



ICAO

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Manual on Registration and Deregistration of Aircraft

First Edition, 2022



Approved by and published under the authority of the Secretary General

INTERNATIONAL CIVIL AVIATION ORGANIZATION



| ICAO

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retrieval system or transmitted in any form or by any means, without prior
permission in writing from the International Civil Aviation Organization.

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:

The Secretary General
International Civil Aviation Organization
999 Robert-Bourassa Boulevard
Montréal, Québec, Canada H3C 5H7

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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.

- b) The State's specific operating regulations should conform to the Annexes. Standards and Recommended Practices (SARPs) in the Annexes are designed to provide the minimum necessary and desirable requirements to be met by all States.
- c) The authority to issue any level of legislation should be established by a higher level of legislation. For example, if the director is empowered to make rules, this authority should be clearly stated in the primary aviation legislation.
- d) The main elements of the regulatory system should be fully enforceable. Non-compliance with an enforceable regulation should be subject to an action, as prescribed by national laws.

2.2.3 The State's laws and regulations related to the registration and deregistration of aircraft should, at a minimum, include provisions for:

- a) registration of all aircraft engaged in international navigation;
- b) requirements for registration and deregistration of aircraft;
- c) issuance, location and measurements of nationality and registration marks;
- d) maintaining a register containing nationality and registration marks;
- e) maintaining recordings of encumbrances in aircraft and of irrevocable de-registration and export authorisations (IDERAs) and certified designee confirmation letters (CDCLs), as applicable;
- f) issuance of the certificate of registration;
- g) issuance of the certificate of deregistration, if applicable; and
- h) carriage of an identification plate on an aircraft.

2.2.4 It is also the responsibility of a State to develop and implement a process to ensure the timely amendment of the specific regulations, as necessary, in order to keep pace with the amendments to the Annexes to the Chicago Convention. The system in place should ensure that the regulations are issued at the appropriate level, as provided for by the State's primary legislation. It should also ensure that the overall legislation is consistent and, in particular, that regulations are repealed when replaced by new ones.

2.3 DIFFERENCES BETWEEN NATIONAL REGULATIONS AND THE REQUIREMENTS IN THE ANNEXES TO THE CHICAGO CONVENTION

2.3.1 While the implementation of Standards is considered, by definition, as necessary, the Chicago Convention also recognizes, through Article 38, that there may be instances when this is impracticable or it is necessary to adopt regulations or practices differing from those established by Standards. Article 38 of the Chicago Convention states:

Any State which finds it impracticable to comply in all respects with any such international standard or procedure, or to bring its own regulations or practices into full accord with any international standard or procedure after amendment of the latter, or which deems it necessary to adopt regulations or practices differing in any particular respect from those established by an international standard, shall give immediate notification to the International Civil Aviation Organization of the differences between its own practice and that established by the international standard.

2.3.2 The primary purpose of notifying differences is to promote safety, efficiency and regularity in air navigation by ensuring that all stakeholders concerned with international civil aviation are aware of all national rules and practices insofar as they differ from those prescribed in SARPs. Therefore, lack of information on differences creates uncertainty and poses a potential hazard to the safety, regularity and efficiency of air navigation.

2.3.3 The dissemination of differences enhances the transparency of safety information, and, consequently, facilitates States' decisions specifically within the context of the management of safety. Incorrect notification of differences may also potentially lead to misunderstandings and could result in undesirable operational situations, or other potential negative consequences in terms of recognition of certificates and licences, ramp inspections and ultimately, traffic rights. Guidance on what constitutes a difference and how it should be notified is provided in the *Manual on Notification and Publication of Differences* (Doc 10055).

2.4 NATIONALITY AND REGISTRATION MARKS

2.4.1 In accordance with Article 20 of the Chicago Convention, every aircraft engaged in international air navigation must bear its appropriate nationality and registration marks. The nationality and registration marks must consist of a group of characters. They must be painted on the aircraft or be affixed by any other means ensuring a similar degree of permanence. The marks must be kept clean and visible at all times. Annex 7 — *Aircraft Nationality and Registration Marks* includes requirements about location and measurements of nationality and registration marks.

2.4.2 The **nationality mark** is selected by the State of Registry from the first one or two symbols of the three-symbol radio call sign allocated to it by the International Telecommunication Union (ITU). Any requests for an initial allocation of the radio call sign or its change need to be sent to ITU. ICAO does not assign the radio call signs.

2.4.3 Annex 7 requires States to notify ICAO of their selection of the nationality mark. Once ICAO ascertains that the selection of the nationality mark does not conflict with marks already chosen by other States, the nationality mark will be published in the List of Aircraft Nationality Marks, National Emblems and Common Marks, which is available on the ICAO public website.

2.4.4 The **registration mark** includes letters, numbers, or a combination of letters and numbers. The registration mark is assigned in accordance with the system developed by the State of Registry. The nationality mark precedes the registration mark.

2.4.5 It should be noted that, when letters are used for the registration mark, combinations that can be confused with the five-letter combinations used in the *International Code of Signals*, Part II, the three-letter combinations beginning with Q used in the Q Code, or with the distress signal SOS or other similar urgent signals such as XXX, PAN and TTT, must not be used.

2.4.6 All aircraft of an international operating agency that are registered on other than a national basis will bear the same common mark. The **common mark** is assigned by ICAO to the common mark registering authority registering aircraft of an international operating agency on other than a national basis. Any request for a common mark or its change needs to be sent to ICAO.

Chapter 3

ORGANIZATIONAL STRUCTURE

3.1 AIRCRAFT REGISTRATION OFFICE AND ITS RESPONSIBILITIES

3.1.1 Depending on the size and complexity of a State's aviation activity and its administrative structure, the functions of civil aviation administrations will be articulated at levels that may be different from State to State. For instance, in some States, a separate ministry of civil aviation may exist; in others, the civil aviation administration may be a department or a directorate in the ministry of communications, the ministry of transport or another ministry, or may be an autonomous or semi-autonomous entity. The organization with the responsibility for aviation administration is referred to throughout this document as the Civil Aviation Authority (CAA).

3.1.2 Just as a CAA can be created at different levels, so can the aircraft registration office be placed at different levels. The aircraft registration office may be given different names such as authority, unit, section, department or division, or it can be an individual. It all depends on the size and complexity of aviation activities in each State.

3.1.3 Each State will have to establish the kind of structure that best suits it. Regardless of what organizational structure is decided upon, an aircraft registration office would be generally expected to carry out the following tasks:

- a) **Regulatory tasks** include drafting and amending laws, regulations and associated procedures related to the aircraft registration and deregistration, and enforcing those laws and regulations.
- b) **Registration tasks** include the review of aircraft registration applications, ensuring that an aircraft is not registered in another State, confirmation of compliance with other national requirements and issuance of the certificate of registration. Further information associated with the registration tasks is provided in Chapter 4.
- c) **Deregistration tasks** include the review of aircraft deregistration applications and issuance of the certificate of deregistration, if applicable. Further information associated with the deregistration tasks is provided in Chapter 5.
- d) **Administrative tasks** include maintaining a current register showing, for each aircraft registered by the aircraft registration office, the information recorded in the certificate of registration. The State will need to issue internal administrative instructions on the maintenance of the aircraft register.
- e) **General tasks** are to provide advice on registration and deregistration of aircraft and respond to requests as per Article 21 of the *Convention on International Civil Aviation* (Chicago Convention).

The above list is non-exhaustive and may include other tasks, such as:

- a) registration of rights in aircraft and maintenance of their recording, in accordance with Articles I, II and III of the *Convention on the International Recognition of Rights in Aircraft* (Geneva Convention) if the State is a party thereto; and
- b) functions of entry point if the State is a party to the *Convention on International Interests in Mobile Equipment* (Cape Town Convention) and *Protocol to the Convention on International Interests in Mobile*

Equipment on Matters specific to Aircraft Equipment (Aircraft Protocol) and has designated an entry point in accordance with Article XIX of the Aircraft Protocol.

3.2 STAFFING AND QUALIFICATIONS

3.2.1 In order to function effectively, the aircraft registration office needs to be suitably organized and staffed with qualified personnel. The CAA needs to establish training programmes to provide personnel with the initial, specific and recurrent training.

3.2.2 The staff working in the aircraft registration office generally should:

- a) have the relevant knowledge, background and appropriate experience related to the registration, deregistration and cross-border transfer of aircraft (information on cross-border transfers is provided in Chapter 6);
- b) be able to make compliance determinations for the registration and deregistration of aircraft and issue applicable certificates or documents (for example, certificate of deregistration, certificate of registration);
- c) have good writing skills in order to communicate clearly, in writing, any shortcomings detected during the certification process and robust follow-up to ensure that timely corrective action is taken; and
- d) have good interpersonal skills to conduct meetings and audits in a fair and professional manner.

3.3 DELEGATION OF FUNCTIONS AND ACTIVITIES

3.3.1 States can delegate specific functions and activities related to aircraft registration, deregistration or cross-border transfer to another State, organization or individual (collectively referred as the “designee”). One of the major reasons why a State may want to delegate some of its functions or activities is the absence of the necessary human, technical or material resources.

3.3.2 Although a State may delegate specific functions and activities, it will still need enough personnel to interface with the designee and to process the information provided by the designee. States should also consider the establishment of appropriate technical and administrative processes to ensure that the delegated functions and activities are carried out effectively.

3.3.3 It is important to understand that the State retains its responsibility for aircraft on its register even though it may have delegated some or all of the functions and activities.

3.4 ESTABLISHING AND USING A DELEGATION MECHANISM

3.4.1 If a State decides to delegate functions and activities related to aircraft registration, deregistration and cross-border transfer, it needs to enact or adopt laws and/or regulations necessary to ensure that it can delegate and, at any time and for any reason, suspend or revoke such delegation.

3.4.2 The scope of the delegation depends on the State. A preferable approach for delegation is to formalize an agreement between the State and designee. Such an agreement should describe in detail the respective responsibilities of the parties, delegated functions and activities, laws and regulations that will be used to discharge the delegated functions

and activities, duration of the delegation, clear deliverables, quality control arrangements, the process for the resolution of identified safety deficiencies and other agreed aspects.

3.4.3 In addition, the delegation mechanism will need to:

- a) set forth the process and criteria for selecting the designee to perform a particular function or activity, including qualifications, experience and competency requirements;
- b) ensure adherence by the designee to any applicable conditions or limitations as set by the State;
- c) provide for oversight of the designee (for example, audits, inspections) to confirm that it consistently adheres to the procedures, as approved by the CAA, and maintains continuing proficiency through ongoing training and/or sufficient relevant experience;
- d) establish and implement processes to resolve deficiencies identified during audits or inspections of a designee (for example, issuance of recommendations, setting of deadlines for corrective actions to be taken, and follow-up to determine the effectiveness of the corrective actions taken);
- e) establish the extent and form of documentation to be provided by the designee with respect to the delegated functions and activities accomplished; and
- f) make clear whether the designee may issue approvals for, and on behalf of, the CAA or merely submit recommendations.

3.4.4 When selecting a designee, consideration on initial qualification should include confirmation that the applying individual or entity: possesses all necessary licences, permits and insurances; is proficient in communicating and writing in English and the working language of the State; and has adequate working experience with the relevant aircraft equipment (or a combination of education, professional licence/accreditation and experience), knowledge of applicable ICAO and other airworthiness standards and best practices, computer literacy in contemporary software, and an ability to write clearly and concisely. Other competencies may include such factors as judgment and decision-making, planning and organizing skills, client orientation, accountability, technological awareness, teamwork, tact, thoroughness and ability to maintain harmonious working relationships in a multicultural environment.

3.4.5 States need to ensure that the designee is provided with guidance that addresses ethics, personal conduct and the avoidance of actual or perceived conflicts of interest in the performance of delegated functions and activities (examples of a code of conduct and a conflict of interest form are provided in Appendices A and B, respectively). The designee is performing a function or activity on behalf of a State. Any unacceptable behaviour would reflect the conduct of an officer or entity representing the State.

3.4.6 Conflict of interest, real or perceived, arises when there is incompatibility between the interests of two parties to which a nominated designee has rendered services, thereby disqualifying the said designee from undertaking the delegated functions or activities. A conflict of interest has the potential to compromise the commitments and obligations of the designee and may adversely affect the conduct of a function or activity, particularly if those interests are not disclosed. Further information on the delegation of specific functions and activities can be found in the *Safety Management Manual* (Doc 9859), *Airworthiness Manual* (Doc 9760) and *Safety Oversight Manual* (Doc 9734).

Chapter 4

REGISTRATION OF AIRCRAFT

4.1 AIRCRAFT REGISTRATION PROCESS

4.1.1 Article 19 of the *Convention on International Civil Aviation* (Chicago Convention) states that “[t]he registration ... of aircraft in any contracting State shall be made in accordance with its laws and regulations”. While recognizing that there is a range of different requirements and procedures for application and issuance of a certificate of registration, as a minimum, States must ensure that an aircraft:

- a) is not validly registered in more than one State;
- b) is classified as per Annex 7 — *Aircraft Nationality and Registration Marks*; and
- c) meets other national requirements, if applicable.

4.1.2 Annex 7 does not apply to meteorological pilot balloons used exclusively for meteorological purposes or to unmanned free balloons without a payload.

4.1.3 The registration process is separate from obtaining a Certificate of Airworthiness. The information about the issuance of a Certificate of Airworthiness can be found in Annex 8 — *Airworthiness of Aircraft* and the *Airworthiness Manual* (Doc 9760).

4.1.4 While recognizing that a process and requirements for aircraft registration may vary from one State to another, below is the most common process:

- a) pre-application phase;
- b) submission of the application;
- c) document evaluation and assessment; and
- d) registration of aircraft.

4.1.5 Pre-application phase

4.1.5.1 Since there are different requirements on the registration process between States, the pre-application phase is an opportunity for an applicant¹ to study and seek clarity on registration and other requirements of an intended State of Registry.

1. In this manual, the term “applicant” will be used when referring to a person or entity that submits a request for registration or deregistration of an aircraft. Depending on national laws, the applicant can be an owner, operator, the “authorized party” in the case of an irrevocable de-registration and export request authorisation (IDERA) or a certified designee in the case of a certified designee confirmation letter (CDCL).

4.1.5.2 A standard information package should be developed by the Civil Aviation Authority (CAA) to provide information to applicants. The information package will include:

- a) requirements to register an aircraft;
- b) application form and list of documents, which need to be submitted to support the application; and
- c) procedures and approximate processing time so that the applicant can avoid a situation when an aircraft is left without registration.

4.1.5.3 An applicant may also choose to consider studying and seeking clarity on other requirements related to:

- a) application for the issue of a Certificate of Airworthiness;
- b) provision of the aircraft maintenance programme;
- c) noise certification; and
- d) emergency locator transmitter.

4.1.5.4 Depending on the location and registration of the aircraft, the applicant may need to apply for a non-revenue special flight approval, authorization or permit if the aircraft has to be moved for maintenance. In addition, the applicant may need to obtain other authorizations to be able to overfly and land in other States' territories, as required.

4.1.6 Submission of the application

4.1.6.1 The formal application for aircraft registration, accompanied by the required documents, should be submitted in the manner prescribed by the CAA. An example of an application form for a certificate of registration is provided in Appendix C.

4.1.6.2 The application form will include the manufacturer and manufacturer's designation of aircraft, aircraft serial number, aircraft Type Certificate, name and address of the applicant, aircraft manufacturer's data and any other information that the CAA may require. If the applicant is different from an owner, the name of the owner should be provided. For more information about the owner, refer to section 4.1.8.4.

4.1.6.3 In addition, the applicant may be required to submit other supporting documents such as:

- a) proof that the aircraft is insured;
- b) proof of deregistration or non-registration of aircraft;
- c) proof of eligibility to register, if applicable;
- d) a copy of the lease or evidence of ownership (for example, bill of sale or its equivalent);
- e) evidence of removal of the 24-bit aircraft address assigned by the previous State of Registry;
- f) evidence of aircraft station licence or radio licence; and
- g) other documents as required by national laws (for example, Export Certificate of Airworthiness, evidence of how the continuous airworthiness of the aircraft will be managed).

4.1.7 Document evaluation and assessment

4.1.7.1 This phase involves the detailed examination and verification of all documents provided by an applicant to ensure that every aspect required by national laws and regulations is adequately covered. A checklist can be used to demonstrate compliance against national laws and regulations. An example of a checklist is provided in Appendix D to this manual.

4.1.7.2 Physical verification

4.1.7.2.1 Some States may require physical verification of the information provided in the application package. The timing of the physical verification may differ (prior to the issuance of the certificate of registration or after). It mostly depends on when nationality and registration marks as well as the 24-bit aircraft address are assigned. The following may be verified:

- a) aircraft serial numbers specified on the respective data plates to ensure accuracy provided in the application form;
- b) information on the identification plate and its location;
- c) location of the assigned nationality and registration marks; and
- d) evidence of the assignment and correct configuration of the 24-bit aircraft address.

4.1.8 Registration of aircraft

4.1.8.1 Once it is determined that the application form and all required documents comply with applicable laws and regulations, the CAA will assign nationality and registration marks to the aircraft, update the aircraft register and issue the certificate of registration to the applicant (the order may vary from one State to another).

4.1.8.2 Subsequent to the issuance of a certificate of registration, the State will be responsible for that aircraft.

4.1.8.3 Register of nationality and registration marks

4.1.8.3.1 In accordance with Article 21 of the Chicago Convention, each State undertakes to supply to any other State or to ICAO, on demand, information concerning the registration and ownership of any particular aircraft registered in that State. Furthermore, Annex 7 requires that each Contracting State maintain a current register for each aircraft registered by that State.

4.1.8.3.2 The main characteristics of a good record-keeping system are:

- a) The register needs to be current and complete, showing the information recorded in the certificate of registration for each aircraft registered by the State. It should also allow the history of each certificate of registration issued to be traced.
- b) It is important to maintain the integrity of records by ensuring that they are not removed or altered without authorization.
- c) The information contained in the aircraft register needs to be readily accessible to authorized staff of the aircraft registration office. This requirement may be difficult to reconcile with the requirement to maintain the integrity of the records, so appropriate access procedures must be carefully designed and implemented.

4.1.8.3.3 It is important to maintain a backup system of records to ensure continuity in case of a major disaster. The aircraft registration office needs to establish rules for archiving records that are non-active. The rule on archiving should be consistent with the general archiving requirements of the State.

4.1.8.3.4 As per Annex 7, the register of unmanned free balloons must contain the date, time and location of release, the type of balloon and the name of the operator.

4.1.8.4 Certificate of registration

4.1.8.4.1 The certificate of registration, in wording and arrangement, must be a replica of the certificate shown in Annex 7. Depending on national requirements, the basis of aircraft registration can be owner of aircraft or operator of aircraft. States that do not register aircraft based on owner or operator may choose “other” basis of registration, as shown in Annex 7. An example of other basis of registration may be a combination of both registration systems (owner and operator) or someone who has full ownership of the aircraft or a legal representative managing the aircraft until ownership is determined.

4.1.8.4.2 Depending on the national registration system, if the certificate of registration is issued to a person or entity different from the owner, the name and contact information of the aircraft owner needs to be recorded in the certificate. The contact information of the owner may include its physical address, email address and/or phone number to allow the CAA to contact the owner if there is a need. Furthermore, the physical address of the owner may assist in avoiding ambiguity, especially in cases where legal entities in different States may have the same or similar name.

4.1.8.4.3 If a State is a party to the *Convention on the International Recognition of Rights in Aircraft* (Geneva Convention), the certificate of registration must contain the address of the authority responsible for maintaining the record of rights in aircraft in accordance with Article III (1) of the Geneva Convention. The address of the authority must be indicated in the space provided for use by the State of Registry.

4.1.8.4.4 In general, the responsibility for registration of rights in aircraft and maintenance of their recording rests with the aircraft registration office. However, there may be cases when these responsibilities are assigned to another authority. In such cases, the certificate of registration must also include the name of the authority responsible for maintaining the record of rights in aircraft.

4.1.8.4.5 The size of the form of the certificate of registration is at the discretion of the State of Registry. When the certificate of registration is issued in a language other than English, it should include an English translation. The certificate of registration should be signed by the CAA official responsible for its issuance at the level required by the State.

4.1.8.4.6 Annex 7 provides for the date of issuance but does not require an expiry date on the certificate of registration. In some States, the certificate of registration has a specific validity period and in other States it does not. In general, the certificate of registration remains valid until:

- a) it is amended, reissued, suspended, revoked or terminated;
- b) the aircraft is deregistered; or
- c) the expiry date, if any.

4.1.8.4.7 Article 29 of the Chicago Convention requires that the certificate of registration be carried on-board every aircraft engaged in international navigation.

4.1.8.5 Assignment of the 24-bit aircraft address

4.1.8.5.1 The assignment² and correct configuration of the 24-bit aircraft address³ are key elements for aircraft operation and associated communication protocols used to support communications, navigation and surveillance (CNS) systems. Air-ground and air-air surveillance systems as well as airborne collision avoidance systems are heavily reliant on the 24-bit aircraft address. Therefore, the assignment and correct configuration of the 24-bit aircraft address is a key element for safe aircraft operation and associated protocols used to support safe air-ground CNS systems.

4.1.8.5.2 As provided for in Annex 10 — *Aeronautical Telecommunications*, Volume III — *Communication Systems*, the State of Registry is responsible for assigning an individual 24-bit aircraft address to each suitably equipped aircraft entered on a national register from its own allocation address block. When an aircraft changes its registration, the new State of Registry is required to assign a new 24-bit aircraft address from its own allocation address block.

4.1.8.5.3 There have been occurrences when the 24-bit aircraft address transmitted by the aircraft does not match its nationality (that is, the State of Registry's address block) and several aircraft reported duplicate 24-bit aircraft addresses. The incorrect use of 24-bit aircraft addresses is most commonly observed when:

- a) first installation of a Mode S transponder was made;
- b) a major modification was made to the Mode S equipment; or
- c) the aircraft was transferred to another State of Registry.

The last case has been the most frequent. Since these occurrences can jeopardize flight safety and undermine the effectiveness of CNS systems, appropriate measures need to be taken to ensure that the registration of aircraft and assignment of 24-bit aircraft addresses are done simultaneously or with a minimum time gap by the State of Registry. More information about 24-bit aircraft addresses can be found in Annex 10 and in the *Aeronautical Surveillance Manual* (Doc 9924).

4.1.9 Notifying the State of Design

4.1.9.1 In accordance with Annex 8, the State of Registry, when it first enters on its register an aircraft of a particular type for which it is not the State of Design, must advise the State of Design that it has entered such an aircraft on its register. States should establish direct contact with the authorities responsible for continuing airworthiness of aircraft and their equipment and agree upon the method of communication for the required information.

4.1.9.2 It is important that the State of Registry regularly receives all continuing airworthiness information relating to aircraft on its register. Such information pertaining to the continuing airworthiness of aircraft and their equipment includes mandatory continuing airworthiness information (MCAI) issued by the State of Design. Some States may also consider as MCAI any mandatory and alert service bulletins issued by the organization responsible for the type design.

4.1.9.3 To facilitate the provision of information between CAAs to maintain continuing airworthiness of aircraft in service, the Online Airworthiness Information Network, formerly known as *The Continuing Airworthiness of Aircraft in Service* (Circular 95), was launched in October 2014.

2. The term "allocation" is used when ICAO provides a block of 24-bit addresses to a State of Registry. The term "assignment" is used when a State of Registry provides a single 24-bit address to an aircraft owner or operator for entry into that aircraft's CNS equipment.

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

4.2 IRREVOCABLE DE-REGISTRATION AND EXPORT REQUEST AUTHORISATION (IDERA) AND CERTIFIED DESIGNEE CONFIRMATION LETTER (CDCL)

A State of Registry that is a party to the *Convention on International Interests in Mobile Equipment* (Cape Town Convention) and *Protocol to the Convention on International Interests in Mobile Equipment on Matters specific to Aircraft Equipment* (Aircraft Protocol) needs to establish procedures for submitting an irrevocable de-registration and export request authorisation (IDERA). The authorized party identified in the IDERA may also submit a certified designee confirmation letter (CDCL) to the aircraft registration office to transfer the right to deregister and export the aircraft covered by the related IDERA. Both the IDERA and any related CDCL need to be properly recorded by the aircraft registration office after ensuring that:

- a) the documents have been submitted as per the State's established procedural requirements; and
- b) any previously recorded IDERA or CDCL covering the applicable aircraft has been revoked by the holder of the applicable IDERA.

4.3 REISSUE OF THE CERTIFICATE OF REGISTRATION

4.3.1 There may be instances when a certificate of registration needs to be reissued due to loss, damage or change of the information contained in the certificate of registration.

4.3.2 The holder of the certificate of registration needs to inform immediately the aircraft registration office about:

- a) any change in the owner or operator that will affect the information contained in the certificate of registration; or
- b) any change in the contact information to ensure that any safety-related information can be disseminated to the correct address.

In these cases, a new certificate of registration may need to be issued.

4.3.3 Before issuing a new certificate of registration, a State that is a party to the Cape Town Convention and the Aircraft Protocol must first confirm whether there is an IDERA or CDCL recorded with respect to the applicable aircraft. If so, a new certificate of registration reflecting a change to the holder may not be issued without the consent of the relevant authorized party under the IDERA or CDCL or the removal of such IDERA or CDCL from the registry by such authorized party.

4.3.4 If the authorized party or certified designee is a company, there may also be a need for a letter of authorization, signed under company seal, nominating authorized persons to act on behalf of the company. When there is any change in the owner, the previous certificate of registration must be returned to the State of Registry, which will need to update the aircraft register accordingly (though such return is not a precondition to deregistration pursuant to an IDERA). The State of Registry will need to update the aircraft register accordingly.

4.3.5 When the original certificate of registration is lost or damaged, States should have a process to replace the lost or damaged certificate of registration. The process must be sufficiently robust to ensure that there are no duplicates of an original certificate of registration.

4.3.6 Any change in the certificate of registration needs to be reflected in the register of nationality and registration marks.

4.4 RENEWAL OF THE CERTIFICATE OF REGISTRATION

As some States may issue a certificate of registration that has an expiry date, the holder of the certificate of registration will need to apply for renewal of the certificate of registration ahead of time to minimize the likelihood that the aircraft would not be able to be engaged in international air navigation or would face the risks associated with aircraft without registration.

Chapter 5

DEREGISTRATION OF AIRCRAFT

5.1 AIRCRAFT DEREGISTRATION PROCESS

In accordance with Article 18 of the *Convention on International Civil Aviation* (Chicago Convention), an aircraft cannot be validly registered in more than one State, but its registration may be changed from one State to another. While recognizing that a process of deregistration may vary from one State to another, below is the most common process:

- a) request to deregister;
- b) review of the request by the aircraft registration office;
- c) issue an Export Certificate of Airworthiness, if requested by an applicant;
- d) deregister aircraft (including issuance of a certificate of deregistration, if applicable); and
- e) update the aircraft register.

5.2 REQUEST TO DEREGISTER

An applicant needs to submit a request for aircraft deregistration (also known as a cancellation of certificate of registration) to the aircraft registration office of the State of Registry. Requests to deregister an aircraft may include:

- a) a completed application form (that may contain information related to the registration marks, description of the aircraft and serial number); and
- b) other information, as required by national laws and regulations.

The information above may vary from one State to another. Therefore, it is important to consult national requirements of the State.

5.3 REVIEW OF THE REQUEST BY THE AIRCRAFT REGISTRATION OFFICE

5.3.1 If the State of Registry is a party to 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), the aircraft registration office needs to promptly determine whether an irrevocable de-registration and export authorisation (IDERA) and any related certified designee confirmation letter (CDCL) are recorded for the concerned aircraft.

5.3.2 If there is a recorded IDERA, the aircraft registration office needs to promptly confirm that the applicant is the authorized party identified in the recorded IDERA, or the certified designee identified in a related recorded CDCL, if

any. No person other than such an authorized party or certified designee may apply to deregister an aircraft covered by a registered IDERA. If the applicant is a proper authorized party or certified designee, the aircraft registration office of the State of Registry (and any other involved agency of the State of Registry, if any) must complete the deregistration of the aircraft within the time period required by the Cape Town Convention and Aircraft Protocol without further preconditions (including, without limitation, any consent of, or other action by or within the control of, the operator). If the applicant is not such an authorized party or certified designee, the application must be promptly rejected.

5.3.3 If there is no recorded IDERA, but the State of Registry is a party to the Cape Town Convention and the Aircraft Protocol, the aircraft registration authority needs to ensure that the applicant is the holder of the certificate of registration. If the requirement is not met, the application should be rejected.

5.3.4 If a State is not a party to the Cape Town Convention and the Aircraft Protocol, but is a party to the *Convention on the International Recognition of Rights in Aircraft* (Geneva Convention), the applicant needs to provide satisfactory evidence that either:

- a) all holders of rights recorded against the aircraft in the State of Registry have been satisfied or have consented to the requested deregistration; or
- b) the deregistration is being requested in connection with a sale in execution in conformity with the provisions of Article VII of the Geneva Convention.

If neither requirement is met, the application should be rejected.

5.3.5 If a State is party to neither a) the Cape Town Convention and the Aircraft Protocol nor b) the Geneva Convention, the aircraft registration authority needs to ensure that the applicant is either the holder of the aircraft's certificate of registration or possesses a valid power of attorney from such holder or an instrument conferring authority under the State's national laws to deregister the aircraft. If the applicable requirements are not met, the application should be rejected.

5.3.6 Once the aircraft registration office is satisfied that all requirements provided in 5.3.2 to 5.3.5, as applicable, are met, the aircraft can be deregistered.

5.4 EXPORT CERTIFICATE OF AIRWORTHINESS

5.4.1 Some States issue an "Export Certificate of Airworthiness" or similarly titled document. While not valid for the purpose of flight, such a document provides confirmation by the exporting State of a recent satisfactory review of the airworthiness status of the aircraft under its requirements.

5.4.2 The process for the issuance of the certificate of deregistration is separate from the process for the issuance of the Export Certificate of Airworthiness. Any application for an Export Certificate of Airworthiness should be managed separately.

5.4.3 If an Export Certificate of Airworthiness is required, it needs to be obtained before deregistering the aircraft. However, a deregistration requested pursuant to an IDERA may not be delayed pending issuance of a requested Export Certificate of Airworthiness without the express prior written consent of the applicable authorized party or certified designee. The Export Certificate of Airworthiness is not mandatory and not valid for the purpose of flight. It just provides confirmation by the exporting State of a recent satisfactory review of the airworthiness status of the aircraft. Guidance on the issuance of the Export Certificate of Airworthiness is provided in the *Airworthiness Manual* (Doc 9760).

5.5 AIRCRAFT DEREGISTRATION

5.5.1 Once the aircraft is deregistered, the aircraft registration office needs to send a written confirmation to the applicant that deregistration has taken place or issue a certificate of deregistration to the applicant.

5.5.2 If a State issues a certificate of deregistration, the certificate, in wording and arrangement, must be a replica of the certificate in Annex 7 — *Aircraft Nationality and Registration Marks*. The size of the form is at the discretion of the State. When certificates of deregistration are issued in a language other than English, they must include an English translation.

5.5.3 If there is no IDERA and the requirements of 5.3.3 have been met, the registration and nationality marks, identification plate and 24-bit aircraft address must be removed from the aircraft at the time of deregistration. The following original documents need to be returned to the aircraft registration office:

- a) certificate of registration;
- b) Certificate of Airworthiness;
- c) noise certificate; and
- d) other documents as required by national law.

5.5.4 Once an aircraft has been deregistered pursuant to an IDERA as described in paragraph 5.3.2, the aircraft registration office may require (as a condition to export, but not for deregistration) an undertaking from the holder of the IDERA, acting through its authorized party or certified designee, if any, to take action within its power as soon as practicable to:

- a) remove registration and nationality marks on the aircraft;
- b) return the original certificate of registration and other documents as required by national laws; and
- c) remove the 24-bit aircraft address so that it no longer indicates the former State of Registry.

5.5.5 Removal of the assigned 24-bit aircraft address

5.5.5.1 Removal of the assigned 24-bit aircraft address is required when an aircraft is deregistered. It is important to note that when an aircraft changes its registration, the new State of Registry is required to assign a new 24-bit aircraft address from its own allocation address block, and the newly assigned address must be entered into the aircraft's communications, navigation and surveillance (CNS) equipment.

5.5.5.2 Once the aircraft is removed from the register, it can no longer use the 24-bit aircraft address or operate displaying nationality and registration marks of its former State of Registry.

5.5.6 Notification to the regional monitoring agencies

5.5.6.1 A regional monitoring agency (RMA) supports the continued safe use of reduced vertical separation minima (RVSM) within a designated airspace. One of the functions of an RMA is to establish a database of aircraft approved by its State for operations in RVSM airspace. States provide the appropriate RMA with a listing of aircraft types, using the manufacturer aircraft type designator, serial number and series of aircraft approved to operate in RVSM airspace and a database of State RVSM approvals.

5.5.6.2 Although RVSM approval is related to the aircraft operation, it is important for the Civil Aviation Authority (CAA) to ensure that the RMA is notified when the aircraft is deregistered. Information about RMAs and RMA notification forms can be found in the *Operating Procedures and Practices for Regional Monitoring Agencies in Relation to the Use of a 300 m (1 000 ft) Vertical Separation Minimum Between FL 290 and FL 410 Inclusive* (Doc 9937).

5.5.7 Aircraft register

Upon deregistration, the aircraft registration office needs to update the aircraft register.

Chapter 6

CROSS-BORDER TRANSFER OF AIRCRAFT

6.1 CROSS-BORDER TRANSFER PROCESS

6.1.1 Article 18 of the *Convention on International Civil Aviation* (Chicago Convention) states that an aircraft cannot be validly registered in more than one State, but its registration may be changed from one State to another. The change of aircraft registration from one State to another is referred to as the cross-border transfer of aircraft.

6.1.2 The cross-border transfer process inherently involves two States: the current State of Registry (the exporting State) and the intended future State of Registry (the importing State). The main principle of the cross-border transfer process is that any aircraft transferring between registers should be to the satisfaction of the importing State. This includes both registration and airworthiness requirements.

6.1.3 The cross-border transfer process facilitates provisions of Annex 7 — *Aircraft Nationality and Registration Marks* and Annex 8 — *Airworthiness of Aircraft*. The issuance of an air operator certificate and its associated operations specifications (provided in Annex 6 — *Operation of Aircraft*) falls outside of the cross-border transfer process.

6.1.4 As a general rule, a simple cross-border transfer process can be summarized as follows:

- a) obtain an Export Certificate of Airworthiness, if required by the importing State or requested by the party seeking to register the aircraft;
- b) submit a request for deregistration of an aircraft to the exporting State;
- c) deregister aircraft in the exporting State;
- d) register aircraft in the importing State;
- e) submit a request for the issue of the Certificate of Airworthiness;
- f) perform maintenance or alteration, if required; and
- g) obtain a Certificate of Airworthiness.

Further information about the Certificate of Airworthiness, Export Certificate of Airworthiness and maintenance can be found in the *Airworthiness Manual* (Doc 9760).

6.1.5 However, in most cases the cross-border transfer process is not straightforward due to significant differences in States' requirements and associated processes. The complete cross-border transfer process is provided in Figure 6-1.

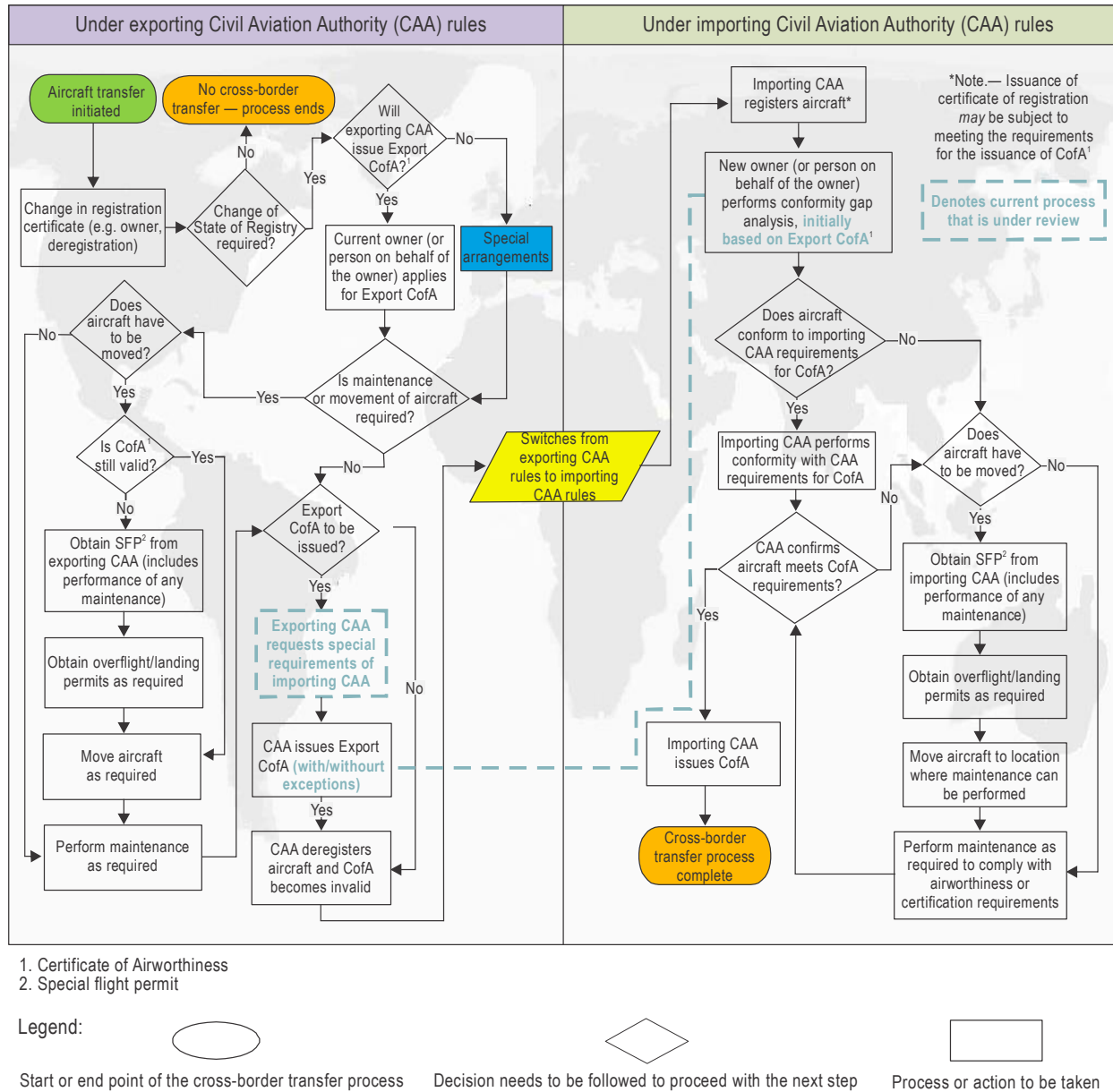


Figure 6-1. The cross-border transfer process

6.2 INFORMATION FOR AN APPLICANT

6.2.1 The complexity of cross-border transfer of aircraft is, to a large extent, attributable to the current variability in requirements and processes for registration and airworthiness assessments among States, which evolved when cross-border transfers were less common. Such differences may include: import restrictions based on calendar age rather than data-based airworthiness criteria tied to type certification; ability to delegate tasks to qualified third parties and the degree to which completion of such tasks may be relied upon; extent to which maintenance on aircraft while unregistered can be performed and then considered by an importing State; how modification and repair designs are to be validated; criteria for issuance, validation and acceptance of Type Certificates; necessity for a Certificate of Airworthiness; and acceptance of

electronic records. Guidance on these and related matters is now provided in this manual and other ICAO provisions, and States are encouraged to continue efforts to harmonize such requirements and processes accordingly. Until there is greater harmonization, an applicant will need to know and comply with the requirements for aircraft registration (see details in Chapter 4), deregistration (see details in Chapter 5) and airworthiness (see details in Annex 8 and Doc 9760) of both the exporting and importing States.

6.2.2 Different requirements and processes may be addressed through consultation among all involved parties (for example, States, operators, owners and any approved maintenance organizations) to ensure that they are all aware of their respective tasks and applicable requirements to complete the issuance of any Export Certificate of Airworthiness, deregistration by the exporting State, registration and issuance of a Certificate of Airworthiness by the importing State. States are reminded to keep current all information in the Online Airworthiness Information Network to facilitate cross-border transfer. Where cross-border transfers between two States are common, entering into a bilateral aviation safety agreement (BASA) may be considered. The use of checklists of documents and actions required can assist the cross-border transfer process. Examples of checklists and forms are provided in Appendices C to F to this manual, and Doc 9760. States may also consider industry-developed checklists and forms.

6.2.3 It should be noted that the aircraft cannot be engaged in international navigation until the registration is complete, an airworthiness certificate is issued, and other requirements are met. In order to avoid any delays, the applicant should ensure that the aircraft conforms to the airworthiness requirements of the importing State for issuance of the Certificate of Airworthiness. If the airworthiness requirements of the importing State are not met, then the applicant should perform maintenance as required.

6.2.4 When an aircraft is exported to another State, there may be additional steps added to the deregistration process, as described in Chapter 5. For example, the applicant may need to apply for an Export Certificate of Airworthiness prior to requesting deregistration.

6.2.5 When an aircraft is imported, in addition to the registration process as provided in Chapter 4, the importing State will need to issue a Certificate of Airworthiness after performing an aircraft document review of, *inter alia*, maintenance, modification records, airworthiness directive compliance, repair records, repair mapping and aircraft inspection to ensure that the aircraft is in an airworthy condition. If the aircraft is a first of type in the State of Registry, the State of Registry needs to certify and issue an aircraft Type Certificate, or validate or accept the aircraft Type Certificate from another State.

6.2.6 Depending on the location and registration of the aircraft, the applicant may need to apply for a non-revenue special flight approval, authorization or permit if the aircraft has to be moved for maintenance before the issuance of the Certificate of Airworthiness. In addition, the applicant may need to obtain other authorizations to be able to overfly another State's territory as required.

6.2.7 Once the certificate of registration and Certificate of Airworthiness are issued by the importing State, the cross-border transfer process is considered to be complete.

6.3 DELEGATION OF CROSS-BORDER TRANSFER FUNCTIONS AND ACTIVITIES

6.3.1 Making use of a delegation mechanism can be useful for processing cross-border transfer requests, which normally require more resources to conduct the necessary due diligence than registering an aircraft being delivered from its manufacturer or between owners or operators within a State. States that do not encounter a regular, meaningful flow of cross-border transfers may find it difficult to justify devoting the financial and personnel resources needed to maintain a capability to process a cross-border transfer efficiently and sometimes require repairs, inspections and maintenance that may be duplicative and time-consuming without providing enhanced safety. Even States that have bilateral agreements establishing clear standards and responsibilities for cross-border transfers between them may still experience resource

constraints for various reasons. The use of qualified designees whose cross-border transfer workflow volume maintains their awareness of the current regulatory requirements of the two States involved may particularly facilitate both efficiency and safety objectives.

6.3.2 Among the cross-border transfer tasks that can be considered for delegation are:

- a) review of Export Certificate of Airworthiness applications, including the acceptability of supporting documentation;
- b) recommendations to the exporting State on the issuance of an Export Certificate of Airworthiness or, if delegated by the exporting State, issuance of an Export Certificate of Airworthiness on behalf of the exporting State when all requirements are met;
- c) review of Certificate of Airworthiness applications at importation, including the acceptability of supporting documentation;
- d) review of aircraft records presented by applicants for compliance with applicable requirements and performance of aircraft inspections;
- e) recommendations to the importing State on the issuance of a Certificate of Airworthiness or, if delegated by the importing State, issuance of a Certificate of Airworthiness on behalf of the State when all requirements are met; and
- f) review of noise certificate applications or, if delegated by the importing State, issuance of a noise certificate on behalf of the State when all requirements are met.

6.4 RISKS OF HAVING AN AIRCRAFT WITHOUT REGISTRATION

6.4.1 When transferring an aircraft from the exporting State to the importing State, the applicant needs to ensure that there is a reasonable period available for the relevant States and other parties to coordinate the change of registration.

6.4.2 In these circumstances, consultation among the exporting and importing States, the relevant operators or owners can ensure that all parties have a common understanding of the proposed timing of, and requirements for, issuance of an Export Certificate of Airworthiness, and completion, on a nearly concurrent basis, of the deregistration by the exporting State and registration by the importing State.

6.4.3 For a variety of reasons, a time gap of some duration is likely to occur between deregistration and registration of an aircraft. For instance, a time gap of only a few minutes or hours may occur due to time zone differences or the time needed for an importing State to execute its final registration procedures. A time gap of several days or longer may occur if the exporting State is obligated to conclude deregistration before a new State of Registry has been identified or has completed its assessment of the aircraft's registration application. By way of example, if a State of Registry is a party to 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), it must, in accordance with those instruments, deregister an aircraft immediately when requested to do so by the irrevocable deregistration and export authorisation (IDERA) holder even if an importing State has not been identified or has not completed its registration process.

6.4.4 If an aircraft is deregistered by a State and the process of registration in another State is not promptly commenced, the owner should be aware that complications may arise if the condition is prolonged. The main consequence is that no State is responsible for the aircraft in accordance with the Chicago Convention and applicable Annexes. In addition, when an aircraft is not registered for a long time, the continuing airworthiness status of the aircraft is disrupted,

and assessment of the airworthiness status may become progressively more complex and may create difficulties in the issuance of a Certificate of Airworthiness. Further guidance on the performance of maintenance on aircraft without registration can be found in Doc 9760.

6.4.5 In order to avoid any delays with the registration, it is important for the owner to know in advance the aircraft registration and deregistration requirements of both the exporting and importing States.

6.4.6 Although the aircraft registration process is distinct from the airworthiness process, in some States the application for the certificate of registration and application for the Certificate of Airworthiness are processed concurrently. Therefore, it is recommended that an applicant know and meet the airworthiness requirements of the importing State for issuance of the Certificate of Airworthiness. If airworthiness requirements of the importing State are not met, then the owner or new operator should perform maintenance as required.

6.4.7 Here are examples that can be taken into consideration by States, owners and operators to avoid lengthy time gaps between deregistration and registration:

- a) A State may register an aircraft even if it is not yet prepared to issue a Certificate of Airworthiness (the aircraft registration process remains distinct from the airworthiness process). Conformity with the airworthiness requirements may be done after the aircraft is registered.
 - b) Where deregistration occurs upon expiration or termination of a lease, the State of Registry may consider accepting a registration application submitted by the aircraft owner. If the State normally conditions registration on the identification of an operator in the State, a time limit (for example, 60 to 90 days) could be imposed on such registration.
 - c) An owner may apply to register the aircraft in a State that does not require a domestic operator as a condition of registration.
 - d) States are encouraged to raise awareness of the possible consequences of allowing an aircraft to be unregistered for an extended period without obtaining new registration.
 - e) States need to ensure that all information regarding deregistration and registration of aircraft is readily available and an application for deregistration or registration is processed within the established time limits in order to avoid any delays.
-

Appendix A

CODE OF CONDUCT FOR DESIGNEES (INDIVIDUALS)

Note.— This code of conduct is provided as an example only. It applies to delegated tasks or functions related to registration, deregistration and cross-border transfer of aircraft.

1. As a designee, I solemnly agree to the following:

- to exercise in all loyalty, discretion and conscience the functions entrusted to me as a designee;
- to discharge these designated functions to the best of my ability;
- to conduct myself with integrity, impartiality and honesty;
- to abide by the rules, standards and procedures set out in the State's laws, regulations and policies;
- not to promote or misuse my delegated privileges for personal private activities;
- not to receive benefits of any kind from a third party which might reasonably be seen to compromise my personal judgement or integrity;
- to understand and respect the culture, customs, habits and national laws of States in which delegated activities may take place;
- to avoid giving cause for resentment and abstain from conduct which would reflect adversely on the delegation programme and which would prejudice the State;
- not to disclose any information of a confidential nature to any other party; and
- not to disclose any documents or to provide access to State portals and databases to any other party.

2. If I have reason to believe I am being required to act in a way that:

- is illegal, improper or unethical;
- is in breach of the laws, regulations, policies and procedures of the State;
- may involve possible misadministration or is otherwise inconsistent with the above,

I will report this matter in writing to relevant authorities.

3. I understand that my delegation is a privilege and not a right and that this delegation may be rescinded at any time for any reason deemed appropriate by the appointing State.

Name: _____

Signature: _____ Date: _____

Appendix B

CONFLICT OF INTEREST/DISCLOSURE FORM (INDIVIDUALS)

Note.— This form is provided as an example only.

This form serves to identify if, in the **past five years**, the Designee has had a professional or economic interest in, has acted as a subject matter expert (SME) or in another position for, or has provided any advisory or technical assistance to, a State and/or service providers in the State, that may be considered as a real, perceived or potential conflict of interest.

The Designee should also disclose any personal, business or volunteer affiliations that may give rise to a real, perceived or potential conflict of interest. The Designee should refrain from accepting or engaging in any assignments that may be associated with, or related to, any possible conflict of interest.

Name of Designee:	Date:
With respect to the proposed task or activity:	
Please describe below any relationships, transactions or positions you hold or have held (volunteer or otherwise), or circumstances of technical or other level of assistance that could contribute to a possible conflict of interest:	
<u>Declaration</u>	
<input type="checkbox"/> I have no conflict of interest to report.	
<input type="checkbox"/> I have the following potential conflict of interest to report:	

<u>Description</u>	
I have provided services, including technical assistance/assessment, to the following State(s), regional or international organization(s) and/or service providers in the State (please indicate the State and associated entities concerned, as well as the month and year during which the services were rendered and describe the functions).	

I hereby certify that the information set forth above is true and complete to the best of my knowledge.	
Name: _____	
Signature: _____	Date: _____

Appendix C

APPLICATION FORM FOR A CERTIFICATE OF REGISTRATION

Note.— This application form is provided as an example only.

Name of applicant(s):		
Address of applicant(s):		
Telephone number:	Email address:	
Indicate whether applicant(s) is: <input type="checkbox"/> owner <input type="checkbox"/> operator <input type="checkbox"/> other (<i>explain</i>):		
Name of owner, if different from applicant(s):		
Address of owner:		
Address of aircraft manufacturer:		
Purpose: commercial/private or other (specify):	Category of aircraft: aeroplane/helicopter or other (specify):	
Aircraft type and model:	Year of manufacture:	
Aircraft serial no.:	Maximum certified take-off mass (kg):	
Engine type and model:	Engine serial number(s):	Category of engine: turbo jet/turbo prop/piston or other (specify):
Has the aircraft been previously registered? <input type="checkbox"/> No (submit evidence of non-registration) <input type="checkbox"/> Yes (submit evidence of deregistration)		
I hereby certify that the information provided herein and any supporting documents for registration of aircraft are true, accurate and correct to the best of my knowledge.		
Company: _____		
Name and title: _____		
Signature: _____ Date: _____		

Appendix D

CHECKLIST FOR REGISTRATION OF AIRCRAFT

Note.— This checklist is provided as an example only. National requirements need to be consulted.

No.	Particulars	
1	Is the application form correctly completed and duly signed?	Yes <input type="checkbox"/> No <input type="checkbox"/>
2	Does the application form contain all supporting documents (for example, certificate of insurance, lease agreement)?	Yes <input type="checkbox"/> No <input type="checkbox"/>
3	Is the applicant eligible to register the aircraft in the State?	Yes <input type="checkbox"/> No <input type="checkbox"/>
4	If the applicant is not the owner, does the application form contain all the owner's information?	Yes <input type="checkbox"/> No <input type="checkbox"/>
5	Is there evidence of deregistration or non-registration of the aircraft?	Yes <input type="checkbox"/> No <input type="checkbox"/>
6	Are the aircraft's and engines' serial numbers specified on the respective data plates inspected to ensure accuracy?	Yes <input type="checkbox"/> No <input type="checkbox"/>
7	Are the identification plates inspected to ensure that they are inscribed with the nationality and registration marks and secured to the aircraft in a prominent position near the main entrance in accordance with the criteria of the State?	Yes <input type="checkbox"/> No <input type="checkbox"/>
8	Are the nationality and registration marks on the aircraft inspected to ensure that their location, measurement and type of characters are in accordance with the criteria of the State?	Yes <input type="checkbox"/> No <input type="checkbox"/>
9	Is there evidence for assignment of the 24-bit aircraft address?	Yes <input type="checkbox"/> No <input type="checkbox"/>
10	Is the certificate of registration signed by an authorized officer?	Yes <input type="checkbox"/> No <input type="checkbox"/>
11	For registration of first-of-type aircraft, has the State of Design been informed?	Yes <input type="checkbox"/> No <input type="checkbox"/>
12	Is the aircraft register updated?	Yes <input type="checkbox"/> No <input type="checkbox"/>
13	If an aircraft is imported from another State, does the applicant have an Export Certificate of Airworthiness from the previous State of Registry issued within the last [x] ¹ days?	Yes <input type="checkbox"/> No <input type="checkbox"/>

Reminder: If the State is a party to the Convention on International Interests in Mobile Equipment (Cape Town Convention) and Protocol to the Convention on International Interests in Mobile Equipment on Matters specific to Aircraft Equipment (Aircraft Protocol), and if the aircraft has an irrevocable de-registration and export request authorisation (IDERA) or certified designee confirmation letter (CDCL), the aircraft registration office needs to keep a record.

1. Number of days is determined by the importing State.

Appendix E

APPLICATION FORM TO DEREGISTER AN AIRCRAFT

Note.— This application form is provided as an example only.

Registration mark:	
Name of applicant(s):	
Address of applicant(s):	
Telephone number:	Email address:
Indicate whether applicant(s) is: <input type="checkbox"/> owner <input type="checkbox"/> operator <input type="checkbox"/> holder of an irrevocable de-registration and export request authorisation (IDERA) or an authorized party or a certified designee of such holder <input type="checkbox"/> other (<i>explain</i>):	
Name of owner, if different from applicant(s):	
Address of owner:	
Aircraft manufacturer:	
Reason for deregistration: ___ Export (please indicate importing State) ___ Destroyed ___ No longer used ___ Other	
Aircraft type and model:	Year of manufacture:
Aircraft serial no.:	
I hereby certify that the information provided herein and any supporting documents for deregistration of aircraft are true, accurate and correct to the best of my knowledge. Company: _____ Name and title: _____ Signature: _____ Date: _____	

Appendix F

CHECKLIST FOR DEREGISTRATION OF AIRCRAFT

Note.— This checklist is provided as an example only. National requirements need to be consulted.

No.	Particulars	
1	Is the application form correctly completed and duly signed?	Yes <input type="checkbox"/> No <input type="checkbox"/>
2	Does the application form contain all supporting documents, as required by national laws (for example, evidence of ownership, certifying statement(s))?	Yes <input type="checkbox"/> No <input type="checkbox"/>
3A	If the State is a party to the <i>Convention on International Interests in Mobile Equipment</i> (Cape Town Convention) and <i>Protocol to the Convention on International Interests in Mobile Equipment on Matters specific to Aircraft Equipment</i> (Aircraft Protocol), is there an irrevocable de-registration and export request authorisation (IDERA) or certified designee confirmation letter (CDCL) recorded for the concerned aircraft?	Yes <input type="checkbox"/> No <input type="checkbox"/> N/A <input type="checkbox"/>
	<ul style="list-style-type: none"> • If yes, is the applicant the authorized party under such IDERA or a certified designee of such authorized party? • If no: <ul style="list-style-type: none"> a) is the applicant the holder of the certificate of registration? and b) have all registered interests ranking in priority been discharged to that of the applicant, or have the holders of such interests consented to the deregistration and export of the aircraft? 	Yes <input type="checkbox"/> No <input type="checkbox"/> Yes <input type="checkbox"/> No <input type="checkbox"/>
3B	If the State is a party to the <i>Convention on the International Recognition of Rights in Aircraft</i> (Geneva Convention), is there satisfactory evidence that: <ul style="list-style-type: none"> • all holders of rights recorded against the aircraft in the State of Registry have been satisfied or have consented to the requested deregistration? or • the deregistration is being requested in connection with a sale in execution in conformity with the provisions of Article VII of the Geneva Convention? 	Yes <input type="checkbox"/> No <input type="checkbox"/> N/A <input type="checkbox"/>
4	Is the identification plate removed?*	Yes <input type="checkbox"/> No <input type="checkbox"/>
5	Is the nationality, common and registration mark removed?*	Yes <input type="checkbox"/> No <input type="checkbox"/>

6	Is there evidence for removal of the 24-bit aircraft address?*	Yes <input type="checkbox"/>	No <input type="checkbox"/>
7	Have the following originals been returned or voided? ** a) certificate of registration; b) Certificate of Airworthiness and noise certificate; and c) other documents as required by national law.	Yes <input type="checkbox"/>	No <input type="checkbox"/>
8	Is the certificate of deregistration signed by an authorized officer, if applicable?	Yes <input type="checkbox"/>	No <input type="checkbox"/>
9	If a certificate of deregistration is not issued, was the importing State notified?	Yes <input type="checkbox"/>	No <input type="checkbox"/>
10	Is the aircraft register updated?	Yes <input type="checkbox"/>	No <input type="checkbox"/>
11	If the aircraft is to be exported to another State, did the applicant apply for an Export Certificate of Airworthiness?	Yes <input type="checkbox"/>	No <input type="checkbox"/>

* The requirements to remove the items differ among States. Some States do not require evidence of the removal of these items prior to deregistration of aircraft, other States ask for a written statement confirming the removal of these items. National requirements need to be consulted.

** Some States may require the originals to be returned following deregistration of an aircraft. National requirements need to be consulted.

— END —

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