



**ASSEMBLY — 39TH SESSION**

**TECHNICAL COMMISSION AND LEGAL COMMISSION**

**Agenda Item 35: Aviation safety and air navigation standardization**

**Agenda Item 47: Other issues to be considered by the Legal Commission**

**IMPLEMENTATION OF ARTICLE 21 OF THE CHICAGO CONVENTION**

(Presented by France)

**EXECUTIVE SUMMARY**

This paper brings to the attention of the Assembly the challenges posed by implementation of Article 21 of the Chicago Convention regarding aircraft ownership information to be provided for changes of registration. An improvement in the implementation of this Article would facilitate aircraft transfers between States. This would ensure better aircraft traceability during their lifetime which could be beneficial for safety.

**Action:** The Assembly is invited to:

- a) call upon Member States to apply Article 21 of the Chicago Convention by taking the necessary internal measures to be able to supply information related to the ownership of aircraft they have registered;
- b) request the Council to conduct a study on the compliance of data provided by Member States, either to other Member States or to the ICAO database, with Art. 21 requirement on ownership; and
- c) request the Council to consider including the subject in the work programme of the ICAO Legal Committee.

<i>Strategic Objectives:</i>	This working paper relates to Strategic Objectives of Safety.
<i>Financial implications:</i>	The cost of the actions suggested should be limited and it is therefore proposed that it be carried out within the available resources of the proposed 2017-18-19 ICAO Regular Programme budget.
<i>References:</i>	Doc 7300, <i>Convention on International Civil Aviation</i> State Letter AN 11/47-10/67 of 24 September 2010

<sup>1</sup> English and French versions were provided by France.

## 1. INTRODUCTION

1.1 Article 21 of the Chicago Convention stipulates that “*Each contracting State undertakes to supply to any other contracting State or to the International Civil Aviation Organization, on demand, information concerning the registration and ownership of any particular aircraft registered in that State...*”.

1.2 In the Convention, this provision is part of the chapter on nationality of aircraft, itself placed in the part on "Air Navigation" addressing the principles designed to facilitate navigation, including the change of an aircraft's registration from one State to another.

## 2. DISCUSSION

2.1 Operators increasingly resort to renting aircraft owned by large international groups specialized in aircraft acquisition and rental, thus making changes of registration more and more frequent.

2.2 However, the change of aircraft registration from one State to another as a result of a change of operator does not necessarily involve a change of owner. The absence of ownership information can cause delays in aircraft registration, with consequences for the operator integrating the aircraft into its fleet.

2.3 This lack of information stems from the fact that a number of States do not comply with Article 21 of the Chicago Convention (information about the ownership of each aircraft), nor with the Geneva Convention of 19 June 1948 on the international recognition of rights in aircraft when they are a party to it.

2.4 First, the current international rules should therefore be enforced and the States that have ratified these conventions, particularly the Chicago Convention, should be asked to comply with the provisions thereof, including those contained in the Annexes.

2.5 Some States fail to attest to the ownership of aircrafts, as specified in Article 21 of the Chicago Convention. Some States attest to a “Holder”, or an “operator” but not an “Owner”. Other States more intriguingly attest to an “Owner” which is not the owner. Others simply do not attest to either an “Owner” or a “Holder”. Lastly, some States fail to reply to requests for information sent to them. In many countries, aircraft registers do not cover aircraft ownership which is handled by other administrative services. However, this should not prevent a State from taking measures to be able to respond to requests for information about ownership.

2.6 Currently, when an aircraft is struck off a register, in State A, in order to be registered in State B without any change of owner, the aviation authority of State A sends (by any means such as fax, email, telex) to the aviation authority responsible for the new registration in State B a certificate of cancellation indicating the owner registered. The registration can therefore easily be changed without the authority in State B needing to request a document establishing the aircraft's ownership, as this verification should have been done by the previous authority in State A. Procedures are therefore extremely simple for an aircraft transfer when the owner is known, in accordance with the above-mentioned international conventions.

2.7 Registration of an aircraft in a State renders it responsible for monitoring and controlling the airworthiness of the aircraft in question.

2.8 In 2010, the ICAO Council asked all the States to supply their registration data by electronic means pursuant to Article 21 of the Chicago Convention (Cf. Letter AN 11/47 - 10/67 of 24 September 2010). It appears that the content of the database is not always consistent with the data provided, thus not encouraging States to supply their data.

2.9 It is highly advisable to take action to improve implementation of Article 21 of the Chicago Convention.

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