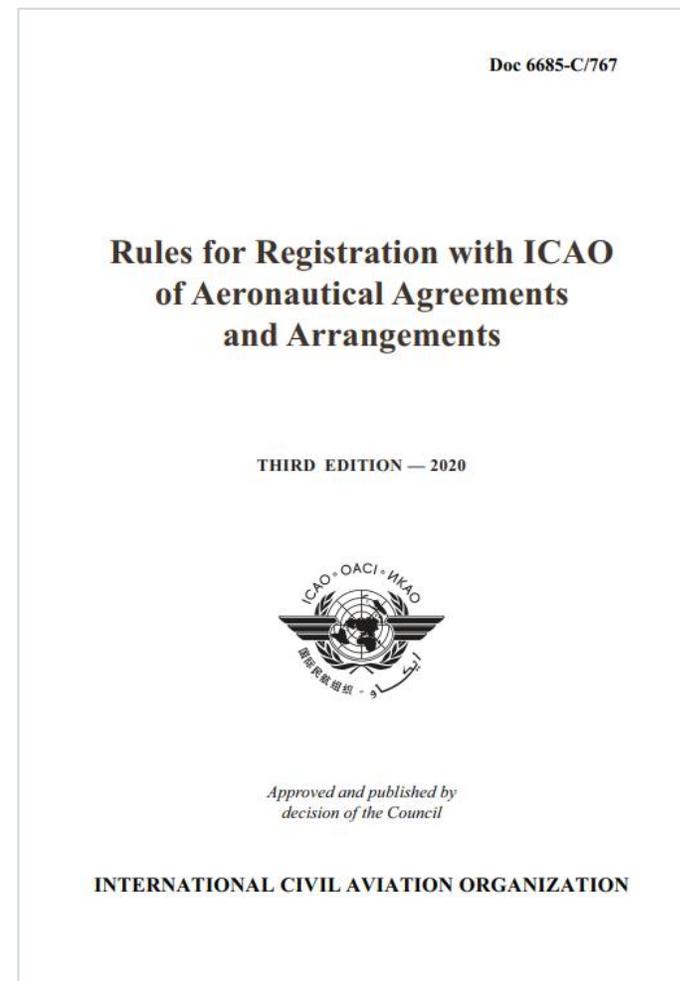
Article 83 of the Chicago Convention

- “any contracting State may make arrangements not inconsistent with the provisions of this Convention. Any such arrangement shall be forthwith registered with the Council, which shall make it public as soon as possible”



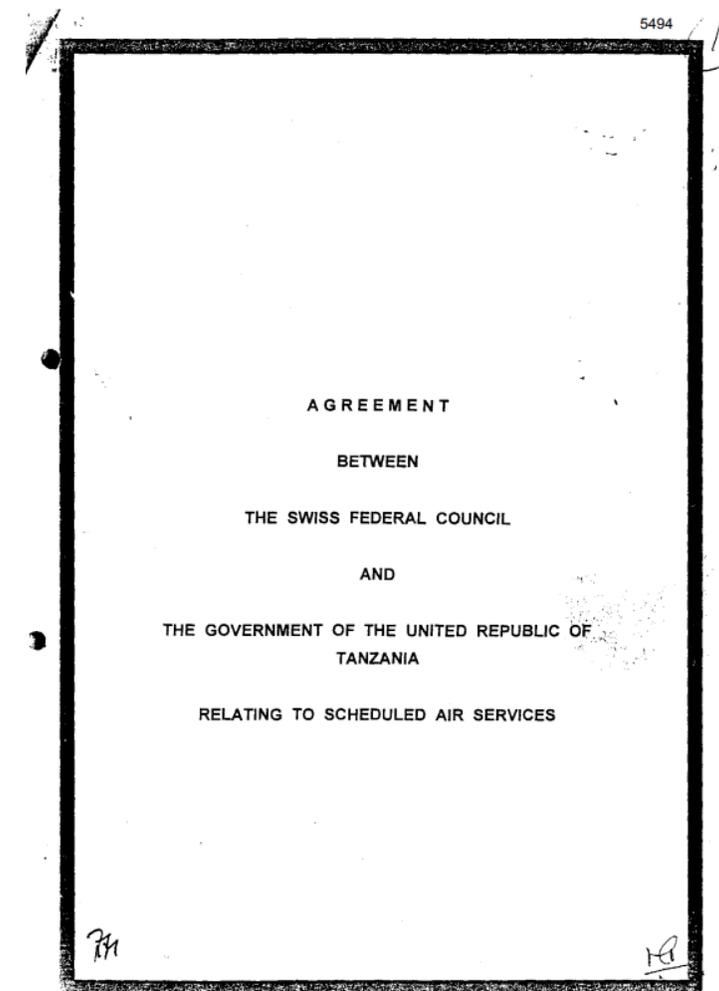
2. Registration Functions

- *Rules for Registration with ICAO of Aeronautical Agreements and Arrangements (Doc 6685)*
- Aeronautical agreement or arrangement:
 - any agreement or arrangement, whatever its form and descriptive name, relating to international civil aviation
- Registration of agreements between:
 - a Contracting State and any other State;
 - a Contracting State and an airline of any other State;
 - a Contracting State and a national (physical person or corporation) of any other State if it relates to the ownership or operation of any international air service, aerodrome or air navigation service.



2. Registration Functions

- Key registration requirements:
 - 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 (83 *bis* Agreements only)
 - Translation, if original agreement (or Agreement Summary) is not in an ICAO working language
- Each agreement registered can be identified with a unique ICAO Registration Number



3. WAGMAR

Main features and benefits:

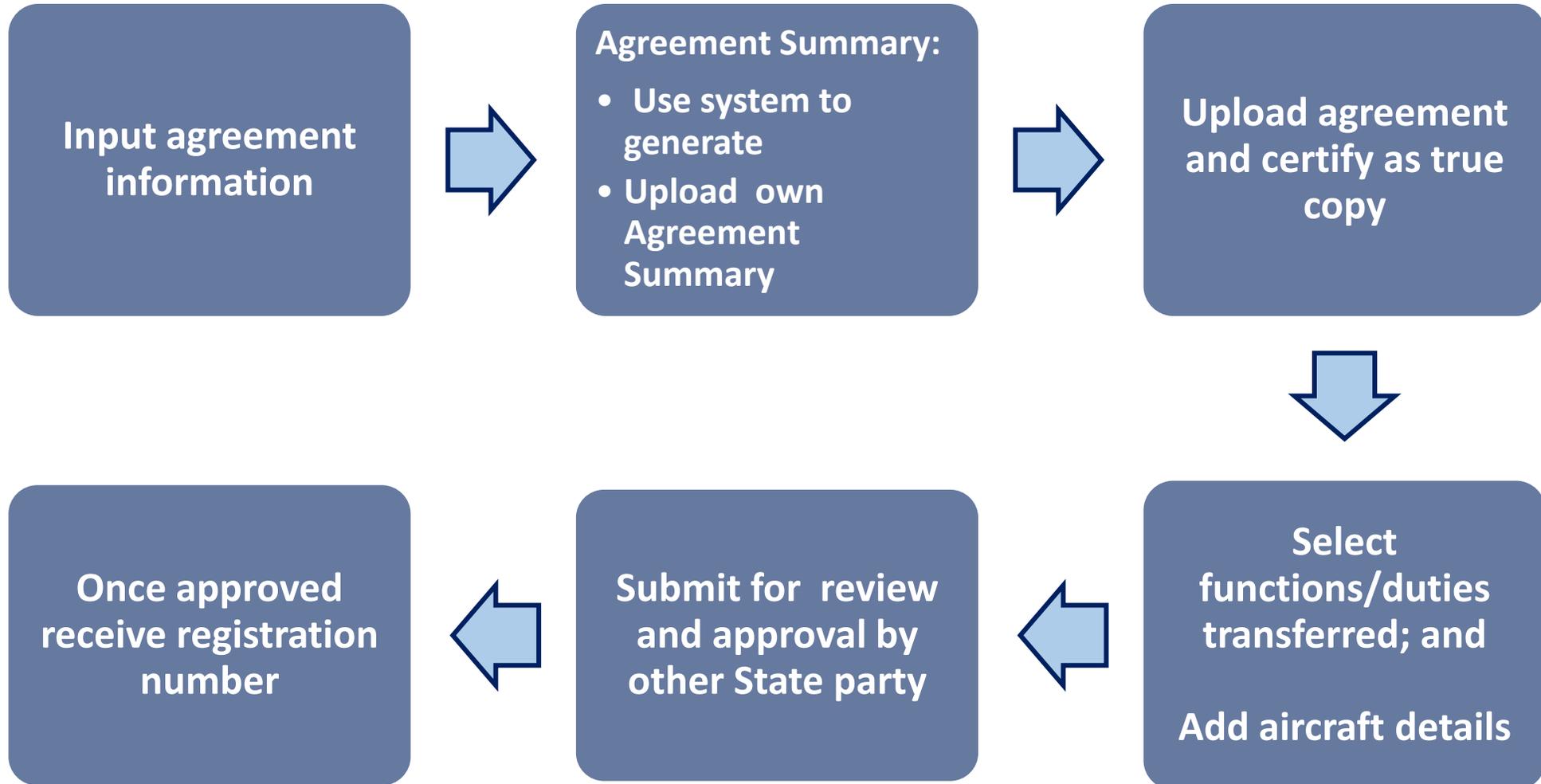
- Self-registration of agreements by State Focal Points;
- Intuitive process;
- No need to mail certified true paper copies to ICAO;
- Automated notifications to the other State party;
- Increased certainty



The screenshot shows the WAGMAR website interface. At the top left is the ICAO logo. To its right is the text "WAGMAR WEBSITE OF AERONAUTICAL AGREEMENTS AND ARRANGEMENTS". Below this is a navigation bar with links for "Search Agreement", "Search Aircraft", and "User Guide", and a "LOGIN" button on the right. The main header features the "WAGMAR" logo and the full name of the website. The background of the header is a dark blue globe with a network of glowing lines. Below the header, the text "WELCOME TO WAGMAR" is displayed. A notice box contains the following text: "Notice : Migration of Agreements and Arrangements from ICAO's Database of Aeronautical Agreements and Arrangements (DAGMAR) is partially complete. Some Agreements and Arrangements may therefore not be accessible on WAGMAR at this time. While the situation is being resolved, please note that you may access preexisting registrations on DAGMAR at the following address: https://cfapp.icao.int/dagmar/main.cfm?UserLang=_e." To the right of the notice, a paragraph states: "Pursuant to the Convention on International Civil Aviation States are required to register international aeronautical agreements and arrangements with ICAO. WAGMAR permits States to register such agreements and arrangements on-line. It is also available to States, operators and the public to search for information concerning registered agreements and arrangements. If you would like to find out more about WAGMAR, please click on the Video tutorial button below for further information."

3. WAGMAR

Registration Process



3. WAGMAR

Agreement and Aircraft Search

Search Aircraft page

Filters

Serial Number

OR

Nationality & Registration Marks

OR

Make Model Series

From To

AOC Number Registration Number

Search Agreement page

Filters

Registration Number

OR

Organization State

Start Date End Date

Signed After Signed Before

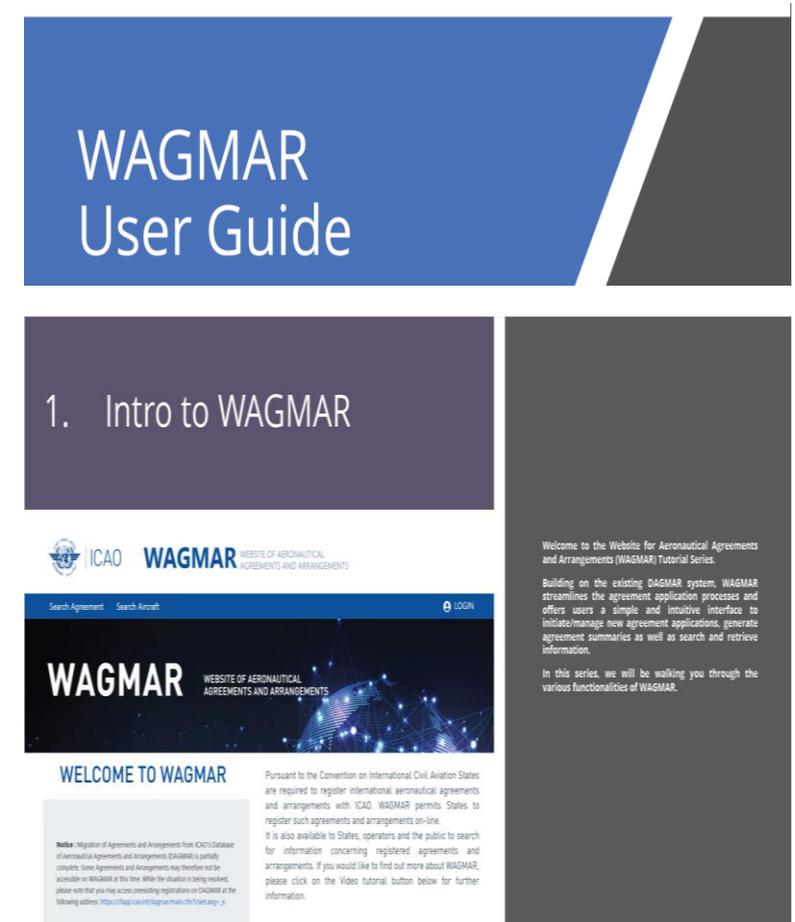
Agreement 83 Agreement 83 bis Exclude Agreements no longer In Force

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

Current Use

- 111 States with nominated Focal Points.
- More than 5500 registrations publicly available on WAGMAR
- Registration information publicly available.
- WAGMAR User Guide: <https://dna.icao.int/WAGMAR>.
- Assembly Resolution A42-5, Appendix H:
 - calls upon Contracting States to submit for registration their aeronautical agreements and arrangements;
 - invites Contracting States to make use of the WAGMAR platform for the registration of their aeronautical agreements and arrangements.



The image shows a screenshot of the WAGMAR User Guide tutorial series. At the top, a blue banner reads "WAGMAR User Guide". Below it, a dark purple box contains the text "1. Intro to WAGMAR". The main content area features the ICAO logo and the WAGMAR logo (Website of Aeronautical Agreements and Arrangements). A navigation bar includes "Search Agreement", "Search Aircraft", and a "LOGIN" button. The main heading is "WAGMAR WEBSITE OF AERONAUTICAL AGREEMENTS AND ARRANGEMENTS". Below this, there is a "WELCOME TO WAGMAR" section with a globe graphic. A "Notice" box states: "Migration of Agreements and Arrangements from ICAO's Database of Aeronautical Agreements and Arrangements (DAGMAR) is currently complete. Some Agreements and Arrangements may therefore not be accessible on WAGMAR at this time. While the situation is being resolved, please note that you may access pending registrations on DAGMAR at the following address: <https://step.icao.int/dagmar/html/en/index.asp>". A "Welcome" message says: "Welcome to the Website for Aeronautical Agreements and Arrangements (WAGMAR) Tutorial Series. Building on the existing DAGMAR system, WAGMAR streamlines the agreement application processes and offers users a simple and intuitive interface to initiate/manage new agreement applications, generate agreement summaries as well as search and retrieve information. In this series, we will be walking you through the various functionalities of WAGMAR." A final paragraph explains: "Pursuant to the Convention on International Civil Aviation States are required to register international aeronautical agreements and arrangements with ICAO. WAGMAR permits States to register such agreements and arrangements on-line. It is also available to States, operators and the public to search for information concerning registered agreements and arrangements. If you would like to find out more about WAGMAR, please click on the Video tutorial button below for further information."

For any questions with respect on registration functions please do not hesitate to contact LEB

Emails:

- wagmar@icao.int
- officeleb@icao.int



Thank You

