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INTERNATIONAL  
CIVIL AVIATION  
ORGANIZATION



Treaty Series No. 77 (1997)

# Protocol

relating to an Amendment to the

# Convention on International Civil Aviation

Montreal, 6 October 1980

[The Protocol entered into force on 20 June 1997]

*Presented to Parliament  
by the Secretary of State for Foreign and Commonwealth Affairs  
by Command of Her Majesty  
December 1997*

**PROTOCOL  
RELATING TO AN AMENDMENT TO THE  
CONVENTION ON INTERNATIONAL CIVIL AVIATION**

The Assembly of the International Civil Aviation Organization having met in its Twenty-third Session at Montreal on 6 October 1980,

Having noted Resolutions A21-22 and A22-28 on lease, charter and interchange of aircraft in international operations,

Having noted the draft amendment to the Convention on International Civil Aviation prepared by the 23rd Session of the Legal Committee,

Having noted that it is the general desire to Contracting States to make a provision for the transfer of certain functions and duties from the State of registry to the State of the operator of the aircraft in the case of lease, charter or interchange or any similar arrangements with respect to such aircraft,

Having considered it necessary to amend, for the purpose aforesaid, the Convention on International Civil Aviation done at Chicago on the seventh day of December 1944,<sup>1</sup>

1. Approves, in accordance with the provisions of Article 94(a) of the Convention aforesaid, the following proposed amendment to the said Convention:

Insert after Article 83 the following new Article 83 *bis*:

**“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.
- (c) The provisions of paragraphs (a) and (b) above shall also be applicable to cases covered by Article 77.”

2. Specifies, pursuant to the provisions of the said Article 94(a) of the said Convention, ninety-eight as the number of Contracting States upon whose ratification the proposed amendment aforesaid shall come into force, and

3. Resolves that the Secretary General of the International Civil Aviation Organization draw up a Protocol, in the English, French, Russian and Spanish languages, each of which shall be of equal authenticity, embodying the proposed amendment above-mentioned and the matter hereinafter appearing:

- (a) The Protocol shall be signed by the President of the Assembly and its Secretary General.
- (b) The Protocol shall be open to ratification by any State which has ratified or adhered to the said Convention on International Civil Aviation.
- (c) The instruments of ratification shall be deposited with the International Civil Aviation Organization.

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<sup>1</sup> Treaty Series No. 8 (1953), Cmd. 8742.

- (d) The Protocol shall come into force in respect of the States which have ratified it on the date on which the ninety-eighth instrument of ratification is so deposited.
- (e) The Secretary General shall immediately notify all Contracting States of the date of deposit of each ratification of the Protocol.
- (f) The Secretary General shall immediately notify all States parties to the said Convention of the date on which the Protocol comes into force.
- (g) With respect to any Contracting State ratifying the Protocol after the date aforesaid, the Protocol shall come into force upon deposit of its instrument of ratification with the International Civil Aviation Organization.

Consequently, pursuant to the aforesaid action of the Assembly,

This Protocol has been drawn up by the Secretary General of the Organization.

In witness whereof, the President and the Secretary General of the aforesaid Twenty-third Session of the Assembly of the International Civil Aviation Organization, being authorised thereto by the Assembly, sign this Protocol.

Done at Montreal on the sixth day of October of the year one thousand nine hundred and eighty, in a single document in the English, French, Russian and Spanish languages, each of which shall be of equal authenticity. This Protocol shall remain deposited in the archives of the International Civil Aviation Organization, and certified copies thereof shall be transmitted by the Secretary General of the Organization to all States parties to the Convention on International Civil Aviation done at Chicago on the seventh day of December 1944.

R. S. NYAGA  
*President of the 23rd Session  
of the Assembly*

YVES LAMBERT  
*Secretary General*

## DATE OF RATIFICATIONS

|                           |             |                                 |             |
|---------------------------|-------------|---------------------------------|-------------|
| Antigua and Barbuda       | 17 Oct 1988 | Lebanon                         | 14 Apr 1983 |
| Argentina                 | 12 Aug 1987 | Libyan Arab Jamahiriya          | 28 Oct 1996 |
| Australia                 | 2 Dec 1994  | Luxembourg                      | 1 Oct 1986  |
| Austria                   | 25 Apr 1983 | Malawi                          | 13 Dec 1990 |
| Bahrain                   | 7 Feb 1990  | Mali                            | 11 Jan 1984 |
| Bangladesh                | 2 Sep 1988  | Marshall Islands                | 6 Apr 1994  |
| Barbados                  | 5 Oct 1981  | Mauritius                       | 6 Aug 1990  |
| Belarus                   | 24 Jul 1996 | Mexico                          | 20 Jun 1990 |
| Belgium                   | 23 Sep 1983 | Moldova, Republic of            | 20 Jun 1997 |
| Bosnia and Herzegovina    | 9 May 1997  | Monaco                          | 9 May 1991  |
| Brazil                    | 30 Oct 1990 | Morocco                         | 29 Jan 1987 |
| Bulgaria                  | 7 Jul 1981  | Nauru                           | 28 Jul 1994 |
| Burkina Faso              | 15 Jun 1992 | Nepal                           | 9 Jun 1997  |
| Burundi                   | 10 Oct 1991 | Netherlands, Kingdom of the     | 5 Nov 1981  |
| Canada                    | 23 Oct 1985 | New Zealand                     | 17 Mar 1993 |
| Chile                     | 28 Jun 1982 | Niger                           | 8 Apr 1988  |
| Colombia                  | 19 Dec 1995 | Norway                          | 20 Sep 1995 |
| Croatia                   | 6 May 1994  | Oman                            | 11 Mar 1981 |
| Cuba                      | 17 May 1984 | Pakistan                        | 27 May 1987 |
| Cyprus                    | 5 Jul 1989  | Panama                          | 3 Aug 1982  |
| Czech Republic            | 15 Apr 1993 | Papua New Guinea                | 5 Oct 1992  |
| Denmark                   | 22 Dec 1983 | Philippines                     | 31 Jan 1984 |
| Ecuador                   | 20 Jun 1991 | Qatar                           | 8 Mar 1990  |
| Egypt                     | 11 Sep 1981 | Romania                         | 29 Aug 1996 |
| Eritrea                   | 27 May 1994 | Russian Federation              | 3 Feb 1988  |
| Estonia                   | 21 Aug 1992 | San Marino                      | 3 Feb 1995  |
| Ethiopia                  | 25 Jun 1981 | Saudi Arabia                    | 25 Jun 1991 |
| Fiji                      | 21 Sep 1992 | Seychelles                      | 23 Sep 1983 |
| Finland                   | 18 Dec 1991 | Singapore                       | 7 May 1991  |
| France                    | 27 Aug 1982 | Slovakia                        | 20 Mar 1995 |
| Germany                   | 19 Oct 1983 | Spain                           | 11 Jul 1983 |
| Greece                    | 25 Sep 1984 | Sweden                          | 13 Jul 1987 |
| Grenada                   | 8 Nov 1990  | Switzerland                     | 21 Feb 1985 |
| Guatemala                 | 26 Apr 1983 | Tajikistan                      | 23 Jul 1996 |
| Guyana                    | 2 May 1988  | Togo                            | 24 Apr 1987 |
| Haiti                     | 21 Sep 1984 | Trinidad and Tobago             | 31 Jan 1991 |
| Hungary                   | 27 May 1981 | Turkey                          | 13 Nov 1992 |
| Iceland                   | 9 May 1990  | Turkmenistan                    | 14 Apr 1993 |
| India                     | 5 Aug 1994  | Tunisia                         | 29 Apr 1985 |
| Indonesia                 | 29 Jul 1987 | Uganda                          | 10 Mar 1982 |
| Iran, Islamic Republic of | 17 Jun 1994 | Ukraine                         | 11 Aug 1995 |
| Iraq                      | 4 Mar 1982  | United Arab Emirates            | 18 Feb 1987 |
| Ireland                   | 29 Mar 1990 | United Kingdom                  | 16 Mar 1981 |
| Israel                    | 25 Feb 1983 | United States                   | 15 Feb 1982 |
| Italy                     | 29 Nov 1985 | Uruguay                         | 7 Jan 1982  |
| Jordan                    | 30 Jun 1993 | Uzbekistan                      | 24 Feb 1994 |
| Kenya                     | 13 Oct 1982 | Vanuatu                         | 31 Jan 1989 |
| Korea, Republic of        | 23 Apr 1981 | Viet Nam, Socialist Republic of | 7 Feb 1996  |
| Kuwait                    | 24 May 1995 | Zambia                          | 28 Jan 1993 |



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