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Ref.: AN 11/32.3.15-20/32

7 April 2020

**Subject:** Adoption of Amendment 23 to Annex 6, Part III

**Action required:** a) Notify any disapproval before 20 July 2020; b) Notify any differences and compliance before 5 October 2020; c) Consider the use of the Electronic Filing of Differences (EFOD) System for notification of differences and compliance

Sir/Madam,

1. I have the honour to inform you that Amendment 23 to the *International Standards and Recommended Practices, Operation of Aircraft — International Operations — Helicopters* (Annex 6, Part III to the Convention on International Civil Aviation) was adopted by the Council at the third meeting of its 219th Session on 6 March 2020. Copies of the Amendment and the Resolution of Adoption are available as attachments to the electronic version of this State letter on the ICAO-NET (<http://portal.icao.int>) where you can access all other relevant documentation.

2. When adopting the amendment, the Council prescribed 20 July 2020 as the date on which it will become effective, except for any part concerning which a majority of Contracting States have registered their disapproval before that date. In addition, the Council resolved that Amendment 23, to the extent it becomes effective, will become applicable on 5 November 2020 unless otherwise indicated.

3. Amendment 23 arises from:

- a) recommendations stemming from the fourth meeting of the Flight Operations Panel (FLTOPSP/4) concerning all weather operations, harmonization of terms for authorizations, acceptance and approvals (AAA), Article 83 *bis*, and the development of a helicopter code of performance with exposure;
- b) recommendations stemming from the tenth meeting of the Flight Recorder Specific Working Group (FLIRECSWG/10) relating to image and data link data to be recorded on flight data recorder (FDR)/cockpit voice recorder (CVR), reliable power source for lightweight flight recorders, additional parameters for aircraft data

recording systems (ADRS), bit error rate recording inspections and data link recorder (DLR) and data link recording system (DLRS) recording inspections; and

- c) recommendations stemming from the eleventh meeting of the Flight Recorder Specific Working Group (FLIRECSWG/11) relating to recording of data link communications messages

4. The subjects are given in the amendment to the Foreword of Annex 6, Part III, a copy of which is in Attachment A. The background information concerning each subject are presented in detail in Attachment B.

5. In conformity with the Resolution of Adoption, may I request:

- a) that before 20 July 2020 you inform me if there is any part of the adopted Standards and Recommended Practices (SARPs) amendments in Amendment 23 concerning which your Government wishes to register disapproval, using the form in Attachment C for this purpose. Please note that only statements of disapproval need be registered and if you do not reply it will be assumed that you do not disapprove of the amendment;
- b) that before 5 October 2020 you inform me of the following, using the Electronic Filing of Differences (EFOD) System or the form in Attachment D for this purpose:
  - 1) any differences that will exist on 5 November 2020 between the national regulations or practices of your Government and the provisions of the whole of Annex 6, Part III, as amended by all amendments up to and including Amendment 23, and thereafter of any further differences that may arise; and
  - 2) the date or dates by which your Government will have complied with the provisions of the whole of Annex 6, Part III, as amended by all amendments up to and including Amendment 23.

6. With reference to the request in paragraph 5 a) above, it should be noted that a registration of disapproval of Amendment 23 or any part of it in accordance with Article 90 of the Convention does not constitute a notification of differences under Article 38 of the Convention. To comply with the latter provision, a separate statement is necessary if any differences do exist, as requested in paragraph 5 b) 1). It is recalled in this respect that international Standards in Annexes have a conditional binding force, to the extent that the State or States concerned have not notified any difference thereto under Article 38 of the Convention.

7. With reference to the request in paragraph 5 b) above, it should be also noted that the ICAO Assembly, at its 39th Session (27 September – 6 October 2016), resolved that Member States should be encouraged to use the EFOD System when notifying differences (Resolution A39-22, refers). The EFOD System is currently available on the Universal Safety Oversight Audit Programme (USOAP) restricted website (<http://www.icao.int/usoap>) which is accessible by all Member States. You are invited to consider using this for notification of compliance and differences.

8. Guidance on the determination and reporting of differences is given in the Note on the Notification of Differences in Attachment E. Please note that a detailed repetition of previously notified differences, if they continue to apply, may be avoided by stating the current validity of such differences.

9. I would appreciate it if you would also send a copy of your notifications, referred to in paragraph 5 b) above, to the ICAO Regional Office accredited to your Government.

10. At the fifth meeting of its 204th Session, the Council requested that States, when being advised of the adoption of an Annex amendment, be provided with information on implementation and available guidance material, as well as an impact assessment. This is presented for your information in Attachments F and G, respectively.

11. As soon as practicable after the amendment becomes effective on 20 July 2020, a new edition of Annex 6, Part III incorporating Amendment 23 as well as the adopted amendments mentioned above will be forwarded to you.

Accept, Sir/Madam, the assurances of my highest consideration.

Fang Liu  
Secretary General

**Enclosures:**

- A — Amendment to the Foreword of Annex 6, Part III
- B — Background information concerning the subjects of Amendment 23 to Annex 6, Part III
- C — Form on notification of disapproval of all or part of Amendment 23 to Annex 6, Part III
- D — Form on notification of compliance with or differences from Annex 6, Part III
- E — Note on the Notification of Differences
- F — Implementation task list and outline of guidance material in relation to Amendment 23 to Annex 6, Part III
- G — Impact assessment in relation to Amendment 23 to Annex 6, Part III



**ATTACHMENT A** to State letter AN 11/32.3.15-20/32

**AMENDMENT TO THE FOREWORD OF ANNEX 6, PART III**

*Add* the following at the end of Table A:

<i>Amendment</i>	<i>Source(s)</i>	<i>Subject(s)</i>	<i>Adopted/Approved Effective Applicable</i>
23	Fourth meeting of the Flight Operations Panel (FLTOPSP/4); and the tenth and eleventh meetings of the Flight Recorder Specific Working Group (FLIRECSWG/10 and FLIRECSWG/11).	<ul style="list-style-type: none"> <li>a) all-weather operations, harmonization of terms for authorizations, acceptance and approvals (AAA), Article 83 <i>bis</i>, and the development of a helicopter code of performance with exposure;</li> <li>b) image and data link data to be recorded on FDR/CVR, reliable power source for lightweight flight recorders, additional parameters for ADRS, bit error rate recording inspections and DLR and DLRS recording inspections; and</li> <li>c) recording of data link communications messages.</li> </ul>	6 March 2020 20 July 2020 5 November 2020

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**BACKGROUND INFORMATION CONCERNING  
THE SUBJECTS OF AMENDMENT 23 TO ANNEX 6, PART III**

*Note.— For further clarification regarding a particular subject, please do not hesitate to contact [OPS@icao.int](mailto:OPS@icao.int).*

**1. ALL-WEATHER OPERATIONS, HARMONIZATION OF TERMS FOR AUTHORIZATIONS, ACCEPTANCE AND APPROVALS (AAA), ARTICLE 83 BIS, AND THE DEVELOPMENT OF A HELICOPTER CODE OF PERFORMANCE WITH EXPOSURE**

1.1 The amendment relating to all weather operations, harmonization of terms for AAA, Article 83 *bis* and the development of a helicopter code of performance with exposure addresses the following issues:

- a) *All-weather operations*: As described in Annex 6, Part III the pilot-in-command or operator is responsible for determining aerodrome operating minima. The amendment further clarifies the operator's/pilot-in-command's responsibility for consideration of all relevant items when establishing these minima, including in operations requiring a specific approval. Limitations in the flight manual and those developed by the State of the Aerodrome are also explicitly included to ensure these are also taken into consideration.

An update of the definition of continuous descent final approach (CDFA) is recommended in order to expand the potential applications of this important operational technique. There are occasions where it may be desirable to conduct a CDFA on a non-precision approach which terminates at a circling minimum. This would allow CDFAs to be used in more situations resulting in increased stable approaches. This concept will be further examined in the revised edition of the *Manual of All-Weather Operations* (Doc 9365).

The definitions for Category (CAT) IIIA, IIIB and IIIC instrument approaches are outdated. They are no longer utilized for aircraft certification or operational authorization. Removing the definitions will aid in international harmonization efforts, future landing minima reductions and airspace system capacity improvements due to the implementation of performance-based operations. Future CAT III operations may derive from new low visibility approach and landing technologies. The type of operations, landing minima and aircraft certification criteria for these future systems will not follow the CAT IIIA, IIIB and IIIC definitions, making them obsolete.

- b) *Harmonization of terms for AAA*: There is significant confusion regarding the level of authorization a State needs to apply for provisions in Annex 6. It is often not clear from the current text of the Annex what level of authorization is required and there is no clear description of what each type of authorization involves.

As the first stage of this work, standard text was developed for items that require specific approvals and amended the guidance in the attachments to each part of Annex 6 to clarify which items are subject to a specific approval as distinct from other levels of authorization.

Subsequent work will identify standardized language for approvals and acceptance items, as well as further clarifying the text in the attachments to explain what is required for each level of authorization.

Also included in this amendment is the definition of a “specific approval” and a change to the definition of “operations specifications” to make reference to this new definition.

- c) *Article 83 bis*: Article 83 *bis* of the Convention on International Civil Aviation (Chicago Convention) makes provision for the transfer of certain functions and duties normally incumbent on the State of Registry of an aircraft to the State where the operator of the aircraft has its principal place of business or, if the operator has no such place of business, its permanent residence, in the case of lease, charter or interchange of an aircraft or similar arrangement. The amendment includes the development of an agreement summary, which is a document transmitted with the Article 83 *bis* Agreement registered with the ICAO Council that identifies succinctly and clearly which functions and duties are transferred by the State of Registry to that other State.

Existing guidance in *The Manual on the Implementation of Article 83 bis of the Convention on International Civil Aviation* (Doc 10059) refers to the carriage on board of a certified true copy of the agreement summary and the Legal Committee recommended, and the Council agreed, that Annex 6 be amended to also include such a requirement.

The amendment also presents a harmonized agreement summary template, which contains all relevant information needed and provides a simple form for operators to carry for use on ramp inspections or other verification activities in order to mitigate misunderstandings when an Article 83 *bis* agreement is applicable to the aircraft being inspected. It further requires that the agreement summary be transmitted to ICAO when an Article 83 *bis* agreement is submitted for registration.

The content and layout of the agreement summary is recommended until such time as ICAO develops an interactive web-based system using a user-friendly electronic platform to allow for swift registration and publication of Article 83 *bis* agreements, including the agreement summary. Once the web-based system operation is mature, Recommendations 4.13.4 and Appendix 6, paragraph 1 can be upgraded to a Standard.

- d) *Development of a helicopter code of performance with exposure*: The principle of helicopter operations with exposure was introduced to ICAO Annex 6, Part III, Section II, Chapter 3 in 2007, by replacing a number of prescriptive requirement by objectives. An amendment to Chapter 3, paragraphs 3.1.2, 3.1.4 and 3.2.7.1, is included to clarify the intent of the use of exposure for helicopter operations. The purpose of this change is to bring the elements to be considered in the risk assessment



out of the guidance and make these explicit in a Standard, thereby increasing the visibility and providing for a more standardized development of the code of performance. To support this change, the *Helicopter Code of Performance Development Manual* (Doc 10110) has been drafted which is expected to be published in Q4 2020.

2. **IMAGE AND DATA LINK DATA TO BE RECORDED ON FDR/CVR, RELIABLE POWER SOURCE FOR LIGHTWEIGHT FLIGHT RECORDERS, ADDITIONAL PARAMETERS FOR ADRS, BIT ERROR RATE RECORDING INSPECTIONS AND DLR AND DLRS RECORDING INSPECTIONS**

2.1 The amendment concerning image and data link data to be recorded on FDR/CVR, reliable power source for lightweight flight recorders, additional parameters for ADRS, bit error rate recording inspections and DLR and DLRS recording inspections addresses the following issues:

- a) *Image and data link data to be recorded on FDR/CVR:* Current provisions address the possibility to record image and data link data on either the CVR/cockpit audio recording system (CARS) or the FDR/ADRS. However, for clarification and consistency, aligned text is included in related parts of the Annex which precludes the need to install a third recorder.
- b) *Reliable power source for lightweight flight recorders:* Flight recorders are required to be installed with electrical power from a source that provides maximum reliability for their operation. No such provisions exist for lightweight recorders. A Standard is included for lightweight recorders to be connected to a power source which would ensure proper and reliable recording in their operational environment.
- c) *Additional parameters for ADRS:* A provision is included to address the recording of additional ADRS parameters when ADRS recording capacity is available.
- d) *Bit error rate recording inspections:* Bit error rate was applicable to magnetic tape-based recorders; however, since 1 January 2016 the magnetic tape-based recorders should have been phased out. The provision to analyse bit error rate thus became obsolete and is deleted.
- e) *DLR and DLRS recording inspections:* There are provisions for recording system inspection for FDR, ADRS, CVR, CARS, airborne image recorder (AIR) and airborne image recording system (AIRS), but none for DLR or DLRS. For consistency, provisions are added for recording system inspections of DLR and DLRS.

**3. RECORDING OF DATA LINK COMMUNICATIONS MESSAGES**

3.1 The provision to record data link communications messages when modifying aircraft to use data link communications applications caused undue financial burden for operators when modifying their aircraft to be controller-pilot data link communications (CPDLC) capable. In some cases, the modification entailed only a software update.

3.2 The additional modification costs discouraged operators from modifying their aircraft, particularly in areas where CPDLC was not mandated, forfeiting the safety benefits CPDLC brings.

3.3 Amending the provision to ease the recording requirement in some aircraft modified after 1 January 2016 to be CPDLC capable, and with data link equipment approved or installed before 1 January 2016, would encourage operators to modify their aircraft. A recommendation is included that operators should nonetheless record the messages.

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ATTACHMENT C to State letter AN 11/32.3.15-20/32

**NOTIFICATION OF DISAPPROVAL OF ALL OR PART OF  
AMENDMENT 23 TO ANNEX 6, PART III**

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

(State) \_\_\_\_\_ hereby wishes to disapprove the following parts of  
Amendment 23 to Annex 6, Part III:

Signature \_\_\_\_\_

Date \_\_\_\_\_

*NOTES*

- 1) If you wish to disapprove all or part of Amendment 23 to Annex 6, Part III, please dispatch this notification of disapproval to reach ICAO Headquarters by 20 July 2020. If it has not been received by that date it will be assumed that you do not disapprove of the amendment. **If you approve of all parts of Amendment 23, it is not necessary to return this notification of disapproval.**
- 2) This notification should not be considered a notification of compliance with or differences from Annex 6, Part III. Separate notifications on this are necessary. (See Attachment C.)
- 3) Please use extra sheets as required.

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ATTACHMENT D to State letter AN 11/32.3.15-20/32

**NOTIFICATION OF COMPLIANCE WITH OR DIFFERENCES FROM ANNEX 6, PART III  
(including all amendments up to and including Amendment 23)**

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

1. No differences will exist on \_\_\_\_\_ between the national regulations and/or practices of **(State)** \_\_\_\_\_ and the provisions of Annex 6, Part III, including all amendments up to and including Amendment 23.

2. The following differences will exist on \_\_\_\_\_ between the regulations and/or practices of **(State)** \_\_\_\_\_ and the provisions of Annex 6, Part III, including Amendment 23 (Please see Note 2) below.)

<b>a) Annex Provision</b> (Please give exact paragraph reference)	<b>b) Details of Difference</b> (Please describe the difference clearly and concisely)	<b>c) Remarks</b> (Please indicate reasons for the difference)
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(Please use extra sheets as required.)

3. By the dates indicated below, **(State)** \_\_\_\_\_ will have complied with the provisions of Annex 6, Part III, including all amendments up to and including Amendment 23 for which differences have been notified in 2 above.

<b>a) Annex Provision</b> (Please give exact paragraph reference)	<b>b) Date</b>	<b>c) Comments</b>
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(Please use extra sheets as required.)

Signature \_\_\_\_\_

Date \_\_\_\_\_

*NOTES*

- 1) If paragraph 1 above is applicable to your State, please complete paragraph 1 and return this form to ICAO Headquarters. If paragraph 2 is applicable to you, please complete paragraphs 2 and 3 and return the form to ICAO Headquarters.
- 2) A detailed repetition of previously notified differences, if they continue to apply, may be avoided by stating the current validity of such differences.
- 3) Guidance on the notification of differences is provided in the Note on the Notification of Differences and in the *Manual on Notification and Publication of Differences* (Doc 10055).
- 4) Please send a copy of this notification to the ICAO Regional Office accredited to your Government.

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ATTACHMENT E to State letter AN 11/32.3.15-20/32

**NOTE ON THE NOTIFICATION OF DIFFERENCES**  
(Prepared and issued in accordance with instructions of the Council)

1. *Introduction*

1.1 Article 38 of the *Convention on International Civil Aviation* (“Convention”) requires that a Contracting State notify ICAO any time it does not comply with a Standard in all respects, it does not bring its regulations or practices into full accord with any Standard, or it adopts regulations or practices differing in any particular respect from the Standard.

1.2 The Assembly and the Council, when reviewing the notification of differences by Contracting States in compliance with Article 38 of the Convention, have repeatedly noted that the timeliness and currency of such notifications is not entirely satisfactory. Therefore, this note is issued to reiterate the primary purpose of Article 38 of the Convention and to facilitate the determination and notification of differences.

1.3 The primary purpose of the notification of differences is to promote safety, regularity and efficiency in air navigation by ensuring that governmental and other agencies, including operators and service providers, concerned with international civil aviation are made aware of all national regulations and practices in so far as they differ from those prescribed in the Standards contained in Annexes to the Convention.

1.4 Contracting States are, therefore, requested to give particular attention to the notification of differences with respect to Standards in all Annexes, as described in paragraph 4 b) 1) of the Resolution of Adoption.

1.5 Although differences from Recommended Practices are not notifiable under Article 38 of the Convention, the Assembly has urged Contracting States to extend the above considerations to Recommended Practices contained in Annexes to the Convention, as well.

2. *Notification of differences from Standards and Recommended Practices (SARPs)*

2.1 Guidance to Contracting States in the notification of differences to Standards and Recommended Practices (SARPs) can only be given in very general terms. Contracting States are further reminded that compliance with SARPs generally extends beyond the issuance of national regulations and requires establishment of practical arrangements for implementation, such as the provision of facilities, personnel and equipment and effective enforcement mechanisms. Contracting States should take those elements into account when determining their compliance and differences. The following categories of differences are provided as a guide in determining whether a notifiable difference exists:

- a) ***A Contracting State’s requirement is more exacting or exceeds a SARP (Category A).*** This category applies when the national regulation and practices are more demanding than the corresponding SARP, or impose an obligation within the scope of the Annex which is not covered by the SARP. This is of particular importance where a Contracting State requires a higher standard which affects the operation of aircraft of other Contracting States in and above its territory;

- b) *A Contracting State's requirement is different in character or the Contracting State has established other means of compliance (Category B)\**. This category applies, in particular, when the national regulation and practices are different in character from the corresponding SARP, or when the national regulation and practices differ in principle, type or system from the corresponding SARP, without necessarily imposing an additional obligation; and
- c) *A Contracting State's requirement is less protective, partially implemented or not implemented (Category C)*. This category applies when the national regulation and practices are less protective than the corresponding SARP; when no national regulation has been promulgated to address the corresponding SARP, in whole or in part; or when the Contracting State has not brought its practices into full accord with the corresponding SARP.

These categories do not apply to Not Applicable SARP. Please see the paragraph below.

2.2 **Not Applicable SARP.** When a Contracting State deems a SARP concerning aircraft, operations, equipment, personnel, or air navigation facilities or services to be not applicable to the existing aviation activities of the State, notification of a difference is not required. For example, a Contracting State that is not a State of Design or Manufacture and that does not have any national regulations on the subject, would not be required to notify differences from Annex 8 provisions related to the design and construction of an aircraft.

2.3 **Differences from appendices, tables and figures.** The material comprising a SARP includes not only the SARP itself, but also the appendices, tables and figures associated with the SARP. Therefore, differences from appendices, tables and figures are notifiable under Article 38. In order to file a difference against an appendix, table or figure, States should file a difference against the SARP that makes reference to the appendix, table or figure.

2.4 **Differences from definitions.** Contracting States should notify differences from definitions. The definition of a term used in a SARP does not have independent status but is an essential part of each SARP in which the term is used. Therefore, a difference from the definition of the term may result in there being a difference from any SARP in which the term is used. To this end, Contracting States should take into consideration differences from definitions when determining compliance or differences to SARPs in which the terms are used.

2.5 The notification of differences should be not only to the latest amendment but to the whole Annex, including the amendment. In other words, Contracting States that have already notified differences are requested to provide regular updates of the differences previously notified until the difference no longer exists.

2.6 Further guidance on the identification and notification of differences, examples of well-defined differences and examples of model processes and procedures for management of the notification of differences can be found in the *Manual on Notification and Publication of Differences* (Doc 10055).

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\* The expression "different in character or other means of compliance" in b) would be applied to a national regulation and practice which achieve, by other means, the same objective as that of the corresponding SARPs or for other substantive reasons so cannot be classified under a) or c).



3. *Form of notification of differences*

3.1 Differences can be notified:

- a) by sending to ICAO Headquarters a form on notification of compliance or differences; or
- b) through the Electronic Filing of Differences (EFOD) System at [www.icao.int/usoap](http://www.icao.int/usoap).

3.2 When notifying differences, the following information should be provided:

- a) the number of the paragraph or subparagraph which contains the SARP to which the difference relates\*;
- b) the reasons why the State does not comply with the SARP, or considers it necessary to adopt different regulations or practices;
- c) a clear and concise description of the difference; and
- d) intentions for future compliance and any date by which your Government plans to confirm compliance with and remove its difference from the SARP for which the difference has been notified.

3.3 The differences notified will be made available to other Contracting States, normally in the terms used by the Contracting State when making the notification. In the interest of making the information as useful as possible, Contracting States are requested to ensure that:

- a) statements be as clear and concise as possible and be confined to essential points;
- b) the provision of extracts from national regulations not be considered as sufficient to satisfy the obligation to notify differences; and
- c) general comments, unclear acronyms and references be avoided.

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\* This applies only when the notification is made under 3.1 a).



**IMPLEMENTATION TASK LIST AND OUTLINE OF GUIDANCE MATERIAL  
IN RELATION TO AMENDMENT 23 TO ANNEX 6, PART III**

**1. IMPLEMENTATION TASK LIST**

1.1 Essential steps to be followed by a State in order to implement the amendment to Annex 6, Part III:

- a) identification of the rule-making process necessary to transpose the amendments concerning the following provisions into the national regulation taking into consideration the applicability date:
  - 1) all-weather operations, harmonization of terms for authorizations, acceptance and approvals (AAA), Article 83 *bis* and the development of a helicopter code of performance with exposure;
  - 2) image and data link data to be recorded on flight data recorder (FDR)/cockpit voice recorder (CVR), reliable power source for lightweight flight recorders, additional parameters for aircraft data recording systems (ADRS), bit error rate recording inspections and data link recorder (DLR) and data link recording system (DLRS) recording inspections; and
  - 3) recording of data link communications messages;
- b) identification and notification of differences, if applicable;
- c) establishment of a national implementation plan that takes into consideration the provisions that are under development to complement the above provisions and to confirm compliance for each applicable air operator and approved maintenance organization;
- d) drafting of the amendment(s) to the national requirements and means of compliance;
- e) official adoption of national requirements and/or means of compliance (industry guidance);
- f) amendment of air operator certification and/or surveillance programmes to include new requirements;
- g) revision of guidance material(s) and checklist(s) for applicable inspectors that support air operator and approved maintenance organization certification, surveillance and the resolution of any issues identified;
- h) training of inspectors based on the revised inspector guidance material;
- i) operational acceptance of policy and procedures of operator(s) and approved maintenance organizations to comply with applicable requirements.

## 2. STANDARDIZATION PROCESS

- 2.1 Effective date: 20 July 2020
- 2.2 Applicability date: 5 November 2020
- 2.3 Embedded date(s): n/a

## 3. SUPPORTING DOCUMENTATION

### 3.1 ICAO documentation

<b>Title</b>	<b>Type (PANS/TI/Manual/Circ)</b>	<b>Planned publication date</b>
<i>PBN Operational Approval Manual (Doc 9997)</i>	Manual	Q4 2020
<i>Helicopter Code of Performance Development Manual (Doc 10110)</i>	Manual	Q4 2020
<i>Flight Recorder System Maintenance Manual (Doc 10104)</i>	Manual	Q1 2020
<i>Manual on the Implementation of Article 83 bis of the Convention on International Civil Aviation (Doc 10059)</i>	Manual	Available
<i>Manual of All-Weather Operations (Doc 9365)</i>	Manual	Available
<i>Manual of Procedures for Operations Inspection, Certification and Continued Surveillance (Doc 8335)</i>	Manual	Available

### 3.2 External documentation

<b>Title</b>	<b>External Organization</b>	<b>Publication date</b>
<i>Minimum Operational Performance Specifications for Crash Protected Airborne Systems (ED-112A)</i>	EUROCAE	September 2013
<i>Minimum Operational Performance Specifications for Lightweight Recording Systems (ED-155)</i>	EUROCAE	July 2009

## 4. IMPLEMENTATION ASSISTANCE TASKS

<b>Type</b>	<b>Global</b>	<b>Regional</b>
Increased awareness		By regional aviation safety groups (RASGs), regional safety oversight organizations (RSOOs), and cooperative development of operational safety and continuing airworthiness programmes (COSCAPs) regarding amendments to Annex 6, Part III

5. **UNIVERSAL SAFETY OVERSIGHT AUDIT  
PROGRAMME (USOAP)**

5.1 The content of this paper may require an amendment of the USOAP continuous monitoring approach (CMA) protocol questions in the areas of accident investigation (AIG), airworthiness of aircraft (AIR), air navigation services (ANS) and aircraft operations (OPS) to assess effective implementation by States. Existing protocol questions may need amendment or new protocol questions may be required. This will be assessed during the next amendment cycle of the protocol questions.

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**IMPACT ASSESSMENT IN RELATION TO AMENDMENT 23 TO ANNEX 6, PART III**

**1. INTRODUCTION**

1.1 Amendment 23 to Annex 6, Part III is intended to:

- a) provide clarity to existing requirements concerning all-weather operations, harmonization of terms for authorizations, acceptance and approvals (AAA), Article 83 *bis* and the development of a helicopter code of performance with exposure;
- b) provide for image and data link data to be recorded on flight data recorder (FDR)/cockpit voice recorder (CVR), reliable power source for lightweight flight recorders, additional parameters for aircraft data recording systems (ADRS), bit error rate recording inspections and data link recorder (DLR) and data link recording system (DLRS) recording inspections; and
- c) recording of data link communications messages.

**2. IMPACT ASSESSMENT**

**2.1 All-weather operations, harmonization of terms for AAA, Article 83 *bis* and the development of a helicopter code of performance with exposure**

**2.1.1 All-weather operations – aerodrome operating minima**

2.1.1.1 *Safety impact:* Positive benefit. The explicit addition of all relevant items to the aerodrome operating minima list will help operators to correctly determine the relevant minima, positively impacting safety of operations.

2.1.1.2 *Financial impact:* Minimal financial impact from this amendment.

2.1.1.3 *Security impact:* No security impact with the implementation of this amendment.

2.1.1.4 *Environmental impact:* No environmental impact with the implementation of this amendment.

2.1.1.5 *Efficiency impact:* Positive benefit. Correctly established operating minima will reduce the likelihood of missed approaches, increasing terminal area efficiency.

2.1.1.6 *Expected implementation time:* Minimal time needed since this amendment only clarifies current provisions.

**2.1.2 All-weather operations - Continuous descent final approach (CDFA)**

2.1.2.1 *Safety impact:* Positive benefit. Use of a CDFA is to be encouraged in all situations, including when operating down to circling minima.

2.1.2.2 *Financial impact:* Minimal impact reflecting updating of documentation where required.

2.1.2.3 *Security impact:* No security impact with the implementation of this amendment.

2.1.2.4 *Environmental impact:* No environmental impact with the implementation of this amendment.

2.1.2.5 *Efficiency impact:* Positive benefit. CDFA and stabilized approaches will result in fewer go-arounds and less stress on the air traffic management system.

2.1.2.6 *Expected implementation time:* Minimal time needed since this amendment only clarifies current provisions.

### 2.1.3 All-weather operations – Category III

2.1.3.1 *Safety impact:* Positive benefit. The change to the Category III definitions will remove an outdated structure and align the definitions in the Annex with the current airworthiness approval terminology, therefore reducing confusion.

2.1.3.2 *Financial impact:* Small increase in costs reflecting updating of documentation where required.

2.1.3.3 *Security impact:* No security impact with the implementation of this amendment.

2.1.3.4 *Environmental impact:* No environmental impact with the implementation of this amendment.

2.1.3.5 *Efficiency impact:* Positive benefit. Removal of outdated nomenclature in guidance material and instrument approach charting will have a positive effect on the efficiency by aligning operational and airworthiness terminology.

2.1.3.6 *Expected implementation time:* Two to five years. Due to the amendment being non-safety critical, the normal instrument charting update cycle can be used. Operator standard operating procedures (SOPs) can be amended in the normal amendment cycle, resulting in changes within one to two years.

### 2.1.4 Harmonization of terms for AAA

2.1.4.1 *Safety impact:* Positive benefit. Clearer guidance on the minimum oversight requirements will result in a more consistent application of approval processes and ensure that the civil aviation authority (CAA) exercises the appropriate level of control.

2.1.4.2 *Financial impact:* One-off cost for States required to review their processes to ensure compliance with the intent of provisions in Annex 6. Clarification will remove undue regulatory burden on industry.

2.1.4.3 *Security impact:* No security impact with the implementation of this amendment.

2.1.4.4 *Environmental impact:* No environmental impact with the implementation of this amendment.



2.1.4.5 *Efficiency impact:* Positive impact. Providing clarity on the appropriate level of control/oversight will allow CAAs to manage resources more effectively.

2.1.4.6 *Expected implementation time:* Two to five years needed for States to make changes, as required, to their authorization processes.

## 2.1.5 **Article 83 bis**

2.1.5.1 *Safety impact:* Positive impact. This amendment will facilitate the efficient surveillance of operations under an Article 83 bis agreement, which is otherwise complex to implement.

2.1.5.2 *Financial impact:* Additional costs for training of inspectors with regard to the new agreement summary. One-off cost for development of regulations required for States involved in Article 83 bis operations. Operators benefit from ability to carry a summary of agreement and from reduced findings during ramp inspections.

2.1.5.3 *Security impact:* No security impact with the implementation of this amendment.

2.1.5.4 *Environmental impact:* Positive impact. While this amendment does not by itself provide fuel savings, taken with the guidance of Doc 10059, *Manual on the implementation of Article 83 bis of the Convention on International Civil Aviation*, it provides for optimum routing of Article 83 bis operations over those States not party to Article 83 bis. In addition, it is expected to reduce the volume of documents to be carried on board.

2.1.5.5 *Efficiency impact:* Positive impact. While this amendment does not by itself provide route savings, taken with the guidance of Doc 10059, it provides for optimum routing of Article 83 bis operations over those States not party to Article 83 bis.

2.1.5.6 *Expected implementation time:* Minimal time needed to update regulations where necessary.

## 2.1.6 **Helicopter code of performance with exposure**

2.1.6.1 *Safety impact:* Positive impact. Clearer Standards and significantly improved guidance will result in consistent and safe performance codes for helicopter operations.

2.1.6.2 *Financial impact:* Where a State chooses to review their codes of performance, additional costs will be incurred. Operators may need to review their operations to be consistent with the revised code of performance.

2.1.6.3 *Security impact:* No security impact with the implementation of this amendment.

2.1.6.4 *Environmental impact:* No environmental impact with the implementation of this amendment.

2.1.6.5 *Efficiency impact:* No efficiency impact with the implementation of this amendment.

2.1.6.6 *Expected implementation time:* One to two years may be needed to review the code of performance. Operators may need two to five years to change operations in line with the new code of performance.

**2.2 Image and data link data to be recorded on FDR/CVR, reliable power source for lightweight flight recorders, additional parameters for ADRS, bit error rate recording inspections and DLR and DLRS recording inspections**

**2.2.1 Image and data link data to be recorded on FDR/CVR**

2.2.1.1 *Safety impact:* Positive impact. It will allow the consolidation of the recordings into two flight recorders and clarify that a third flight recorder is unnecessary.

2.2.1.2 *Financial impact:* Negligible. Amendment of national legislation or regulations. The cost impact to industry is considered negligible.

2.2.1.3 *Security impact:* The security impact associated with implementation of this amendment is considered negligible.

2.2.1.4 *Environmental impact:* The environmental impact associated with implementation of this amendment is considered negligible.

2.2.1.5 *Efficiency impact:* It is not anticipated that there will be a significant change in the efficiency of the air transportation system.

2.2.1.6 *Expected implementation time:* Implementation time will depend on the timelines of States to amend their regulations. From an equipage perspective, image and data link data are already being recorded on either the FDR or the CVR. Operators will need to amend their policies and procedures, including training of relevant personnel, as necessary, to accommodate the requirements prior to the applicability date.

**2.2.2 Reliable power source for lightweight flight recorders**

2.2.2.1 *Safety impact:* Positive impact. This Standard will improve the reliability of operation of the lightweight flight recorders. This would also clarify the differences between the power requirement for lightweight recorders from those of crash-protected flight recorders.

2.2.2.2 *Financial impact:* Negligible. Amendment of national legislation or regulations. The cost impact to industry is negligible. The Standard is for new type certificate aircraft after 2016.

2.2.2.3 *Security impact:* The security impact associated with implementation of this amendment is considered negligible.

2.2.2.4 *Environmental impact:* The environmental impact associated with implementation of this amendment is considered negligible.

2.2.2.5 *Efficiency impact:* The efficiency impact associated with implementation of this amendment is considered negligible.

2.2.2.6 *Expected implementation time:* For States, implementation time will depend on the timelines of States to amend their regulations. For industry, the requirement is for forward fit only, so the lightweight flight recorders are to be incorporated into the electrical power system in newly manufactured aircraft. Implementation therefore will be gradual.

### 2.2.3 Additional parameters for ADRS

2.2.3.1 *Safety impact:* Positive impact. More parameters available for accident and serious incident investigations. In addition, the additional recommended parameters could facilitate the analysis of incidents and flight data monitoring by operators.

2.2.3.2 *Financial impact:* Negligible. Amendment of national regulations.

2.2.3.3 *Security impact:* The security impact associated with implementation of this amendment is considered negligible.

2.2.3.4 *Environmental impact:* The environmental impact associated with implementation of this amendment is considered negligible.

2.2.3.5 *Efficiency impact:* The efficiency impact associated with implementation of this amendment is considered negligible.

2.2.3.6 *Expected implementation time:* Implementation time will depend on the timelines of States to amend their regulations. From an industry perspective, the provision has no timeline as it provides for a list of parameters to be considered if further ADRS recording capacity is available.

### 2.2.4 Bit error rate recording inspections

2.2.4.1 *Safety impact:* Positive impact. Removing obsolete Standard.

2.2.4.2 *Financial impact:* Negligible. Amendment of national regulations.

2.2.4.3 *Security impact:* The security impact associated with implementation of this amendment is considered negligible.

2.2.4.4 *Environmental impact:* The environmental impact associated with implementation of this amendment is considered negligible.

2.2.4.5 *Efficiency impact:* The efficiency impact associated with implementation of this amendment is considered negligible.

2.2.4.6 *Expected implementation time:* Implementation time will depend on the timelines of States to amend their regulations.

### 2.2.5 DLR and DLRS recording inspections

2.2.5.1 *Safety impact:* Positive impact. This provision provides clarification with relation to DLR and DLRS maintenance inspections.

2.2.5.2 *Financial impact:* Negligible cost impact to States and industry as the provision provides clarification with relation to DLR and DLRS maintenance inspections.

2.2.5.3 *Security impact:* The security impact associated with implementation of this amendment is considered negligible.

2.2.5.4 *Environmental impact:* The environmental impact associated with implementation of this amendment is considered negligible.

2.2.5.5 *Efficiency impact:* The efficiency impact associated with implementation of this amendment is considered negligible.

2.2.5.6 *Expected implementation time:* Implementation time will depend on the timelines of States to amend their regulations. Operators would have to amend their policies and procedures, including training of relevant personnel, as necessary, to accommodate the requirements.

### 2.3 **Recording of data link communications messages**

2.3.1 *Safety impact:* Positive impact. It was determined that the availability of CPDLC messages used for the separation of aircraft would contribute more to flight safety than having such messages recorded. The amendment is for the alleviation of the requirement to record data link communications messages in certain aircraft.

2.3.2 *Financial impact:* Minimal financial impact to States to amend their legislation or regulations. For industry, a decrease in overall cost due to an alleviation for the recording of data link communications messages, the modification costs of aircraft would be less, thus encouraging operators to modify aircraft for CPDLC capability and the associated safety benefits.

2.3.3 *Security impact:* The security impact associated with implementation of this amendment is considered negligible.

2.3.4 *Environmental impact:* No environmental impact is foreseen with the implementation of this amendment.

2.3.5 *Efficiency impact:* More aircraft would be CPDLC capable which would assist with the efficiency of the air traffic management system.

2.3.6 *Expected implementation time:* Minimal time needed to update regulations where necessary.

**AMENDMENT No. 23**

**TO THE**

**INTERNATIONAL STANDARDS  
AND RECOMMENDED PRACTICES**

# **OPERATION OF AIRCRAFT**

**ANNEX 6**

**TO THE CONVENTION ON INTERNATIONAL CIVIL AVIATION**

**PART III  
INTERNATIONAL OPERATIONS — HELICOPTERS**

The amendment to Annex 6, Part III, contained in this document was adopted by the Council of ICAO on **6 March 2020**. Such parts of this amendment as have not been disapproved by more than half of the total number of Contracting States on or before **20 July 2020** will become effective on that date and will become applicable on **5 November 2020** as specified in the Resolution of Adoption. (State letter AN 11/32.3.15-20/32 refers.)

**MARCH 2020**

**INTERNATIONAL CIVIL AVIATION ORGANIZATION**



**AMENDMENT 23 TO THE INTERNATIONAL STANDARDS  
AND RECOMMENDED PRACTICES**

**ANNEX 6 — OPERATION OF AIRCRAFT,  
PART III — INTERNATIONAL OPERATIONS — HELICOPTERS**

**RESOLUTION OF ADOPTION**

*The Council*

Acting in accordance with the Convention on International Civil Aviation, and particularly with the provisions of Articles 37, 54 and 90 thereof,

1. *Hereby adopts* on 6 March 2020 Amendment 23 to the International Standards and Recommended Practices contained in the document entitled *International Standards and Recommended Practices, Operation of Aircraft, International Operations — Helicopters* which for convenience is designated Annex 6, Part III to the Convention;

2. *Prescribes* 20 July 2020 as the date upon which the said amendment shall become effective, except for any part thereof in respect of which a majority of the Contracting States have registered their disapproval with the council before that date;

3. *Resolves* that the said amendment or such parts thereof as have become effective shall become applicable on 5 November 2020 unless otherwise indicated;

4. *Requests the Secretary General:*

a) to notify each Contracting State immediately of the above action and immediately after 20 July 2020 of those parts of the amendment which have become effective;

b) to request each Contracting State:

1) to notify the Organization (in accordance with the obligation imposed by Article 38 of the Convention) of the differences that will exist on 5 November 2020 between its national regulations or practices and the provisions of the Standards in the Annex as hereby amended, such notification to be made before 5 October 2020, and thereafter to notify the Organization of any further differences that arise;

2) to notify the Organization before 5 October 2020 of the date or dates by which it will have complied with the provisions of the Standards in the Annex as hereby amended;

c) to invite each Contracting State to notify additionally any differences between its own practices and those established by the Recommended Practices, following the procedure specified in subparagraph b) above with respect to differences from Standards.

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**NOTES ON THE PRESENTATION OF THE  
AMENDMENT TO ANNEX 6, PART III**

The text of the amendment is arranged to show deleted text with a line through it and new text highlighted with grey shading, as shown below:

~~Text to be deleted is shown with a line through it.~~

text to be deleted

New text to be inserted is highlighted with grey shading.

new text to be inserted

~~Text to be deleted is shown with a line through it~~  
followed by the replacement text which is highlighted  
with grey shading.

new text to replace existing text

**TEXT OF AMENDMENT 23**

**TO THE**

**INTERNATIONAL STANDARDS  
AND RECOMMENDED PRACTICES**

**OPERATION OF AIRCRAFT**

**ANNEX 6**

**TO THE CONVENTION ON INTERNATIONAL CIVIL AVIATION**

**PART III**

**INTERNATIONAL OPERATIONS — HELICOPTERS**

...

**TABLE OF CONTENTS**

...

**APPENDICES**

...

<b>APPENDIX 6. Article 83 <i>bis</i> agreement summary .....</b>	<b>APP 6-1</b>
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...

**ATTACHMENTS**

<b><del>ATTACHMENT A. Helicopter performance and operating limitations .....</del></b>	<b><del>ATT A-1</del></b>
--	---------------------------

...

<b>ATTACHMENT D. Air operator certification and validation .....</b>	<b>ATT D-1</b>
1. Purpose and scope .....	ATT D-1
2. Required technical safety evaluations .....	ATT D-1
3. Authorizations Approval actions .....	ATT D-3
<del>4. Acceptance actions .....</del>	<del>ATT D-6</del>
45. Other approval or acceptance considerations .....	ATT D-7
56. Validation of standards of operations .....	ATT D-7
<del>67. Amendment of air operator certificates .....</del>	<del>ATT D-8</del>

...

## ABBREVIATIONS AND SYMBOLS

*(used in this Annex)*

...

CAT IIIA      Category IIIA

~~CAT IIIB~~      ~~Category IIIB~~

~~CAT IIIC~~      ~~Category IIIC~~

...

## PUBLICATIONS

*(referred to in this Annex)*

...

Manuals<sup>1</sup>

...

*Manual on the Implementation of Article 83 bis of the Convention on International Civil Aviation*  
(Doc 10059)

...

Circulars

...

~~*Guidance on the Implementation of Article 83 bis of the Convention on International Civil Aviation (Cir 295)*~~

...

## SECTION 1

### GENERAL

#### CHAPTER 1. DEFINITIONS

...

**Agreement summary.** When an aircraft is operating under an Article 83 *bis* agreement between the State of Registry and another State, the agreement summary is a document transmitted with the Article 83 *bis* Agreement registered with the ICAO Council that identifies succinctly and clearly which functions and duties are transferred by the State of Registry to that other State.

*Note.*— *The other State in the above definition refers to either the State of the Operator for commercial air transport operations or, for general aviation operations, to the State of the principal location of a general aviation operator.*

...

**Continuous descent final approach (CDFA).** A technique, consistent with stabilized approach procedures, for flying the final approach segment (FAS) of an instrument non-precision instrument approach (NPA) procedure as a continuous descent, without level-off, from an altitude/height at or above the final approach fix altitude/height to a point approximately 15 m (50 ft) above the landing runway threshold or the point where the flare manoeuvre ~~should~~ begins for the type of aircraft flown; for the FAS of an NPA procedure followed by a circling approach, the CDFA technique applies until circling approach minima (circling OCA/H) or visual flight manoeuvre altitude/height are reached.

...

**Low-visibility operations (LVO).** Approach operations in RVRs less than 550 m and/or with a DH less than 60 m (200 ft) or take-off operations in RVRs less than 400 m.

...

**Operations specifications.** The authorizations including specific approvals, conditions and limitations associated with the air operator certificate and subject to the conditions in the operations manual.

...

**Specific approval.** A specific approval is an approval which is documented in the operations specifications for commercial air transport operations or in the list of specific approvals for non-commercial operations.

*Note.— The terms authorization, specific approval, approval and acceptance are further described in Attachment E.*

...

**State of the principal location of a general aviation operator.** The State in which the operator of a general aviation aircraft has its principal place of business or, if there is no such place of business, its permanent residence.

*Note.— Guidance concerning the options for the principal location of a general aviation operator is contained in the Manual on the Implementation of Article 83 bis of the Convention on International Civil Aviation (Doc 10059).*

...

## SECTION II

### INTERNATIONAL COMMERCIAL AIR TRANSPORT

...

#### CHAPTER 2. FLIGHT OPERATIONS

...

#### 2.2 OPERATIONAL CERTIFICATION AND SUPERVISION

...

##### 2.2.8 Heliport or landing location operating minima

...

2.2.8.1.1 The State of the Operator may ~~approve~~ shall authorize operational credit(s) for operations with helicopters equipped with automatic landing systems, a HUD or equivalent displays, EVS, SVS or CVS. Where the operational credit relates to low visibility operations, the State of the Operator shall issue a specific approval. Such ~~approvals~~ authorizations shall not affect the classification of the instrument approach procedure.

...

2.2.8.2 The State of the Operator shall require that in establishing the operating minima for each heliport or landing location which will apply to any particular operation, ~~the operator shall take full account shall be taken~~ of:

- a) the type, performance and handling characteristics of the helicopter and any conditions or limitations stated in the flight manual;
- ...
- g) the means used to determine and report meteorological conditions; ~~and~~
- h) the obstacles in the climb-out areas and necessary clearance margins;
- i) the conditions prescribed in the operations specifications; and
- j) any minima that may be promulgated by the State of the Aerodrome.

2.2.8.3 Instrument approach operations shall be classified based on the designed lowest operating minima below which an approach operation shall only be continued with the required visual reference as follows:

...

- b) Type B: a decision height below 75 m (250 ft). Type B instrument approach operations are categorized as:

...

- 3) ~~Category IIIA (CAT IIIA): a decision height lower than 30 m (100 ft) or no decision height and a runway visual range not less than 175 300 m or no runway visual range limitations.;~~
- 4) ~~Category IIIB (CAT IIIB): a decision height lower than 15 m (50 ft) or no decision height and a runway visual range less than 175 m but not less than 50 m; and~~
- 5) ~~Category IIIC (CAT IIIC): no decision height and no runway visual range limitations.~~

*Note 1.— Where decision height (DH) and runway visual range (RVR) fall into different categories of operation, the instrument approach operation would be conducted in accordance with the requirements of the most demanding category (e.g. an operation with a DH in the range of CAT IIIA but with an RVR in the range of CAT IIIB would be considered a CAT IIIB operation or an operation with a DH in the range of CAT II but with an RVR in the range of CAT I would be considered a CAT II operation). This does not apply if the RVR and/or DH has been approved as operational credits.*

...

2.2.8.4 The State of the Operator shall issue a specific approval for instrument approach operations in low visibility. ~~Category II and Category III instrument approach operations shall not be authorized unless~~ which shall only be conducted when RVR information is provided.

*Note.— Guidance on low visibility operations is contained in the Manual of All-Weather Operations (Doc 9365).*

2.2.8.5 For take-off in low visibility, the State of the Operator shall issue a specific approval for the minimum take-off RVR.

*Note.— In general, visibility for take-off is defined in terms of RVR. An equivalent horizontal visibility may also be used.*

---

*Editorial note.— Renumber subsequent paragraphs accordingly.*

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...

## CHAPTER 3. HELICOPTER PERFORMANCE OPERATING LIMITATIONS

### 3.1 GENERAL

3.1.1 Helicopters shall be operated in accordance with a code of performance established by the State of the Operator, in compliance with the applicable Standards of this chapter.

*Note 1.— The code of performance reflects, for the conduct of operations, both the various phases of flight and the operational environment. Attachment A The Helicopter Code of Performance Development Manual (Doc 10110) provides guidance to assist States in establishing a code of performance.*

...

3.1.2 In conditions where the safe continuation of flight is not ensured in the event of a critical engine failure, helicopter operations shall be conducted in a manner that gives appropriate consideration

~~for achieving a safe forced landing in conditions of weather and light, and over such routes and diversions, that permit a safe forced landing to be executed.~~

~~*Note—Guidance on “appropriate consideration” is contained in Attachment A, 2.4*~~

~~3.1.2.1 Where the State of the Operator permits IMC operations in performance Class 3, such operations shall be conducted in accordance with the provisions of 3.4.~~

3.1.3 Notwithstanding the provisions of 3.1.2, the State of the Operator may, based on the result of a risk assessment, allow for variations without a safe forced landing to be included in the Code of Performance established in accordance with the provisions of 3.1.1. The risk assessment shall take into consideration at least the following:

- a) the type and circumstances of the operation;
- b) the area/terrain over which the operation is being conducted;
- c) the probability of, and length of exposure to, a critical engine failure and the tolerability of such an event;
- d) the procedures and systems for monitoring and maintaining the reliability of the engine(s);
- e) the training and operational procedures to mitigate the consequences of the critical engine failure; and
- f) helicopter equipment.

~~*Note.— Guidance on conduct of the risk assessment to allow for variations to the need for a safe forced landing, including mitigation strategies to reduce the risk, is contained in Doc 10110.*~~

~~3.1.3 Recommendation.— For helicopters for which Part IV of Annex 8 is not applicable because of the exemption provided for in Article 41 of the Convention, the State of the Operator should ensure that the level of performance specified in 3.2 is met as far as practicable.~~

~~3.1.4 Where helicopters are operated to or from heliports in a congested hostile environment, the competent authority of the State in which the heliport is situated shall specify requirements to enable these operations to be conducted in a manner that gives appropriate consideration for the risk associated with an engine failure.~~

~~*Note.— Guidance on “appropriate consideration” is contained in Attachment A, 2.4.*~~

---

*Editorial note.— Existing paragraphs 3.1.2.1 and 3.1.3 moved below to become 3.1.4 and 3.1.5, respectively.*

---

~~3.1.2.1~~ 3.1.4 Where the State of the Operator permits IMC operations in performance Class 3, such operations shall be conducted in accordance with the provisions of 3.4.

~~3.1.3~~ 3.1.5 **Recommendation.**— *For helicopters for which Part IV of Annex 8 is not applicable because of the exemption provided for in Article 41 of the Convention, the State of the Operator should ensure that the level of performance specified in 3.2 is met as far as practicable.*

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*Editorial note.— Renumber subsequent paragraphs in this section as appropriate.*

---

...

3.2.2 The level of performance defined by the appropriate parts of the code of performance referred to in 3.1.1 for the helicopters designated in 3.2.1 shall be consistent with the overall level embodied in the Standards of this chapter.

Note.— ~~Attachment A contains guidance material which indicates, by an Example,~~ *Guidance on the level of performance intended by the Standards and Recommended Practices of this chapter is contained in Doc 10110.*

...

~~3.2.7.1 In developing a code of performance, the State of the Operator shall either apply a risk assessment methodology in accordance with the guidance in Attachment A or, for those States that choose not to apply a risk assessment methodology, the Standards of 3.2.7.2, 3.2.7.3 and 3.2.7.4 shall apply.~~

...

## CHAPTER 4. HELICOPTER INSTRUMENTS, EQUIPMENT AND FLIGHT DOCUMENTS

### 4.1 GENERAL

...

#### 4.1.5 Helicopter operated under an Article 83 bis agreement

Note.— *Guidance concerning the transfer of responsibilities by the State of Registry to the State of the Operator in accordance with Article 83 bis is contained in the Manual on the Implementation of Article 83 bis of the Convention on International Civil Aviation (Doc 10059).*

4.1.5.1 A helicopter, when operating under an Article 83 bis agreement entered into between the State of Registry and the State of the Operator, shall carry a certified true copy of the agreement summary, in either an electronic or hard copy format. When the summary is issued in a language other than English, an English translation shall be included.

Note.— *Guidance regarding the agreement summary is contained in Doc 10059.*

4.1.5.2 The agreement summary of an Article 83 bis agreement shall be accessible to a civil aviation safety inspector in determining which functions and duties are transferred by the State of Registry to the State of the Operator under the agreement, when conducting surveillance activities such as ramp checks.

Note.— *Guidance for the civil aviation safety inspector conducting an inspection of an aeroplane operated under an Article 83 bis agreement is contained in the Manual of Procedures for Operations Inspection, Certification and Continued Surveillance (Doc 8335).*

4.1.5.3 The agreement summary shall be transmitted to ICAO together with the Article 83 bis Agreement for registration with the ICAO Council by the State of Registry or the State of the Operator.



*Note.*— The agreement summary transmitted with the Article 83 bis agreement registered with the ICAO Council contains the list of all aircraft affected by the agreement. However, the certified true copy to be carried on board as per 4.1.5.1. will need to list only the specific aircraft carrying the copy.

4.1.5.4 **Recommendation.**—The agreement summary should contain the information in Appendix 6 for the specific aircraft and should follow the layout of Appendix 6, paragraph 2.

...

## 4.3 FLIGHT RECORDERS

*Note 1.*— Crash protected flight recorders comprise one or more of the following ~~systems~~:

- a flight data recorder (FDR),
- a cockpit voice recorder (CVR),
- an airborne image recorder (AIR),
- a data link recorder (DLR).

As per Appendix 4, ~~image and data link information may be recorded on either the CVR or the FDR.~~

...

*Note 4.*— Lightweight flight recorders comprise one or more of the following ~~systems~~:

- an aircraft data recording system (ADRS),
- a cockpit audio recording system (CARS),
- an airborne image recording system (AIRS),
- a data link recording system (DLRS).

As per Appendix 4, ~~image and data link information may be recorded on either the CARS or the ADRS.~~

...

### 4.3.3 Data link recorders

#### 4.3.3.1 Applicability

4.3.3.1.1 All helicopters for which the individual certificate of airworthiness is first issued on or after 1 January 2016, which ~~utilize~~ use any of the data link communications applications ~~listed~~ referred to in 5.1.2 of Appendix 4 and are required to carry a CVR, shall record the data link communications messages on a crash-protected flight recorder ~~the data link communications messages~~.

4.3.3.1.2 All helicopters for which the individual certificate of airworthiness was first issued before 1 January 2016, that are required to carry a CVR and are modified on or after 1 January 2016 to ~~utilize~~ use any of the data link communications applications ~~listed~~ referred to in 5.1.2 of Appendix 4 ~~and are required to carry a CVR~~, shall record the data link communications messages on a crash-protected flight recorder unless the installed data link communications ~~messages~~ equipment is compliant with a type design or aircraft modification first approved prior to 1 January 2016.

*Note 1.— Refer to Table H-4 in Attachment H for examples of data link communication recording requirements.*

*Note 2.— A Class B AIR could be a means for recording data link communications applications messages to and from the helicopters where it is not practical or is prohibitively expensive to record those data link communications applications messages on FDR or CVR.*

*Note 3.— The “aircraft modifications” refer to modifications to install the data link communications equipment on the aircraft (e.g. structural, wiring).*

**4.3.3.1.3 Recommendation.**— *All helicopters for which the individual certificate of airworthiness was first issued before 1 January 2016, that are required to carry a CVR and are modified on or after 1 January 2016 to use any of the data link communications applications referred to in 5.1.2 of Appendix 4 should record the data link communications messages on a crash-protected flight recorder.*

...

## **4.17 ELECTRONIC FLIGHT BAGS (EFBS)**

*Note.— Guidance on EFB equipment, functions and ~~operational~~ specific approval is contained in the Manual on Electronic Flight Bags (EFBs) (Doc 10020).*

...

### **4.17.2 EFB functions**

...

4.17.2.2 The State of the Operator shall ~~approve~~ issue a specific approval for the operational use of EFB functions to be used for the safe operation of helicopters.

### **4.17.3 EFB ~~operational~~ specific approval**

~~In approving~~ When issuing a specific approval for the operational use of EFBs, the State of the Operator shall ensure that:

...

## SECTION III

### INTERNATIONAL GENERAL AVIATION

...

#### CHAPTER 2. FLIGHT OPERATIONS

...

##### 2.2 HELIPORT OR LANDING LOCATION OPERATING MINIMA

...

2.2.1 The pilot-in-command shall establish operating minima in accordance with criteria specified by the State of Registry for each heliport or landing location to be used in operations. When establishing aerodrome operating minima, any conditions that may be prescribed in the list of specific approvals shall be observed. Such minima shall not be lower than any that may be established by the State of the Aerodrome, except when specifically approved by that State.

...

2.2.1.1 The State of Registry ~~may approve~~ shall authorize operational credit(s) for operations with helicopters equipped with automatic landing systems, a HUD or equivalent displays, EVS, SVS or CVS. Where the operational credit relates to low visibility operations, the State of Registry shall issue a specific approval. Such ~~approvals~~ authorizations shall not affect the classification of the instrument approach procedure.

...

#### CHAPTER 4. HELICOPTER INSTRUMENTS, EQUIPMENT AND FLIGHT DOCUMENTS

...

##### 4.7 FLIGHT RECORDERS

*Note 1.— Crash protected flight recorders comprise one or more of the following ~~systems~~:*

- a flight data recorder (FDR),
- a cockpit voice recorder (CVR),
- an airborne image recorder (AIR),
- a data link recorder (DLR).

*As per Appendix 4, image and data link information may be recorded on either the CVR or the FDR.*

...

*Note 4.— Lightweight flight recorders comprise one or more of the following ~~systems~~:*

- an aircraft data recording system (ADRS),
- a cockpit audio recording system (CARS),
- an airborne image recording system (AIRS),
- a data link recording system (DLRS).

As per Appendix 4, image and data link information may be recorded on either the CARS or the ADRS.

...

### 4.7.3 Data link recorders

#### 4.7.3.1 Applicability

4.7.3.1.1 All helicopters for which the individual certificate of airworthiness is first issued on or after 1 January 2016, which ~~utilize~~ use any of the data link communications applications listed referred to in 5.1.2 of Appendix 4 and are required to carry a CVR, shall record the data link communications messages on a crash-protected flight recorder ~~the data link communications messages~~.

4.7.3.1.1.1 All helicopters for which the individual certificate of airworthiness was first issued before 1 January 2016, that are required to carry a CVR and are modified on or after 1 January 2016 to install and ~~utilize~~ use any of the data link communications applications listed referred to in 5.1.2 of Appendix 4 and are required to carry a CVR, shall record the data link communications messages on a crash-protected flight recorder unless the data link communications messages equipment is compliant with a type design or aircraft modification first approved prior to 1 January 2016.

*Note 1.— Refer to Table H-4 in Attachment H for examples of data link communication recording requirements.*

*Note 2.— A Class B AIR could be a means for recording data link communications applications messages to and from the helicopters where it is not practical or is prohibitively expensive to record those data link communications applications messages on FDR or CVR.*

*Note 3.— The “aircraft modifications” refer to modifications to install the data link communications equipment on the aircraft (e.g. structural, wiring).*

**4.7.3.1.1.2 Recommendation.**— All helicopters for which the individual certificate of airworthiness was first issued before 1 January 2016, that are required to carry a CVR and are modified on or after 1 January 2016 to use any of the data link communications applications referred to in 5.1.2 of Appendix 4 should record the data link communications messages on a crash-protected flight recorder.

...

## 4.12 ELECTRONIC FLIGHT BAGS (EFBS)

*Note.— Guidance on EFB equipment, functions and ~~establishing criteria for their operational use~~ specific approval is contained in the Manual on Electronic Flight Bags (EFBs) (Doc 10020).*

...

### 4.12.2 EFB functions

...

4.12.2.2 The State of the Registry shall ~~establish criteria~~ issue a specific approval for the operational use of EFB functions to be used for the safe operation of helicopters.

#### 4.12.3 EFB operational criteria specific approval

~~In establishing criteria~~ When issuing a specific approval for the operational use of EFBs, the State of Registry shall ensure that:

...

#### 4.13 Helicopter operated under an Article 83 bis agreement

*Note.— Guidance concerning the transfer of responsibilities by the State of Registry to the State of the principal location of a general aviation operator in accordance with Article 83 bis is contained in Doc 10059.*

4.13.1 A helicopter, when operating under an Article 83 bis agreement entered into between the State of Registry and the State of the principal location of a general aviation operator, shall carry a certified true copy of the agreement summary, in either an electronic or hard copy format. When the summary is issued in a language other than English, an English translation shall be included.

*Note.— Guidance regarding the agreement summary is contained in Doc 10059.*

4.13.2 The agreement summary of an Article 83 bis agreement shall be accessible to a civil aviation safety inspector to determine which functions and duties are transferred by the State of Registry to the State of the principal location of a general aviation operator under the agreement, when conducting surveillance activities such as ramp checks.

*Note.— Guidance for the civil aviation safety inspector conducting an inspection of an aeroplane operated under an Article 83 bis agreement is contained in the Manual of Procedures for Operations Inspection, Certification and Continued Surveillance (Doc 8335).*

4.13.3 The agreement summary shall be transmitted to ICAO together with the Article 83 bis Agreement for registration with the ICAO Council by the State of Registry or the State of the principal location of a general aviation operator.

*Note.— The agreement summary transmitted with the Article 83 bis agreement registered with the ICAO Council contains the list of all aircraft affected by the agreement. However, the certified true copy to be carried on board as per 4.13.1 will need to list only the specific aircraft carrying the copy.*

4.13.4 **Recommendation.**—*The agreement summary should contain the information in Appendix 6 for the specific aircraft and should follow the layout of Appendix 6 paragraph 3.*

...

## ANNEX 6 — PART III

### APPENDICES

...

#### APPENDIX 3. AIR OPERATOR CERTIFICATE (AOC)

(Section II, Chapter 2, 2.2.1.5 and 2.2.1.6, refers)

##### 1. PURPOSE AND SCOPE

...

1.2 The air operator certificate and its associated operations specifications shall define the operations for which the operator is authorized, including specific approvals, conditions and limitations.

...

##### 3. OPERATIONS SPECIFICATIONS FOR EACH AIRCRAFT MODEL

...

3.1 For each helicopter model in the operator's fleet, identified by helicopter make, model and series, the following ~~list of authorizations, conditions and limitations~~ information shall be included: issuing authority contact details, operator name and AOC number, date of issue and signature of the authority representative, aircraft model, types and area of operations, special limitations and ~~authorizations~~ specific approvals.

*Note.— If ~~authorizations~~ specific approvals and limitations are identical for two or more models, these models may be grouped in a single list.*

3.2 The operations specifications layout referred to in Chapter 2, 2.2.1.6, shall be as follows:

*Note.— The MEL constitutes an integral part of the operations manual.*

## OPERATIONS SPECIFICATIONS

(subject to the approved conditions in the operations manual)

### ISSUING AUTHORITY CONTACT DETAILS<sup>1</sup>

Telephone: \_\_\_\_\_ Fax: \_\_\_\_\_ Email: \_\_\_\_\_

AOC#<sup>2</sup>: \_\_\_\_\_ Operator name<sup>3</sup>: \_\_\_\_\_ Date<sup>4</sup>: \_\_\_\_\_ Signature: \_\_\_\_\_

Db a trading name: \_\_\_\_\_

Aircraft model<sup>5</sup>:

Types of operation: Commercial air transportation  Passengers  Cargo  Other<sup>6</sup>: \_\_\_\_\_

Area(s) of operation<sup>7</sup>:

Special limitations<sup>8</sup>:

SPECIFIC APPROVAL	YES	NO	DESCRIPTION <sup>9</sup>	REMARKS
Dangerous goods	<input type="checkbox"/>	<input type="checkbox"/>		
Low visibility operations				
Approach and landing	<input type="checkbox"/>	<input type="checkbox"/>	CAT <sup>10</sup> : _____ RVR: _____ m DH: _____ ft	
Take-off	<input type="checkbox"/>	<input type="checkbox"/>	RVR <sup>11</sup> : _____ m	
Operational credit(s)	<input type="checkbox"/>	<input type="checkbox"/>	<sup>12</sup>	
AR navigation specifications for PBN operations	<input type="checkbox"/>	<input type="checkbox"/>	<sup>13</sup>	
Continuing airworthiness			<sup>14</sup>	
EFB	<input type="checkbox"/>	<input type="checkbox"/>	<sup>15</sup>	
Other <sup>16</sup>	<input type="checkbox"/>	<input type="checkbox"/>		

Notes.—

1. Telephone ~~and fax~~ contact details of the authority, including the country code. Email ~~and fax~~ to be provided if available.
2. Insert the associated AOC number.
3. Insert the operator's registered name and the operator's trading name, if different. Insert "dba" before the trading name (for "doing business as").
4. Issuance date of the operations specifications (dd-mm-yyyy) and signature of the authority representative.
5. Insert the Commercial Aviation Safety Team (CAST)/ICAO designation of the helicopter make, model and series, or master series, if a series has been designated (e.g. Bell-47G-3 or SIKORSKY-S55). The CAST/ICAO taxonomy is available at:

<http://www.intlaviationstandards.org>.

6. *Other type of transportation to be specified (e.g. emergency medical service).*
7. *List the geographical area(s) of authorized operation (by geographical coordinates or specific routes, flight information region or national or regional boundaries) as defined by the issuing authority.*
8. *List the applicable special limitations (e.g. VFR only, day only).*
9. *List in this column the most permissive criteria for each specific approval ~~or the approval type~~ (with appropriate criteria).*
10. *Insert the applicable instrument approach operation classified as Type B (CAT II, etc.). Insert the minimum RVR in metres and decision height in feet. One line is used per listed approach category.*
11. *Insert the approved minimum take-off RVR in metres, or the equivalent horizontal visibility if RVR is not used. One line per approval may be used if different approvals are granted.*
12. *List the airborne capabilities (i.e. automatic landing, HUD, EVS, SVS, CVS) and associated operational credit(s) granted.*
13. *Performance-based navigation (PBN): one line is used for each PBN AR navigation specification approval (e.g. RNP AR APCH), with appropriate limitations listed in the "Descriptions" column.*
14. *Insert the name of the person/organization responsible for ensuring that the continuing airworthiness of the helicopter is maintained and the regulation that requires the work, i.e. within the AOC regulation or a specific approval (e.g. EC2042/2003, Part M, Subpart G).*
15. *List the EFB functions used for the safe operation of helicopters ~~with~~ and any applicable limitations.*
16. *Other authorizations or data can be entered here, using one line (or one multi-line block) per authorization (e.g. special approach authorization, special operations, specification of which performance class(es) the aircraft can be operated in).*

...



## APPENDIX 4. FLIGHT RECORDERS

(Section II, Chapter 4, 4.3 and Section III, Chapter 4, 4.7, refer)

The material in this Appendix concerns flight recorders intended for installation in helicopters engaged in international air navigation. Crash-protected flight recorders comprise one or more of the following systems:

- a flight data recorder (FDR),
- a cockpit voice recorder (CVR),
- an airborne image recorder (AIR),
- a data link recorder (DLR).

When image or data link information is required to be recorded on a crash-protected flight recorder, it is permissible to record it on either the CVR or the FDR.

Lightweight flight recorders comprise one or more of the following systems:

- an aircraft data recording system (ADRS),
- a cockpit audio recording system (CARS),
- an airborne image recording system (AIRS),
- a data link recording system (DLRS).

When image or data link information is required to be recorded on a crash-protected flight recorder, it is permissible to record it on either the CARS or the ADRS.

### 1. GENERAL REQUIREMENTS

...

1.5 The crash-protected flight recorders systems shall be installed so that they receive electrical power from a bus that provides the maximum reliability for operation of the flight recorders systems without jeopardizing service to essential or emergency loads.

1.6 The lightweight flight recorders shall be connected to a power source having the characteristics which ensure proper and reliable recording in the operational environment.

...

---

*Editorial Note.— Renumber subsequent paragraphs.*

---

...

## 2. FLIGHT DATA RECORDER (FDR) AND AIRCRAFT DATA RECORDING SYSTEMS (ADRS)

...

### 2.2 Parameters to be recorded

...

2.2.4 The parameters that satisfy the requirements for ADRS are **the first 7 parameters** listed in Table A4-3.

2.2.5 **If further ADRS recording capacity is available, the recording of any parameters from 8 onwards defined in Table A4-3 shall be considered.**

...

## 6. INSPECTIONS OF FLIGHT RECORDER SYSTEMS

...

6.3 Recording inspections shall be carried out as follows:

...

~~b) the analysis of the FDR or ADRS recording shall evaluate the quality of the recorded data to determine if the bit error rate (including those errors introduced by recorder, the acquisition unit, the source of the data on the helicopter and by the tools used to extract the data from the recorder) is within acceptable limits and to determine the nature and distribution of the errors;~~

...

---

*Editorial Note.— Renumber subsequent paragraphs.*

---

...

g) **an examination of the recorded messages on the DLR or DLRS shall be carried out by replay of the DLR or DLRS recording.**

...

**APPENDIX 5. GENERAL AVIATION SPECIFIC APPROVALS**  
(Section III, Chapter 1, 1.4, refers)

...

**2. SPECIFIC APPROVAL TEMPLATE**

SPECIFIC APPROVAL				
<b>ISSUING AUTHORITY and CONTACT DETAILS<sup>1</sup></b>				
Issuing Authority <sup>1</sup> _____				
Address _____				
Signature: _____ Date <sup>2</sup> : _____				
Telephone: _____ Fax: _____ Email: _____				
<b>OWNER/OPERATOR</b>				
Name <sup>3</sup> : _____ Address: _____				
Telephone: _____ Fax: _____ Email: _____				
Aircraft model <sup>4</sup> and registration marks:				
SPECIFIC APPROVAL	YES	NO	DESCRIPTION <sup>5</sup>	REMARKS
Low visibility operations				
Approach and landing	<input type="checkbox"/>	<input type="checkbox"/>	CAT <sup>6</sup> : _____ RVR: _____ m DH: _____ ft	
Take-off	<input type="checkbox"/>	<input type="checkbox"/>	RVR <sup>7</sup> : _____ m	
Operational credit(s)	<input type="checkbox"/>	<input type="checkbox"/>	8	
RVSM	<input type="checkbox"/>	<input type="checkbox"/>		
AR navigation specifications for PBN operations	<input type="checkbox"/>	<input type="checkbox"/>	9	
EFB	<input type="checkbox"/>	<input type="checkbox"/>	10	
Other <sup>101</sup>	<input type="checkbox"/>	<input type="checkbox"/>		

Notes.—

1. Civil Aviation Authority name and contact details, including the telephone country code and email if available.
2. Issuance date of the specific approval (dd-mm-yyyy) and signature of the authority representative.
3. Owner or operator's name and address.
4. Insert the helicopter make, model and series, or master series, if a series has been designated The CAST/ICAO taxonomy is available at: <http://www.intlaviationstandards.org/>.
5. List in this column the most permissive criteria for each specific approval ~~or the approval type~~ (with appropriate criteria).
6. Insert the applicable precision approach category (CAT II, IIIA, ~~IIIB or IIIC~~). Insert the minimum RVR in metres and decision height in feet. One line is used per listed approach category.
7. Insert the approved minimum take-off RVR in metres, ~~or the equivalent horizontal visibility if RVR is not used~~. One line per approval may be used if different approvals are granted.

8. List the airborne capabilities (i.e. automatic landing, HUD, EVS, SVS, CVS) and associated operational credit(s) granted.
9. Performance-based navigation (PBN): one line is used for each PBN AR navigation specification approval (e.g. RNP AR APCH), with appropriate limitations listed in the "Description" column.
10. List the EFB functions used for the safe operation of helicopters and any applicable limitations.
11. Other specific approvals or data can be entered here, using one line (or one multi-line block) per approval (e.g. specific approach operations approval; ~~MNPS~~).

...

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*Editorial note.— Insert new Appendix 6 as follows:*

---

**APPENDIX 6. ARTICLE 83 bis AGREEMENT SUMMARY**  
(Section II, Chapter 4, 4.1.5.4 and Section III, Chapter 4, 4.13.4, refer)

*Note.— Section II, Chapter 4, 4.1.5.1 and Section III, Chapter 4, 4.13.1, require a certified true copy of the agreement summary to be carried on board.*

**1. Purpose and scope**

**Recommendation.**— *The Article 83 bis agreement summary should contain the information in the template at paragraph 2 or 3 as applicable, in a standardized format.*

## 2. Article 83 bis agreement summary for commercial air transport

<b>ARTICLE 83 bis AGREEMENT SUMMARY</b>		
Title of the Agreement:		
State of Registry:		Focal point:
State of the Operator/State of the principal location of a general aviation operator:		Focal point:
Date of signature:	By State of Registry <sup>1</sup> :	
	By State of the Operator <sup>1</sup> :	
Duration:	Start Date <sup>1</sup> :	End Date (if applicable) <sup>2</sup> :
Languages of the Agreement		
ICAO Registration No.:		
Umbrella Agreement (if any) with ICAO Registration number:		

<b>Chicago Convention</b>	<b>ICAO Annexes affected by the transfer to the State of the Operator of responsibility in respect of certain functions and duties</b>		
Article 12: Rules of the Air	Annex 2, all chapters	Yes <input type="checkbox"/>	
		No <input type="checkbox"/>	
Article 30 a): Aircraft radio equipment	Radio Station Licence	Yes <input type="checkbox"/>	
		No <input type="checkbox"/>	
Articles 30 b) and 32 a): Personnel Licensing	Annex 1, Chapters 1, 2, 3 and 6 and Annex 6 Part I, Radio Operator or Part III, section II, Composition of the flight crew (radio operator) and/or Part II, Qualifications and/or Flight crew member licensing or Part III, Section III, Qualifications	Yes <input type="checkbox"/>	Annex 6: [Specify Part and paragraph] <sup>3</sup>
		No <input type="checkbox"/>	
Article 31: Certificates of Airworthiness	Annex 6 Part I or Part III, Section II	Yes <input type="checkbox"/>	[Specify Part and chapters] <sup>3</sup>
		No <input type="checkbox"/>	
	Annex 6 Part II or Part III, Section III	Yes <input type="checkbox"/>	[Specify Part and chapters] <sup>3</sup>
		No <input type="checkbox"/>	
	Annex 8 Part II, Chapters 3 and 4	Yes <input type="checkbox"/>	[Specify chapters] <sup>3</sup>
		No <input type="checkbox"/>	

<b>Aircraft affected by the transfer of responsibilities to the State of the Operator</b>					
Aircraft make, model, series	Nationality and Registration marks	Serial No	AOC # (Commercial air transport)	Dates of transfer of responsibilities	
				From <sup>1</sup>	To (if applicable) <sup>2</sup>

Notes.—

1. dd/mm/yyyy.
2. dd/mm/yyyy or N/A if not applicable.
3. Square brackets indicate information that needs to be provided.

### 3. Article 83 bis agreement summary for general aviation

ARTICLE 83 bis AGREEMENT SUMMARY		
Title of the Agreement:		
State of Registry:		Focal point:
State of the principal location of a general aviation operator:		Focal point:
Date of signature:	By State of Registry <sup>1</sup> :	
	By State of the principal location of a general aviation operator <sup>1</sup> :	
Duration:	Start Date <sup>1</sup> :	End Date (if applicable) <sup>2</sup> :
Languages of the Agreement		
ICAO Registration No.:		
Umbrella Agreement (if any) with ICAO Registration number:		

Chicago Convention	ICAO Annexes affected by the transfer to the State of the principal location of a general aviation operator of responsibility in respect of certain functions and duties		
Article 12: Rules of the Air	Annex 2, all chapters	Yes <input type="checkbox"/>	
		No <input type="checkbox"/>	
Article 30 a): Aircraft radio equipment	Radio Station Licence	Yes <input type="checkbox"/>	
		No <input type="checkbox"/>	
Articles 30 b) and 32 a): Personnel Licensing	Annex 1, Chapters 1, 2, 3 and 6 and Annex 6 Part I, Radio Operator or Part III, section II, Composition of the flight crew (radio operator) and/or Part II, Qualifications and/or Flight crew member licensing or Part III, Section III, Qualifications	Yes <input type="checkbox"/>	Annex 6: [Specify Part and paragraph] <sup>3</sup>
		No <input type="checkbox"/>	
Article 31: Certificates of Airworthiness	Annex 6 Part I or Part III, Section II	Yes <input type="checkbox"/>	[Specify Part and chapters] <sup>3</sup>
		No <input type="checkbox"/>	
	Annex 6 Part II or Part III, Section III	Yes <input type="checkbox"/>	[Specify Part and chapters] <sup>3</sup>
		No <input type="checkbox"/>	
	Annex 8 Part II, Chapters 3 and 4	Yes <input type="checkbox"/>	[Specify chapters] <sup>3</sup>
		No <input type="checkbox"/>	

Aircraft affected by the transfer of responsibilities to the State of the principal location of a general aviation operator					
Aircraft make, model, series	Nationality and Registration marks	Serial No	AOC # (Commercial air transport)	Dates of transfer of responsibilities	
				From <sup>1</sup>	To (if applicable) <sup>2</sup>

Notes.—

1. dd/mm/yyyy.
2. dd/mm/yyyy or N/A if not applicable.
3. Square brackets indicate information that needs to be provided.

...

### ANNEX 6 — PART III

### ATTACHMENTS

**ATTACHMENT A. HELICOPTER PERFORMANCE AND  
OPERATING LIMITATIONS**

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*Editorial note.— Delete entire attachment which is transposed to the Helicopter Code of Performance Development Manual (Doc 10110), renumber subsequent attachments accordingly and align references throughout document.*

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...

**ATTACHMENT D. AIR OPERATOR CERTIFICATION  
AND VALIDATION**

*Supplementary to Section II, Chapter 2, 2.2.1*

**1. PURPOSE AND SCOPE**

**1.1 Introduction**

The purpose of this Attachment is to provide guidance concerning the actions required by States in connection with the commercial air transport operator certification requirements in Chapter 2, 2.2.1, particularly the means of accomplishing and recording those actions. Equivalent guidance for GA operations can be found in Annex 6, Part II, Attachment 3.C.

...

**2. REQUIRED TECHNICAL SAFETY EVALUATIONS**

**2.1 Specific Approval, approval and acceptance actions**

2.1.1 The certification and continued surveillance of an air operator includes actions taken by a State on matters submitted for its review. The actions can be categorized as specific approvals, approvals or acceptances depending on the nature of the response by the State to the matter submitted for its review.

2.1.2 A specific approval is an approval which is documented in the Operations Specifications for Commercial Air Transport.

...

---

*Editorial note.— Renumber subsequent paragraphs accordingly.*

---

2.1.56 The State should make or arrange for a technical safety evaluation before issuing the specific approval, approval or acceptance. The evaluation should:

...

**2.2 Demonstrations necessary prior to some specific approvals and approvals**

2.2.1 Standard 2.2.1.3 obligates the State of the Operator, prior to certification of the operator, to require sufficient demonstrations by the operator to enable the State to evaluate the adequacy of the operator's organization, method of control and supervision of flight operations, ground handling and maintenance arrangements. These demonstrations should be in addition to the review or inspections of manuals, records, facilities and equipment. Some of the specific approvals and approvals required by Part III, Section II, such as specific approval for ~~Category III~~ low visibility operations, have significant safety implications and should be validated by demonstration before the State approves authorizes such operations.

### 2.3 Recording of certification actions

2.3.1 It is important that the certification, specific approval, approval and acceptance actions of the State are adequately documented. The State should issue a written instrument, such as a letter or formal document, as an official record of the action. These written instruments should be retained as long as the operator continues to exercise the authorizations for which the specific approval, approval or acceptance action was issued. These instruments are unambiguous evidence of the authorities held by the operator and provide proof in the event that the State and the operator disagree on the operations that the operator is authorized to conduct.

2.3.2 Some States collect certification records such as inspections, demonstrations, specific approvals, approvals and acceptance instruments into a single file which is retained as long as the operator is active. Other States retain these records in files according to the certification action performed, and revise the file as the specific approvals, approvals or acceptance instruments are updated. Regardless of the method used, these certification records are persuasive evidence that a State is complying with its ICAO obligations regarding operator certification.

### 2.4 Coordination of operations and airworthiness evaluations

Some of the references to specific approval, approval or acceptance in Part III, Section II, will require an operations evaluation and an airworthiness evaluation. ~~Low minima approvals for the conduct of Category II and III ILS approaches~~ Specific approvals for operations in low visibility, for example, require coordinated prior evaluation by operations and airworthiness specialists. Flight operations specialists should evaluate the operational procedures, training and qualifications. Airworthiness specialists should evaluate the aircraft, equipment reliability and maintenance procedures. These evaluations may be accomplished separately, but should be coordinated to ensure that all aspects necessary for safety have been addressed before any specific approval, approval or acceptance is issued.

### 2.5 State of the Operator and State of Registry responsibilities

2.5.1 Annex 6, Part III, Section II, places the responsibility for initial certification, issuance of the AOC, and ongoing surveillance of an air operator on the State of the Operator. Annex 6, Part III, also requires the State of the Operator to consider or act in accordance with various specific approvals, approvals and acceptances by the State of Registry. Under these provisions, the State of the Operator should ensure that its actions are consistent with the specific approvals, approvals and acceptances of the State of Registry and that the air operator is in compliance with State of Registry requirements.

...

*Note.— Guidance concerning the responsibilities of the State of the Operator and the State of Registry in connection with lease, charter and interchange operations is contained in the Manual of Procedures for Operations Inspection, Certification and Continued Surveillance (Doc 8335). Guidance concerning the transfer of State of Registry responsibilities to the State of the Operator in accordance with Article 83 bis is contained in ~~Guidance on the Implementation of Article 83 bis of the Convention on International Civil Aviation (Cir-295) Doc 10059.~~*



...

### **3. APPROVAL ACTIONS AUTHORIZATIONS**

#### **3.1 Approvals**

The term “approval” implies a more formal action on the part of the State with respect to a certification matter than does the term “acceptance”. Some States require the Director of the CAA or a designated lower level CAA official to issue a formal written instrument for every “approval” action taken. Other States allow a variety of documents to be issued as evidence of an approval. The approval document issued and the matter addressed by the approval will depend on the delegated authority of the official. In such States, authority to sign routine approvals, such as operator minimum equipment lists for specific aircraft, is delegated to technical inspectors. More complex or significant approvals are normally issued by higher level officials.

An authorization entitles an operator, owner or pilot-in-command to undertake the authorized operations. Authorizations can take the form of specific approvals, approvals or acceptances.

#### **3.1 Specific approval actions**

3.1.1 The term “specific approval” indicates a formal action on the part of the State of the Operator which results in an addition to the operations specification.

3.1.2 The following provisions make explicit reference to the need for a specific approval:

- a) operational credits for HUD, EVS, SVS, CVS, automatic landing systems, when used for low visibility operations [Section II, 2.2.8.1.1];
- b) low visibility operations [Section II, 2.2.8.4 and 2.2.8.5];
- c) electronic flight bags [Section II, 4.17.2]; and
- d) AR navigation specifications for PBN operations [Section II, 5.2.4].

3.1.3 An example operations specification template is provided in Appendix 3

...

### 3.3 APPROVAL ACTIONS Approval actions

3.3.1 The term “approval” implies indicates a more formal action on the part of the State with respect to a certification matter than does the term “acceptance”. Some States require the Director of the Civil Aviation Authority (CAA) or a designated lower-level CAA official to issue a formal written instrument for every “approval” action taken. Other States allow a variety of documents to be issued as evidence of an approval. The approval document issued and the matter addressed by the approval will depend on the delegated authority of the official. In such States, authority to sign routine approvals, such as operator minimum equipment lists for specific aircraft, is delegated to technical inspectors. More complex or significant approvals are normally issued by higher-level officials.

---

*Editorial note.— Old paragraph 3 and 3.1 moved here.*

---

#### 3.3.2 Provisions that require an approval

The following provisions require or encourage approval by specified States. The approval of the State of the Operator is required in all of the certification actions listed below that are not preceded by one or more asterisks. Certification actions listed below that are preceded by one or more asterisks require approval by the State of Registry (single asterisk or “\*”), or by the State of Design (double asterisk or “\*\*”). However, the State of the Operator should take the necessary steps to ensure that operators for which it is responsible comply with any applicable approvals issued by the State of Registry and/or State of Design, in addition to its own requirements.

*Note.— Items that require a specific approval are not included here. Refer to 3.1.2 for a list of these provisions.*

...

- c) The method for establishing minimum flight altitudes (Section II, 2.2.7.3);
- d) The method of determining heliport operating minima (Section II, 2.2.8.1);
- e) ~~Fatigue Management Flight time, flight duty periods and rest periods (2.8.2.10.2);~~
- f) Helicopter-specific minimum equipment list (MEL) (4.1.3);
- g) Use of HUD, EVS, SVS or CVS (Section II, 4.16);
- h) ~~RNP~~ Performance-based navigation operations (Section II, 5.2.2 b);
- h) \*Approved maintenance organization (Section II, 6.1.2);
- i) \*Helicopter-specific maintenance programme (Section II, 6.3.1);
- j) Flight crew training programmes (Section II, 7.3.1);
- k) Training in the transport of dangerous goods (Section II, 7.3.1, Note 5);
- l) Use of flight simulation training devices (Section II, 7.3.2 a, 7.4.12 and 7.4.34.1, Note);
- m) Method of control and supervision of flight operations (Section II, 2.2.1.3 and 8.1);
- n) \*\*Mandatory maintenance tasks and intervals (Section II, 9.3.2); and

- o) Cabin attendant training programmes (10.3).

...

#### **4.3.5 ACCEPTANCE ACTIONS** ~~Acceptance actions~~

##### **4.3.5.1 Acceptance**

---

*Editorial note.— Renumber subsequent paragraphs accordingly.*

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...

#### **54. OTHER APPROVAL OR ACCEPTANCE CONSIDERATIONS**

Some States provide for approval or acceptance of certain critical documents, records or procedures specified in Part III, Section II, although the relevant Annex 6 Standards do not require approval or acceptance by the State of the Operator. The following are some examples:

...

~~l) procedures for long range navigation (5.2.1 b));~~

~~l~~m~~) contents of the journey log book (9.4); and~~

~~m~~n~~) content of the security training programme (11.2).~~

...

**ATTACHMENT H. GUIDE TO CURRENT  
FLIGHT RECORDER PROVISIONS**

*Supplementary to Section II, Chapter 4, 4.3 and Section III, Chapter 4, 4.7*

...

---

*Editorial Note.— Insert new Table H-4 and the following explanatory text.*

---

**Table H-4. Data link communications (DLC) recording installation clarification**

<b>Rows</b>	<b>Date individual certificate of airworthiness was first issued</b>	<b>Date aircraft type certificate issued or modification for DLC equipment first approved</b>	<b>Date of activation for use of DLC equipment</b>	<b>DLC recording required</b>	<b>SARP Reference</b>
1	On or after 1 January 2016	On or after 1 January 2016	On or after 1 January 2016	Yes	6.3.3.1.1
2	On or after 1 January 2016	Before 1 January 2016	On or after 1 January 2016	Yes	6.3.3.1.1
3	Before 1 January 2016	On or after 1 January 2016	On or after 1 January 2016	Yes	6.3.3.1.2
4	Before 1 January 2016	Before 1 January 2016	Before 1 January 2016	No	6.3.3.1.2
5	Before 1 January 2016	Before 1 January 2016	On or after 1 January 2016	No <sup>1</sup>	6.3.3.1.2 6.3.3.1.3

<sup>1</sup>Not required but recommended.

**1. TABLE HEADINGS**

1.1 *Date individual certificate of airworthiness* was first issued is self-explanatory.

1.2 *Date aircraft type certificate issued or modification for DLC equipment first approved* is the date that allows the installation of DLC equipment on the aircraft and refers to the airworthiness approval of the installation of aircraft components such as the structural and wiring provisions with which the DLC equipment needs to be compliant. These airworthiness approvals are usually in a form of a type certificate, a supplementary type certificate or an amended type certificate.

1.2.1 It is not uncommon for original customers of a helicopter that have airworthiness approvals related to DLC capability, to choose not to install the DLC equipment or choose not to have it activated even if the helicopter is prepared for it.

1.3 *Date of activation for use of DLC equipment* refers to the date that a DLC application referred to in 5.1.2 of Appendix 4 was first activated for use.

1.3.1 Datalink communication (DLC) equipment as used in these provisions, refer to the physical unit(s) (e.g. box(es)) that was approved to a minimum performance standard issued by a certification authority (e.g. TSO or ETSO).

1.3.2 The activation of DLC functions refer to approved software activation of DLC functions or software updates.

1.4 *DLC recording required* refers to the requirement to record DLC message in accordance with provisions 4.3.3.1.1, 4.3.3.1.2 and 4.3.3.1.3 in Section II and 4.7.3.1.1, 4.7.3.1.2 and 4.7.3.1.3 in Section III.

## **2. GENERAL**

2.1 It is the date on which the CVR capabilities of the aircraft were approved that determines the DLC recording requirement. The date in which the DLC equipment was approved to a minimum performance standard is not relevant for CVR recording requirement purposes.

2.2 For the DLC equipment to be compliant with an airworthiness approval, it needs to be able to use, without modification, the installed helicopter components that are necessary to provide the DLC function such as the:

- a) datalink router (e.g. hosted in the communications management unit);
- b) radios (e.g. VHF, HF datalink, Satcom) and related antennas.

2.3 Approved software updates to installed equipment or software activation of functions normally do not alter the DLC equipment compliance with the rest of the helicopter systems.

## **3. EXAMPLES**

3.1 For rows 1 and 2:

- The recording requirement is driven by Standards 4.3.3.1.1 and 4.7.3.1.1 which is based on when the individual certificate of airworthiness was first issued. Any subsequent airworthiness modifications related to DLC capability do not exempt the helicopter from the requirement to record DLC messages.

3.2 For rows 3 to 5 — General:

- The recording requirement is driven by Standards 4.3.3.1.2 and 4.7.3.1.2 and is based on whether or not the helicopter has an airworthiness approval for DLC capabilities and the date of its issue.
- Since there was no requirement to record DLC messages prior to 1 January 2016, airworthiness approvals related to DLC capability issued before that date did not necessarily include this function.

3.3 For row 3:

- The recording requirement applies regardless of when the certificate of airworthiness was issued, because an airworthiness approval related to DLC capability was issued on or after 1 January 2016. The date of installation of the equipment would typically be after the airworthiness approval.

3.4 For row 4:

- The recording requirement does not apply because the helicopter’s certificate of airworthiness and an airworthiness approval related to DLC capability was issued before 1 January 2016. The date of installation of DLC equipment is not a factor for DLC message recording requirements as long as the equipment is compliant with that airworthiness approval.

3.5 For row 5:

- The recording requirement does not apply because the helicopter’s certificate of airworthiness and an airworthiness approval related to DLC capability was issued before 1 January 2016. The date of installation of DLC equipment is not a factor for DLC message recording requirements as long as the equipment is compliant with that airworthiness approval.
- Notwithstanding the above, if the activation for use of the DLC equipment is on or after 1 January 2016, DLC messages should be recorded in accordance with Recommendations 4.3.3.1.3 and 4.7.3.1.3.

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