
**GACAR PART 9 – AIRCRAFT UNDER AN AGREEMENT FOR TRANSFER OF FUNCTIONS
AND DUTIES IN ACCORDANCE WITH ARTICLE 83 bis OF THE CONVENTION ON
INTERNATIONAL CIVIL AVIATION**

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SUBPART A – GENERAL

§ 9.1 Introduction

This GACAR Part is prepared in accordance with the Article 4 of the Civil Aviation Law, whereby the Kingdom of Saudi Arabia is committed to ratify and implement International Treaties and Agreements. This Part concerns Article 83 bis of the Convention on International Civil Aviation. The ratification of the provisions of ICAO Article 83 bis facilitates the transfer of duties, functions, and responsibilities from the State of Registry of an aircraft to the State of Operator to fulfil, when the State of Registry and the State of Operator are different and operate aircraft under leasing, charter, interchange or other similar arrangements.

§ 9.3 Applicability

This Part applies to each aircraft, aircraft operator and to persons performing any functions and duties in respect of the aircraft if the aircraft are specifically included under the terms of an agreement in force between the Kingdom of Saudi Arabia (KSA) and another Contracting State on transfer or acceptance of responsibilities in accordance with Article 83 bis.

§ 9.5 Transfer of Responsibilities

The following functions and duties, as defined in the Convention on International Civil Aviation, of the State of Registry may be transferred to the State of Operator on the basis of a formal agreement under Article 83 bis:

- (a) the Rules of the Air and operating procedures under Article 12;
- (b) the Certificate of Airworthiness under Article 31;
- (c) the provisions of the aircraft Radio Station license under Article 30; and
- (d) Crew licenses under Article 32(a).

For the purposes of effectively overseeing an aircraft lease or other similar arrangement, the

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President may accept the transfer of duties and functions from a foreign State of Registry or may transfer such responsibilities to a foreign State of Operator, if the Contracting State has ratified Article 83 bis and the President has determined the State of Operator is capable of adequately performing the duties and functions to be transferred.

§ 9.7 Aircraft Repair and Modification

(a) Unless otherwise prescribed under the terms of the Article 83 bis agreement, modification and repair responsibilities of Saudi Arabian registered aircraft must be processed through GACA and for foreign registered aircraft must be processed through the State of Registry.

(b) Any alteration of aircraft radio equipment requiring a change of the Radio Station License of a KSA registered aircraft must be processed by GACA and the operator must apply to the State of Registry for a foreign registered aircraft.

§ 9.9 Conflicting Provisions

If KSA enters into an Article 83 bis agreement, the provisions of the agreement will take precedence over any conflicting requirements in this part.

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SUBPART B – 83 BIS AGREEMENT

§ 9.11 General Requirements

The parties to an aircraft lease or other similar arrangement must assess each other for the capability, suitability and feasibility of entering into the agreement. Notwithstanding the arrangement between parties, GACA will process the operator's request for executing an Article 83 bis agreement with any foreign State of Operator only upon satisfactory assessment of the regulatory compatibility and the oversight capability of the foreign State. The President may also decide, without any operator's request, that GACA will pursue an Article 83 bis agreement with the foreign State of Operator, or the foreign State of Registry, as the case may be.

§ 9.13 Preliminary Process

Based on the operator's request for a lease agreement under Article 83 bis, GACA will make formal communications with the foreign State of lessor or lessee operator as applicable, in order to determine the viability of entering into an agreement for the transfer or acceptance of specified duties and functions.

§ 9.15 Agreement Process

For the purpose of effective development and implementation of the agreement, the parties to an aircraft lease or other similar arrangement must provide all necessary information to the President regarding airworthiness and operational requirements of the aircraft relevant to the agreement.

§ 9.17 Development of Agreement

The President, while developing the agreement may decide on the functions and duties to be transferred or accepted from the foreign State based on the specifics of the lease agreement or other similar arrangement. For cases involving an aircraft lease, the certificate holder under GACAR Part 119 or 133, as applicable, must ensure that the following information is provided in order to develop the Article 83 bis agreement:

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- (a) Name and address of the lessee and lessor organization; the principal place of business for a Non-commercial Operator.
- (b) The list of aircraft mentioning registration mark, manufacturer, model and series, and serial number; and
- (c) The exact duration, the date of entry into force and the date of expiry of the agreement.

The President may stipulate or impose additional conditions for the termination of a lease for any deviation or violation of agreements. This includes performing special inspections, action for any non-compliance or violations of the agreement.

§ 9.19 Signing and Registration of Agreement.

- (a) No aircraft operation under an Article 83 bis agreement may commence unless the agreement is finalized and signed by the President and the authorized signatory of the foreign State.
- (b) The agreement summary must be transmitted to ICAO together with the Article 83 bis signed agreement for registration with the ICAO Council by the State of Registry or the State of Operator.
- (c) No aircraft operation under the lease agreement or similar arrangement may commence unless the agreement has been registered with ICAO or directly intimated to the third-party contracting States where the aircraft are likely to operate.
- (d) The signed agreement will be in force only upon registration with ICAO and subsequent publication and intimation to the operators.

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**SUBPART C – RESPONSIBILITY OF THE PARTIES UNDER AN ARTICLE 83 BIS
AGREEMENT**

§ 9.21 Responsibilities of the Lessee Operators

The operator of an aircraft under an Article 83 bis agreement must ensure compliance with the following:

- (a) Ensuring all maintenance and modification tasks contained in the mandatory continuing airworthiness information are performed in accordance with the agreement;
- (b) In cases where any continued airworthiness safety issues or findings are identified, the operator must inform the President, the State of Registry, lessor and the State of Design for evaluation and resolution;
- (c) Any airworthiness findings detected during aircraft inspection on ramp by third party Contracting States, where the aircraft is operating, must be communicated to GACA and the lessor;
- (d) Ensuring the performance of all tasks given in the continuing airworthiness information and keeping records in accordance with the approved Maintenance Control Manual (MCM) or MM or equivalent;
- (e) Conducting training to the operator's personnel on the Article 83 bis agreement operational procedures including aircraft type training if the aircraft inducted is a new type in the fleet. The operator must assess the competency of the technical personnel prior to assigning them independent tasks;
- (f) Being responsible for ensuring that the crew licenses and the certificates of airworthiness remain valid throughout the agreement period and initiate timely action for renewal.

§ 9.23 Responsibilities of the Lessors

The lessor must ensure compliance with the following:

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- (a) Ensuring all transferred functions are monitored, performed and informed to GACA to enable continuous safety oversight of those responsibilities that are retained;
- (b) Ensuring that the aircraft is maintained and operated in accordance with the requirements stipulated in the GACAR and records are maintained;
- (c) Ensuring the accomplishment of all tasks given in the mandatory continuing airworthiness information including Airworthiness Directives (ADs) and any special requirements stipulated by the President;
- (d) Ensuring that GACA and the lessee operator receive all applicable mandatory continuing airworthiness information;
- (e) In the case of receiving information regarding any findings detected during aircraft ramp inspections and remedial actions if any performed by the lessee , the lessor must inform the President.

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SUBPART D – GENERAL TERMS OF AN ARTICLE 83 BIS AGREEMENT

§ 9.31 Modification of Agreement

For any modification of an Article 83 bis agreement, including in the parties, terms or scope of a registered agreement, the President must be informed for necessary revision of the agreement, registration with ICAO or direct intimation with third party Contracting States.

§ 9.33 Aircraft documents

(a) As prescribed in GACAR § 91.9(a)(7), the operator must ensure that a certified true copy of the Article 83 bis Agreement Summary in either an electronic or hard copy format is always carried on board while the agreement is in force, on all aircraft operating under the agreement.

(b) The agreement summary must contain the information on duties and functions transferred, aircraft details and effective dates of agreement in the form and manner acceptable to the President. When the Agreement Summary is issued in the Arabic language, an English translation must be included.

(c) The summary Article 83 bis agreement must be readily accessible to the President or foreign national aviation safety inspectors for inspection and to determine which functions and duties are transferred under the agreement by the State of Registry to the State of Operator.

§ 9.35 Coding of Emergency Locator Transmitters (ELT)

For an extended period (more than 12 months) of operation under an Article 83 bis agreement, the lessee must apply to the President to register and update the ELT code for the use of search and rescue authorities. The register information includes the name, address and emergency telephone numbers of the owner and operator.

§ 9.37 Termination clauses

(a) If an agreement for the lease, charter or interchange of an aircraft or any similar arrangement, subject to an agreement in accordance with Article 83 bis of the Convention on International Civil

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Aviation, is terminated on a date earlier than the date of expiration set out in the agreement or arrangement, the Saudi Arabian operator of the aircraft if it is a foreign registered aircraft or the registered owner of the aircraft if it is a Saudi Arabian registered aircraft must inform the President in writing of the actual date of termination within seven days of its occurrence.

(b) Notwithstanding the termination class mentioned in § 9.37 (a), the operator must ensure that the aircraft is operated and maintained in accordance with the terms and conditions stipulated in Article 83 bis agreement and the underlying lease agreement. Any deviation or non-compliance with the terms of the agreement or the identification of any safety critical issues may lead to the termination of the agreement or additional actions from GACA or the foreign National Aviation Authority, which may include legal action or additional inspections to ensure extended operations.

(c) When agreement for the lease, charter or interchange of an aircraft or any similar arrangement, subject to an agreement in accordance with Article 83 bis of the Convention on International Civil Aviation and the responsibility set out in Article 31 of the Convention on International Civil Aviation to issue or to render valid an airworthiness certificate (certificate of airworthiness) for a Saudi Arabian registered aircraft is transferred to another Contracting State in accordance with Article 83 bis of the Convention, the Saudi Arabian airworthiness certificate for that aircraft will cease to have effect upon completion of the transfer.

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SUBPART E – APPROVAL OF LEASE UNDER ARTICLE 83 BIS

§ 9.41 Approval of Leasing

Operators proposing for a lease in or lease out under an Article 83 bis agreement must apply to the President in the prescribed format along with a duly completed compliance checklist.

§ 9.43 Foreign registered aircraft leased to KSA Operators

(a) The President may grant approval for leasing-in of foreign registered aircraft under an Article 83 bis agreement upon confirmation that the aircraft meets the requirements stipulated in the GACARs and the lessee and lessor has submitted all documents to ensure continuing airworthiness and operation of the aircraft.

(b) The aircraft details will be entered in the AOC, OC or Authorization, as applicable, by issuance of a lease approval which must be carried on board along with the AOC, OC or Authorization.

§ 9.45 KSA registered aircraft leased to Foreign Operators

(a) The President may grant approval for leasing out of aircraft under an Article 83 bis agreement upon confirmation that the aircraft meets the requirements stipulated by the foreign National Aviation Authority and necessary documents have been submitted to ensure continuing airworthiness and operation of the aircraft.

(b) The details of the leased-out aircraft will be removed from the list of AOC, OC or Authorization of the Certificate holder on issuance of an approval for the leasing operation.