



**WORKING PAPER**

**ASSEMBLY — 41ST SESSION**

**EXECUTIVE COMMITTEE**

**Agenda Item 28: Other high-level policy issues to be considered by the Executive Committee**

**CHALLENGES OF ARTICLE 83 BIS**

(Presented by United Arab Emirates)

**EXECUTIVE SUMMARY**

Article 83 *bis* has been proven efficient over the years and is practiced worldwide by many States which gives them the ability to maximize the utilization of license holders, which has become a great challenge worldwide following the Covid-19 pandemic and the inevitable recession. In order to sustain the aviation industry there is a need to make aircraft and aircrew transfer from State to State more flexible, to maximize utilization of assets available worldwide.

The UAE sees that there is no need to link the State of Registry to the license holder, which means that the State that follows this standard will be eligible to accept any license holder to operate their aircraft without having to go through the extensive processes and procedure in place around the world, which is adding a huge administrative burden on the CAAs.

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

- a) take the opportunity to re-visit the Article 83 *bis* of the *Convention on International Civil Aviation* (Chicago, 1944) (Chicago Convention) which does not meet the market requirement;
- b) re-study the drivers of Article 83 *bis* and re-study the right way forward; and
- c) re-visit the process of implementing Article 83 *bis* and simplify the administrative part that accompanies implementation.

<i>Strategic Objectives:</i>	This working paper relates to Strategic Objective 1 (Safety)
<i>Financial implications:</i>	This Working Paper has no financial implications
<i>References:</i>	Doc 7300, <i>Convention on International Civil Aviation</i> - Article 83 <i>bis</i>

## 1. INTRODUCTION

1.1 The Chicago Convention regulates the operation of civil aircraft internationally, and this agreement establishes a mechanism that enables countries to accept foreign aircraft, as it requires that these aircraft be registered in an ICAO Contracting State as a prerequisite for accepting aircraft in other countries.

1.2 According to what is known to Contracting States, some aircraft operated by companies that do not hold the same State of Registry, but are registered in other countries under Article 83 *bis* umbrella, and this in itself is an acceptable and sometimes followed behaviour for various reasons.

## 2. DISCUSSION

2.1 As a result, the civil aviation system suffers from some political events where Contracting States who already hold MOUs under the umbrella of Article 83 *bis* with other counterparts, take certain measures against other Contracting States, including sanctioning the registration of some of their planes, which makes it a great challenge to operate those aircraft in other Contracting States and opens up huge liabilities to the operators and their Contracting States.

2.2 The UAE considers that such operations cannot be implemented under the current governing umbrella, because it contradicts the aforementioned agreement and will not give any legal coverage for the operation process.

2.3 Other challenges faced with this issue are associated with test flight requirements associated with major maintenance operations and seasonal operations conducted utilizing licensed personnel from different Contracting States other than the State of Registry. Despite having standardized the practice of issuing licenses in ICAO Contracting States, the SARPs do not allow license holders to operate aircraft registered in different countries, which complicates the process of conducting test flight and seasonal operations as it requires personnel license validation from the State of Registry every time they would operate.

## 3. CONCLUSION

3.1 ICAO to revise Article 83 *bis* developing a mechanism of transferring functions and duties from the State of Registry to the State of the Operator in the most feasible manner, which facilitates and gives more flexible licenses utilization on different types of operation (domestic, international) to overcome challenges and expand the horizon of dry lease operations and solving the issues associated with test flight and seasonal operation.