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Doc 10142

Manual on Registration and Deregistration of Aircraft

First Edition, 2022



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AMENDMENTS

Amendments are announced in the supplements to the *Products and Services Catalogue*; the Catalogue and its supplements are available on the ICAO website at www.icao.int. The space below is provided to keep a record of such amendments.

RECORD OF AMENDMENTS AND CORRIGENDA

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FOREWORD

This first edition of the *Manual on Registration and Deregistration of Aircraft* has been prepared with the objective of providing States, operators, aircraft owners and other stakeholders with guidance concerning the registration, deregistration and transfer of aircraft from one State to another in accordance with the provisions of the *Convention on International Civil Aviation* (Chicago Convention) and Annex 7 — *Aircraft Nationality and Registration Marks*.

The *Manual on Registration and Deregistration of Aircraft* provides the most common aircraft registration and deregistration processes. The manual also contains the material on the aircraft registration that was previously located in the fourth edition of the *Airworthiness Manual* (Doc 9760). While the aspiration of this manual is for all States to have similar processes, it is also recognized that the registration or transfer of registration of aircraft in any Contracting State is made in accordance with its laws and regulations as per Article 19 of the Chicago Convention. Therefore, it is important to consult national requirements prior to registering, transferring or deregistering an aircraft since those requirements may be different from the processes described in this manual.

This manual also provides guidance on the application of the *Convention on the International Recognition of Rights in Aircraft*, the *Convention on International Interests in Mobile Equipment* and the *Protocol to the Convention on International Interests in Mobile Equipment on Matters specific to Aircraft Equipment* for registering and deregistering purposes, for States that are parties to these international treaties and have made a declaration, pursuant to Article XXX(1) of the Protocol, that they apply Article XIII of the Protocol.

The registration of aircraft is an important element of a State safety oversight system. It defines various requirements that apply to that aircraft, including the continuing airworthiness, licensing, certification and other requirements. It enables the State to exercise the continued safety oversight of the aircraft. It is important to outline that the aircraft registration process remains distinct from the airworthiness processes, even though they may be closely related and, in some States, may occur concurrently.

Due to changes to the nature and structure of the air transport sector, transfers of aircraft have increased over the last three decades. Aircraft operators increasingly lease (rather than own) aircraft for various periods of time. According to different studies, the aircraft leasing market will continue to grow. As a result, aircraft will most likely be transferred from one operator to another and consequently be deregistered and registered in different States during their useful lives. The increase in the number of cross-border transfers of aircraft globally, along with differences in States' regulations, requirements and practices has highlighted certain inefficiencies in a global system that was developed when leasing arrangements were not common.

At the 39th Session of the ICAO Assembly, held from 27 September to 7 October 2016 in Montréal, it was recommended that ICAO form an expert group to undertake a structured and independent review of all ICAO provisions, various processes and practices established by States in order to identify issues diminishing the effectiveness and efficiency of the registration, deregistration and transfer of aircraft.

This manual is one of the outcomes of the work undertaken by the Cross-border Transferability Task Force (XBT-TF). ICAO gratefully acknowledges the contributions of the XBT-TF as well as other expert groups and individual experts who provided support, advice and input for this manual.

Comments on this manual, particularly with regard to its application and usefulness, would be appreciated from all States, safety oversight audit missions and ICAO technical cooperation field missions. These will be taken into consideration in the preparation of subsequent editions. Comments should be addressed to:

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GLOSSARY

When the following terms are used in this manual, they have the meanings indicated below.

Note.— Most of the terms below are definitions or descriptions found in Annexes to the Convention on International Civil Aviation, ICAO manuals or other guidance material.

Aircraft. Any machine that can derive support in the atmosphere from the reactions of the air other than the reactions of the air against the earth's surface.

Aircraft address.¹ A unique combination of twenty-four bits available for assignment to an aircraft for the purpose of air-ground communications, navigation and surveillance.

Aircraft objects. Under Article I, paragraph 2 (c) of the *Protocol to the Convention on International Interests in Mobile Equipment on Matters specific to Aircraft Equipment* (Aircraft Protocol), airframes, aircraft engines and helicopters.

Aircraft registration office. The term used when referring to the office or individual responsible for the registration and deregistration of an aircraft in accordance with the *Convention on International Civil Aviation* (Chicago Convention).

Aircraft without registration. An aircraft not under the oversight and jurisdiction of a State, and that is not in the process of acquiring such oversight.

Airworthy. The status of an aircraft, engine, propeller or part when it conforms to its approved design and is in a condition for safe operation.

Certified designee. An entity or person named in a designation as the certified designee under an irrevocable de-registration and export request authorisation (IDERA).

Common mark registering authority. The authority maintaining the non-national register or, where appropriate, the part thereof, in which aircraft of an international operating agency are registered.

Continuing airworthiness. The set of processes by which an aircraft, engine, propeller or part complies with the applicable airworthiness requirements and remains in a condition for safe operation throughout its operating life.

Engine. A unit used or intended to be used for aircraft propulsion. It consists of at least those components and equipment necessary for functioning and control, but excludes the propeller/rotors (if applicable).

Irrevocable de-registration and export authorisation (IDERA). A document contemplated by the *Protocol to the Convention on International Interests in Mobile Equipment on Matters specific to Aircraft Equipment* (Aircraft Protocol) that may be provided by an aircraft operator (or other person in whose name an aircraft is registered) to the owner of an aircraft or a creditor having a secured interest in the aircraft, which authorizes such owner or creditor (or a certified designee of either) to apply for deregistration and export of the aircraft and, if the aircraft is registered in a jurisdiction

1. Other terms are used in ICAO documents, such as "24-bit aircraft address" or "Mode S address". These terms have the same meaning and are used interchangeably.

that is a party to such Protocol, requires the prompt deregistration and export of the aircraft by the applicable Civil Aviation Authority and cooperation by other government authorities without consent of, or other action by or within, the control of the operator.

Maintenance. The performance of tasks on an aircraft, engine, propeller or associated part required to ensure the continuing airworthiness of an aircraft engine, propeller or associated part including any one or combination of overhaul, inspection, replacement, defect rectification, and the embodiment of a modification or repair.

Modification. A change to the type design of an aircraft, engine or propeller.

Note.— A modification may also include the embodiment of the modification which is a maintenance task subject to a maintenance release. Further guidance on aircraft maintenance, modification and repair is contained in the Airworthiness Manual (Doc 9760).

Operator. A person, organization or enterprise engaged in or offering to engage in an aircraft operation.

State of Design. The State having jurisdiction over the organization responsible for the type design.

State Party to the Aircraft Protocol. A State that has ratified the Protocol and made a declaration, pursuant to its Article XXX(1), that it will apply Article XIII of the Protocol.

State of Registry. The State on whose register the aircraft is entered.

Type Certificate. A document issued by a Contracting State to define the design of an aircraft, engine or propeller type and to certify that this design meets the appropriate airworthiness requirements of that State.

Note.— In some Contracting States a document equivalent to a Type Certificate may be issued for an engine or propeller type.

ABBREVIATIONS AND ACRONYMS

BASA	bilateral aviation safety agreement
CAA	Civil Aviation Authority
CDCL	certified designee confirmation letter
CNS	communications, navigation and surveillance
IDERA	irrevocable de-registration and export authorisation
ITU	International Telecommunication Union
MCAI	mandatory continuing airworthiness information
RMA	regional monitoring agency
RVSM	reduced vertical separation minimum
SARPs	Standards and Recommended Practices

Chapter 1

OVERVIEW OF THE RELEVANT INTERNATIONAL TREATIES

1.1 CONVENTION ON INTERNATIONAL CIVIL AVIATION

1.1.1 The concept of nationality for aircraft was adapted from maritime law where the national flag is used to indicate a ship's country of registration.¹ The issues of aircraft nationality and registration were considered during the International Air Navigation Conference held in Paris in 1910. Despite the absence of a final signed agreement at the end of that Conference, the principles of the nationality of aircraft and their registration were formally incorporated into the *Convention Relating to the Regulation of Aerial Navigation*, signed in 1919 (Paris Convention of 1919). Chapter II – *Nationality of Aircraft* and Annex A to the Paris Convention of 1919 described the rules and specifications for aircraft nationality and registration.

1.1.2 Nowadays, the principles of aircraft nationality are reflected in the *Convention on International Civil Aviation* (hereinafter referred to as the “Chicago Convention”), signed at Chicago on 7 December 1944. Pursuant to the Chicago Convention, aircraft have the nationality of the State in which they are registered (Article 17). An aircraft cannot be validly registered in more than one State, but its registration may be changed from one State to another (Article 18). Every aircraft engaged in international operations needs to bear the appropriate nationality and registration marks in order to permit identification (Article 20) and carry its certificate of registration on-board (Article 29).

1.1.3 Annex 7 — *Aircraft Nationality and Registration Marks* contains Standards for the display of marks to indicate appropriate nationality and registration that have been determined to comply with Article 20 of the Chicago Convention. It also sets the format of the certificate of registration as provided in Article 29. Each State endeavours to implement international Standards and Recommended Practices (SARPs) to the highest practicable degree (Article 37), unless it officially notifies ICAO that it is unable to implement any of the specific Standards contained in the relevant Annexes in accordance with Article 38 of the Chicago Convention.

1.1.4 Article 21 of the Chicago Convention further requires that each Contracting State must, on demand, supply to any other Contracting State or ICAO, information concerning the registration and ownership of any particular aircraft registered in that State.

1.1.5 The Chicago Convention does not provide for an aircraft to be registered by an international organization such as an agency of the United Nations. However, Article 77 of the Chicago Convention permits two or more Contracting States to constitute joint air transport operating organizations or international operating agencies subject to ICAO Council determination as to how the provisions of the Convention will apply concerning the registration and nationality of the aircraft operated by such agencies. Subject to any future action the Council may take in respect of joint operating agencies, each aircraft must have only one State of Registry, and that State has, among a number of responsibilities in respect of each aircraft on its aircraft register, a fundamental responsibility to ensure that the aircraft is safely operated. A resolution adopted by the Council on nationality and registration of aircraft operated by international operating agencies can be found in *Policy and Guidance Material on the Economic Regulation of International Air Transport* (Doc 9587).

1. R.T. Slatter, *Nationality Marks Should Comply with ICAO Annex 7 Specifications*, ICAO Journal, No. 10, 1992, p. 18.

1.2 CONVENTION ON THE INTERNATIONAL RECOGNITION OF RIGHTS IN AIRCRAFT

1.2.1 The *Convention on the International Recognition of Rights in Aircraft* (Geneva Convention) was signed at Geneva on 19 June 1948. The purpose of this Convention is to facilitate the financing and leasing of aircraft in international air transport.

1.2.2 The main characteristics of the Convention are the following:

- a) the protection of secured creditors (banks) who lend money on the security of aircraft (through the standard form of a mortgage);
- b) the protection of third parties dealing in or with aircraft against hidden charges;
- c) the definition and protection of privileged and priority claims against aircraft; and
- d) the facilitation of the transfer of aircraft from one nationality to another.

1.2.3 The Geneva Convention generally deals with the international recognition of rights in aircraft and is designed to secure recognition on an international basis of property and other rights in aircraft so that when an aircraft crosses a border, the interests of holders of such rights will still be protected (Articles I, II and IV). Acceptance of the principles of the Geneva Convention was expected to encourage investors to make financial assistance possible for the purchase of new aircraft to be used in international air transport. Further information on how to apply provisions of the Geneva Convention during the registration and deregistration processes is provided in Chapters 4 and 5.

1.3 CONVENTION ON INTERNATIONAL INTERESTS IN MOBILE EQUIPMENT AND THE PROTOCOL TO THE CONVENTION ON INTERNATIONAL INTERESTS IN MOBILE EQUIPMENT ON MATTERS SPECIFIC TO AIRCRAFT EQUIPMENT

1.3.1 The *Convention on International Interests in Mobile Equipment* (Cape Town Convention) and the *Protocol to the Convention on International Interests in Mobile Equipment on Matters specific to Aircraft Equipment* (Aircraft Protocol) were signed at Cape Town on 16 November 2001.

1.3.2 The Cape Town Convention and the Aircraft Protocol are designed principally to overcome the problem of obtaining secure and readily enforceable rights in high-value aircraft objects, namely airframes, aircraft engines and helicopters, which by their nature have no one fixed location. This problem derives from the widely differing approaches taken by legal systems to security, title reservation and leasing rights, engendering uncertainty among intending financiers as to the efficacy of their rights. The objective of the Convention and the Protocol is to facilitate the extension of finance in respect of such high-value aircraft objects and to lower borrowing costs.

1.3.3 The Cape Town Convention and the Aircraft Protocol provide a set of substantive rules governing speedy relief pending final determination of a creditor's claim and the priority of competing interests in aircraft objects and competing assignments of such interests. An international regime, which provides proper protection for security interests and title-retention rights, should reduce risks for creditors, and consequently borrowing costs for debtors, and facilitate the extension of credit for the acquisition of aircraft objects. At the same time, the two instruments embody a range of safeguards for debtors to ensure that remedies are exercised in a commercially reasonable fashion, that a debtor against whom an order for interim relief is made is protected in the event that the creditor's claim is ultimately unsuccessful, and that debtors who are honouring their obligations are given a right of quiet possession against their creditors and third parties whose rights are subordinate to their own. Further information on how to apply provisions of the Cape Town Convention and the Aircraft Protocol during the registration and deregistration processes is provided in Chapters 4 and 5.

Chapter 2

STATE REGULATORY SYSTEM

2.1 NATURE OF THE RESPONSIBILITIES OF THE STATE OF REGISTRY

2.1.1 The *Convention on International Civil Aviation* (Chicago Convention) recognizes the fundamental principle that every State has complete and exclusive sovereignty over the airspace above its territory. At the same time, it establishes obligations of all Contracting States on civil aviation activities, including aircraft registration. By becoming a party to the Chicago Convention, each Contracting State accepts certain obligations and responsibilities for every aircraft listed in its register. Although the methods for discharging its responsibility may vary, no particular method can, in any way, relieve the State of such responsibility.

2.1.2 The aircraft registration is the basis on which continuing airworthiness, licensing, certification and other requirements for that aircraft are established. It enables the State to exercise the continued safety oversight of the aircraft. The State must ensure that every aircraft on its register that is engaged in international air navigation, *inter alia*:

- a) bears its appropriate nationality and registration marks (Article 20);
- b) complies, wherever such aircraft may be, with the rules and regulations relating to the flight and maneuver of aircraft there in force (Article 12);
- c) is provided with a Certificate of Airworthiness (Article 31), a licence for radio equipment (Article 30) and crew licences (Article 32 a));
- d) carries a certificate of registration, a Certificate of Airworthiness and other documents (Article 29); and
- e) meets other requirements as provided in the Chicago Convention and its Annexes, unless a State notifies a difference.

2.2 STATE'S LAWS AND REGULATIONS

2.2.1 According to Article 19 of the Chicago Convention, registration or transfer of registration of aircraft in any Contracting State should be in accordance with the laws and regulations of that State. Accordingly, States are responsible for promulgating relevant laws and regulations. The organization and hierarchy of the regulatory system depends on the legal system of the State. Guidance on the establishment and management of a State safety oversight system is contained in the *Safety Oversight Manual* (Doc 9734).

2.2.2 When drafting laws and regulations, and deciding the level at which they should be set, the following elements should be taken into consideration:

- a) The amendment procedure for the primary legislation is often complex and lengthy. As a result, primary legislation and similar legal instruments are not appropriate for detailed regulations that have to be amended regularly to keep pace with the dynamic nature of civil aviation.