



Agreement

between

Ministry of Transport, Communications and Works of the  
Republic of Cyprus

and

Ente Nazionale per l'Aviazione Civile  
for Italian Republic

on

the implementation of article 83bis of the Convention on International Civil Aviation (ICAO)  
for the transfer of surveillance responsibilities (operations, maintenance and continuing  
airworthiness) for aircraft operated under dry leasing contracts or by virtue of ownership of  
the concerned aircraft or any other agreement in the spirit of article 83bis of the Convention  
on International Civil Aviation

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*Agreement between the Ministry of Transport, Communications and Works, of the Republic of Cyprus and Ente Nazionale per l'Aviazione Civile, the Civil Aviation Authority of the Italian Republic, on the implementation of article 83bis of the Convention on International Civil Aviation (ICAO) for the transfer of surveillance responsibilities (operations, maintenance and continuing airworthiness)*

AGREEMENT

BETWEEN

THE MINISTRY OF TRANSPORT, COMMUNICATIONS AND WORKS OF THE  
REPUBLIC OF CYPRUS

AND

ENTE NAZIONALE PER L'AVIAZIONE CIVILE (ENAC)  
THE ITALIAN CIVIL AVIATION AUTHORITY

The Ministry of Transport, Communications and Works of the Republic of Cyprus as represented by the Director of the Department of Civil Aviation and the Italian Civil Aviation Authority (hereinafter referred to as "the Parties")

Whereas the Protocol of 6 October 1980 relating to an amendment of the Convention on International Civil Aviation which includes article 83bis of the Convention on International Civil Aviation (hereinafter referred to as "Chicago Convention") of which Cyprus and Italy are Contracting Parties, entered into force on 20 June 1997,

Whereas Cyprus and Italy are members of the European Union (EU),

Whereas the European Parliament and the Council of the European Union (EU) have adopted Regulation (EU) No 2018/1139 to establish and maintain a high uniform level of civil aviation safety in Europe by the adoption of common safety rules and by measures ensuring that products, persons and organisations in the Community comply with such rules and those adopted to protect the environment,

Whereas the European Aviation Safety Agency (EASA, now European Union Aviation Safety Agency) has been established pursuant to Regulation (EC) 1592/2002 (afterwards replaced, in sequence by Regulation (EC) No. 216/2008, and then by Regulation (EU) No 2018/1139 of the European Parliament and the Council of the European Union) and has been operational since 28 September 2003 to carry out on behalf of every EU Member State, under article 77 of the above mentioned Regulation (EU) No 2018/1139, the functions and tasks of the state of design, manufacture or registry when related to design approval,

Whereas the European Commission has adopted Regulation (EU) 748/2012, as amended or replaced, laying down implementing rules for the airworthiness and environmental certification of aircraft and related products, parts and appliances, as well as for the certification of design and production organisations,

Whereas the European Commission has adopted Regulation (EU) 1321/2014, as amended or replaced, on the continuing airworthiness of aircraft and aeronautical products, parts and appliances, and on the approval of organisations and personnel involved in these tasks,

Whereas the European Commission has adopted Regulation (EU) 2015/640, as amended or replaced, on additional airworthiness specifications for a given type of operations and amending Regulation (EU) No 965/2012,

Whereas the European Commission has adopted Regulation (EU) No 965/2012, as amended or replaced, laying down technical requirements and administrative procedures related to air operations pursuant to Regulation (EC) No 216/2008 of the European Parliament and of the Council,

Whereas the European Commission has adopted Regulation (EU) No 1178/2011, as amended or replaced, laying down technical requirements and administrative procedures related to civil aviation aircrew pursuant to Regulation (EC) No 216/2008 of the European Parliament and of the Council,

Whereas each Party has determined, pursuant to the above-mentioned EU Regulations as amended or replaced, that the standards of airworthiness and systems for airworthiness, environmental certification and maintenance of the other Party are equivalent to its own to make this arrangement practicable,

Whereas each Party, pursuant to the above mentioned European Regulations, has determined that the operational requirements and design-related operational requirements of the other Party are sufficiently equivalent to its own to make this arrangement practicable,



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Whereas Article 83bis of the Chicago Convention provides, with a view to enhanced safety, for the possibility of transferring to the state of the operator all or part of the state of registry's functions and duties pertaining to Articles 12, 30, 31, and 32 (a) of the Chicago Convention,

Whereas, in line with ICAO Document 9760 / AN967, Chapter 1, and in the light of ICAO Document 8335, Chapter 2, it is necessary to precisely establish the international obligations and responsibilities of Cyprus and of Italy in accordance with the Chicago Convention when an aircraft registered in Cyprus is operated by the holder of an air operator's certificate (AOC), or other operational approval, issued by the Italian Civil Aviation Authority or when an aircraft registered in Italy is operated by the holder of an AOC, or other operational approval, issued by the Cypriot Civil Aviation Authority, under a leasing contract or by virtue of ownership of the concerned aircraft or any other agreement in the spirit of article 83bis,

Whereas this Agreement reflects the requirements of ICAO Document DOC 10059 Manual on the Implementation of Article 83bis of the Convention on International Civil Aviation,

Whereas, with reference to the relevant Annexes to the Chicago Convention, this Agreement organises the transfer from the State of Registry Authority to the operator Authority of responsibilities normally assumed by the State of Registry, as set out in Articles 3 and 4 below,

Whereas the Protocol was ratified by Italy, through the Law no. 437 of 24 July 1985, published in the "Supplemento ordinario alla Gazzetta Ufficiale" no. 197 of 22 August 1985, in conjunction with the "Regolamento Convenzione ICAO - Art. 83 bis trasferimento di alcuni compiti e funzioni dello Stato di Registrazione", and has given effect to the agreement in relation to article 83<sup>bis</sup> of the Chicago Convention,

Whereas the Protocol was ratified by Cyprus, through the Law no.213 of 2 December 1988,

HAVE AGREED, ON THE BASIS OF ARTICLES 33 AND 83BIS OF THE CHICAGO CONVENTION AS FOLLOWS:

Handwritten initials 'RS' and a signature.

## Article 1

### DEFINITIONS

(1) For the purposes of this Agreement, unless the text otherwise requires:

- "Lessor": means registered owner or the party from which the aircraft is leased
- "Lessee": means registered operator or the party to which the aircraft is leased
- "Operator": means owner, or other organisation stipulated as operator on the registration document or detailed in a leasing contract (operator), under whose operating licence under Regulation (CE) 1008/2008 and/or operational approval (e.g. AOC, etc) the aircraft is operated
- "Authority of the State of Registry": means The Ente Nazionale per l'aviazione Civile (ENAC) the Italian Civil Aviation Authority where the relevant aircraft is registered
- "Authority of the State of the Operator": means the Department of Civil Aviation of Cyprus where the operator of the aircraft has his principal place of business and, if any, his registered office and has granted the air operator's certificate (AOC) or other applicable operational authorisation
- "commercial operations": means the term as defined in Regulation (EC) No 216/2008 and referred to in article 140, paragraph 2(a) of Regulation (EU) no. 2018/1139) of the European Parliament and of the Council
- "EASA Member State": means any European Union Member State and any other State adhering to EASA system, as identified by EASA
- "State of Registry" means the State on whose register the aircraft is entered
- "State of the Operator" means the State from which the lessee has received his operating licence

"Agreement ENAC-DCA CY" means this Agreement as signed on the 5<sup>th</sup> of July 2021 between the Parties,

"DCA CY" means the Department of Civil Aviation of the Ministry of Transport, Communication and Works of the Republic of Cyprus

"ENAC" means the Ente Nazionale Per L'aviazione Civile (Enac), Italian Civil Aviation Authority



- (2) Italian or Cypriot operators are entitled to operate an aircraft registered in Cyprus or in Italy respectively under a leasing contract or by virtue of ownership of the concerned aircraft or any other agreement in the spirit of article 83bis of the Convention on International Civil Aviation for the purpose of commercial operations. In accordance with ICAO Annex 8 and with the national regulations the State of Registry retains legal responsibility for maintaining the validity of the certificate of airworthiness of the aircraft, which is controlled in accordance with provisions of Annex I (Part M) of Regulation (EU) 1321/2014, as revised.
- (3) In pursuance of article 83bis of the Chicago Convention and of the Law no. 213 of 2 December 1988, CYPRUS and DCA-CY shall be relieved of the responsibility in respect of the functions and duties transferred to ENAC.
- (4) In pursuance of article 83bis of the Chicago Convention and of the Legge 24.7.85, n°437 published on Supplemento ordinario alla Gazzetta Ufficiale n°197 del 22.8.85, and the "Regolamento Convenzione ICAO - Art. 83 bis trasferimento di alcuni compiti e funzioni dello Stato di registrazione", ITALY and ENAC shall be relieved of the responsibility in respect of the functions and duties transferred to DCA-CY.

## **Article 2**

### **SCOPE OF APPLICATION**

This Agreement ENAC-DCA CY shall be applicable to aircraft on the register of civil aircraft of Cyprus or Italy and operated by an air carrier licensed in accordance with Regulation (EC) No 1008/2008 under a leasing contract or by virtue of ownership of the concerned aircraft or any other agreement in the spirit of article 83bis of the Convention on International Civil Aviation by an Italian or Cypriot operator respectively.

## **Article 3**

### **TRANSFERRED RESPONSIBILITIES**

- (1) Under this Agreement ENAC-DCA CY, the Parties agree that the civil aviation authority of the State of Registry hereby transfers to the civil aviation authority of the State of the

Operator the functions and duties indicated in the following points (2) and (3), including oversight and control of relevant items contained in the respective Annexes to the Chicago Convention.

(2) Chicago Convention Articles 30b and 32a:

Annex 1 – Licensing of Aviation Personnel (Personnel Licensing) - issuance and validation of licenses.

Validation of flight crew licenses being issued in accordance with Regulation (EU) No 1178/2011, as amended or replaced, is not necessary.

The responsibilities of the Authority of the State of Registry for the issuance and validation of flight crew licenses shall not be transferred to the Authority of the State of operator.

(3) Chicago Convention Article 12:

Annex 2 – Air Traffic Rules (Rules of the Air) - enforcement of compliance with applicable rules and regulations relating to the flight and manoeuvre of aircraft.

(4) Chicago Convention Article 31:

Annex 6 - Operation of Aircraft - all responsibilities which are normally incumbent on the State of Registry for the oversight and control of operations of aircraft entered on its register.

Annex 8 - Airworthiness of Aircraft - all responsibilities which are normally incumbent on the State of Registry, and have not been assumed by EASA, for the oversight and control of aircraft entered on its register.

Responsibilities related to the control of continued validity of the Certificate of Airworthiness of individual aircraft to which the provisions of the present Agreement ENAC-DCA CY apply, according to Annex I (Part-M) of Regulation (EU) 1321/2014, as revised, are transferred in accordance with the terms and conditions laid down in the relevant Working Procedures relevant to this Agreement ENAC-DCA CY. Under this Agreement ENAC-DCA CY, the responsibility for the supervision of maintenance and continuing airworthiness of the aircraft concerned operated under the Air Operator's Certificate (AOC) or equivalent operational approval of the operator is hereby transferred to the State of operator Authority.

The procedures related to the continuing airworthiness of aircraft concerned, to be followed by the operator, are contained in the concerned Continuing Airworthiness Management Exposition (CAME) and Operations Manual (OM).

#### **Article 4**

#### **NOTIFICATION**

This Agreement ENAC-DCA CY and its relevant Working Procedures as laid down in Annex of this Agreement ENAC-DCA CY, as well as any amendments to them, shall be submitted to ICAO for registration by both ENAC and DCA-CY, as required by Article 83 of the Chicago Convention and in accordance with the Rules for the Registration of Aeronautical Agreements and Arrangements of ICAO (ICAO Doc. 6685). Updates of Annex shall be mutually agreed by the Contracting Parties.

- (1) A certified true copy of this Agreement ENAC-DCA CY and its relevant Working Procedures as laid down in Annex of this Agreement ENAC-DCA CY, as well as any amendments to them, shall be made available by the Authority of the State of operator to the aircraft operators to which this Agreement ENAC-DCA CY applies. A copy of the Agreement ENAC-DCA CY and the relevant Working Procedures as laid down in Annex of this Agreement ENAC-DCA CY as well as a copy of the relevant initiation and acceptance letter must be kept on board the aircraft concerned.
- (2) A certified true copy of the Air Operator's Certificate (AOC) or other relevant operational approval issued to the operator by the Authority of the State of the operator in which the aircraft concerned is duly and properly identified, shall also be carried on board each aircraft concerned. If the operator has obtained, from its Authority, approval for a system to list the registration marks for aircraft operated and authorized under its AOC or, as applicable, other national approval/authorisation for the specific operations, this list and the relevant section of the operations manual describing this system must be kept on board each aircraft to which the present Agreement ENAC-DCA CY applies.



- (3) During the implementation of this Agreement ENAC-DCA CY, and prior to any aircraft subject to it, being made the object of a sub-lease, the State of the operator shall inform the State of Registry of the situation. None of the duties and functions transferred from the State of Registry to the State of the operator may be carried out under the authority of a third State without the express written agreement of the State of Registry.

### **Article 5**

#### **AUTHORISATION OF LEASING CONTRACTS**

- (1) Each Party shall ensure that leasing contracts are only authorized if they are in compliance with the terms and conditions laid down in the present Agreement ENAC-DCA CY.

### **Article 6**

#### **CO-ORDINATION**

- (1) Meetings between DCA-CY and ENAC shall be arranged as necessary to discuss both operations and airworthiness matters resulting from inspections that have been conducted by the relevant inspectors. For the sake of enhanced safety, these meetings will take place for the purpose of resolving any discrepancies found as a result of the inspections and in order to ensure that all Parties are fully informed about the concerned operator's operations. The following subjects may be discussed during these meetings:
- Flight operations;
  - Continuing airworthiness surveillance and aircraft maintenance;
  - Operator Maintenance Control Manual procedures, as applicable;
  - Flight and cabin crew training and checking;
  - Any other significant matters arising from inspections.

### **Article 7**

#### **INITIATION**

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- (1) The transfer of functions related to the surveillance of aircraft to which this Arrangement applies shall be initiated by the Authority of the State of Registry with a letter referring to the Agreement ENAC-DCA CY and the specific aircraft and formally accepted by the Authority of the State of operator. In the case of a prolongation of a leasing contract, the continued transfer of functions and their acceptance shall be confirmed in writing by both the Authority of the State of Registry and the Authority of the State of the operator, before the beginning of the new lease period. A certified true copy of these letters shall be provided to the operator by the relevant Authority, to be kept on board of the aircraft concerned, during the validity period of this Agreement ENAC-DCA CY in respect of that specific aircraft as established in accordance with the provisions of Article 9.

#### **Article 8**

#### **CHARGES**

- (1) Each Authority shall invoice charges and expenses according to its own procedures

#### **Article 9**

#### **FINAL CLAUSES**


- (1) The implementation of this Agreement ENAC-DCA CY shall be effective on the basis of Working Procedures as set out in Annex, mutually agreed between the Parties.
- (2) This Agreement ENAC-DCA CY shall enter into force on the date of its signature.
- (3) The definition of DCA-CY and ENAC regulatory responsibilities shall come into effect, for each individual case, when the transfer of the functions is formally accepted by the State of operator Authority on the basis of this Agreement ENAC-DCA CY. For this purpose, a formal reply letter regarding the transfer of functions shall be sent by the Authority of the State of operator to the Authority of the State of Registry indicating its acceptance or refusal. Before the start of operations, the Authority of the State of Registry shall send a request concerning the transfer of functions to the Authority of the State of the

operator. The points of contact for the exchange of correspondence are laid down in the relevant Working Procedures as set out in the Annex of this Agreement ENAC-DCA CY.

- (4) The determined regulatory responsibilities of DCA-CY and ENAC for an aircraft to which this Agreement ENAC-DCA CY applies shall cease to be in effect 24 hours after notice given by either, the Authority of the State of Registry or the Authority of the State of the operator, but not later than the date of expiry, established by any of the Parties. Such date shall be mentioned by the Authority on the request concerning acceptance of functions or in the acceptance letter.
- (5) Any modification to this Agreement ENAC-DCA CY shall be made in writing.
- (6) The responsibility for the registration of amendments to this Agreement ENAC-DCA CY with ICAO shall be assumed by both the Authority of the State of Registry and the Authority of the State of operator.
- (7) The Agreement ENAC-DCA CY shall terminate 60 days after written notice of the termination of this Agreement ENAC-DCA CY by either of the two Parties.

Done on 5 July 2021 in two originals in English.

For the  
Ente Nazionale per l'Aviazione Civile



Mr. Fabio NICOLAI  
Head of Aviation Regulation Directorate

Date: July 2021

For the  
Ministry of Transport Communications  
and Works, Department of Civil  
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Mrs Panayiota Demetriou  
Director of the Department of Civil Aviation

Date: 5 July 2021