

Agreement

between

the Danish Civil Aviation and Railway Authority (Denmark)

and

the Irish Aviation Authority (Ireland)

on

the implementation of Article 83 *bis* of the Convention on International Civil Aviation

the Danish Civil Aviation and Railway Authority (Denmark)

and

the Irish Aviation Authority (Ireland)

Whereas the Protocol of 6 October 1980 to amend Article 83 *bis* of the Convention on International Civil Aviation,

Desiring, with a view to enhance the safety in civil aviation, to transfer to the State of the Operator of aircraft all or part of the State of Registry's functions and duties pertaining to Articles 12, 30, 31 and 32 (a) of the Convention on International Civil Aviation, as provided by Article 83 *bis* of the Convention on International Civil Aviation which was included with the Protocol of 6 October 1980,

Convinced that, in line with ICAO Doc 9760 (Airworthiness Manual), Part IV, Chapter 6 'Leasing Arrangements', ICAO Document 10057 'Manual on the implementation of Article 83 *bis* of the Convention on International Civil Aviation' and ICAO Doc 8335 (Manual of Procedures for Operations Inspection, Certification and Continued Surveillance), Part V 'Lease and Charter operations', it is necessary to precisely establish the international obligations and responsibilities of Contracting States in compliance with the Convention on International Civil Aviation, when an aircraft registered in one Contracting State is operated by the holder of an operating licence issued by the other Contracting State, including an air operator certificate (AOC) under a dry-lease arrangement or any other agreement in the spirit of Article 83 *bis* of the Convention on International Civil Aviation,

Whereas the fact that the Kingdom of Denmark and the Republic of Ireland are both Member States of the European Union, and therefore apply numerous harmonized European regulations in the field of aviation legislation ensuring a standardized approach have agreed, on the basis of Articles 33 and 83 *bis* of the Convention on International Civil Aviation, as follows:

Article 1  
Definitions

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

1. the term "Convention on International Civil Aviation" means the Convention on International Civil Aviation, opened for signature at Chicago on 7 December 1944, including any Annex adopted under Article 90 of that Convention and any amendment of the Annexes or of the Convention under Articles 90 and 94 thereof in so far as those Annexes and amendments have become effective for or have been ratified by both Contracting Parties,
2. the term "ICAO" means the International Civil Aviation Organization,
3. the term "EASA" means the European Aviation Safety Agency,
4. the term "dry-lease arrangement" means an arrangement between lessor and lessee for the lease of an aircraft for use against payment, without crew and with the aircraft being operated under the air operator certificate of the lessee.
5. the term "lessor" means the registered owner or the person transferring the use of an aircraft against payment to the lessee.
6. the term "lessee" means the operator to whom an aircraft is leased for use against payment and in whose operating licence, including an air operator's certificate, the aircraft is registered.

7. the term “civil aviation authority” means in the case of the Kingdom of Denmark, the Danish Civil Aviation and Railway Authority - having its headquarters in Carsten Niebuhrs Gade 43, DK-1577 Copenhagen, and in the case of the Republic of Ireland, the Irish Aviation Authority – The Time Building, 11-12 D’Olier Street, Dublin, responsible for the implementation of this Agreement, or any other person or agency authorized to perform the functions incumbent upon the said authority.
8. the term “State of Registry” means the State on whose register the aircraft is entered.
9. the term “State of the Operator” means the State from which the lessee has received his operating licence.

## Article 2

### Scope of application

This Agreement shall be applicable to aircraft registered in the State of one Contracting Party and which are operated by an operator from the State of the other Contracting Party for commercial air transport under a dry-lease arrangement or any other agreement in the spirit of Article 83 *bis* of the Convention on International Civil Aviation. This Agreement is limited to aircraft listed on a separate list of concerned aircraft to this Agreement (see Schedule 1A(B) in Annex 7 of this Agreement), which is subject to amendment from time to time as agreed upon and signed by the Danish Civil Aviation and Railway Authority and the Irish Aviation Authority.

## Article 3

### Transferred responsibilities

- (1) The civil aviation authority of the State of Registry, in accordance with the provisions of this Agreement, hereby transfers the following responsibilities including oversight and control of the duties set out in the respective Annexes to the Convention on International Civil Aviation to the civil aviation authority of the State of the Operator.

1. Annex 2 – *Rules of the Air*, enforcement of compliance with applicable rules and regulations relating to the flight and manoeuvre of aircraft.
2. Annex 6 – *Operation of Aircraft* – all responsibilities which are normally incumbent upon the State of Registry for the oversight and control of operations of aircraft entered on its aircraft register.
3. Annex 8 – *Airworthiness of aircraft* – all responsibilities which are normally incumbent upon the State of Registry, and have not been assumed by EASA, for the oversight and control of aircraft entered on its aircraft register. Under this Agreement, the responsibility for the surveillance of maintenance and continuing airworthiness of leased aircraft operated under the air operator’s certificate (AOC) of the lessee is hereby transferred to the civil aviation authority of the State of the Operator.

(2) The civil aviation authority of the State of the Operator shall inform the civil aviation authority of the State of Registry about any intended sublease of an aircraft for which the responsibilities were transferred in accordance with paragraph 1.

(3) Duties and functions in accordance with paragraph 1 must not be transferred upon a third State.

#### Article 4

##### Procedure for the transfer of responsibilities

(1) Details concerning the transfer of responsibilities in accordance with Article 3, including the provisions and procedures to be applied, are laid down in Annex 1 to this Agreement. Updates of Annex 1 shall be mutually agreed by the Contracting Parties.

Applications for the transfer of responsibilities by the civil aviation authority of the State of Registry shall require the written acceptance by the civil aviation authority of the State of the Operator. Such an acceptance shall be achieved by means of an amendment of the list of concerned aircraft.

(2) Each civil aviation authority shall ensure that leasing contracts are in compliance with the terms and conditions laid down in the present Agreement.

(3) In case of prolongation of a lease arrangement, paragraph 1 shall apply accordingly. It also applies in case of prolongation of any other agreement in the spirit of Article 83 *bis* of the Convention on International Civil Aviation.

(4) The civil aviation authorities shall be entitled to revoke the transfer of responsibilities at any time. The revocation must be performed in writing. It shall become effective 7 days upon receipt.

(5) An aircraft for which the responsibility for oversight and control was transferred by virtue of Article 3 (1) shall be subject to the requirements of the in each case applicable laws, as well as other regulations and procedures of the State of the Operator.

## Article 5

### Meetings between the civil aviation authorities

If required, meetings shall be convened between the civil aviation authorities of the Contracting States to discuss both operations and airworthiness matters found as a result of the inspections of the aircraft. In this connection, the following subjects shall be especially discussed:

1. Air operations,
2. Control of continued airworthiness and maintenance of aircraft,
3. Procedures for the management of the Continuing Airworthiness Management Exposition (CAME) or the Operator Maintenance Control Manual (MCM), if applicable,
4. Flight and cabin crew training and checking,
5. Any other significant matters arising from inspections or occurrences.

## Article 6

### Obligation to carry Documents

The civil aviation authorities of the Contracting States shall make available a certified true copy of this Agreement as well as of the correspondence in accordance with Article 4 (1) to the lessee and to the lessor, if applicable. A certified true copy of a one page summary (in English, or with an English translation) of the Article 83 bis agreement (Agreement Summary), shall be carried on board the aircraft at all times while the Agreement is in force (see Annex 6 of this Agreement). If the lessee has obtained, from his authority, approval for a system to list the registration marks for aircraft operated and authorized under his air operator's certificate, this list and the relevant section of the Operator's Manual must be kept on board.

## Article 7

### Registration

(1) The Contracting States shall submit this Agreement as well as amendments, including Annex 1, thereto in accordance with Article 83 of the Convention on International Civil Aviation and in compliance with the *Rules for Registration with ICAO of Aeronautical Agreements and Arrangements for registration to ICAO for registration (Doc 6685)*.

(2) Upon update of the list of concerned aircraft (see Schedule 1A(B) in Annex 7 of this Agreement), each civil aviation authority shall submit a copy to ICAO for registration in accordance with Article 83 of the Convention on International Civil Aviation and in compliance with the *Rules for Registration with ICAO of Aeronautical Agreements and Arrangements for registration to ICAO for registration (Doc 6685)*. The lists registered with the ICAO shall be updated by the depositor authority every time the validity of the present Agreement is extended by a new aircraft or by a new lease period.

## Article 8

### Charges

Each civil aviation authority shall invoice charges and expenses according to its own provisions.

#### Article 9

##### Entry into Force, Period of Validity, Dispute Resolution

- (1) This Agreement shall enter into force on the date of its signature.
- (2) Any modification to this Agreement shall be made in writing.
- (3) The present Agreement shall be concluded for an indefinite period of time.
- (4) Any disagreement concerning the interpretation or application of this Agreement shall be resolved by consultation between the parties and shall not be referred to any international tribunal, arbitration, or third party settlement.

#### Article 10

##### Termination and notification

- (1) This Agreement shall for individual aircraft come to an end:
  1. At the termination of the respective aircraft leasing arrangements, or any other arrangement under which they are operated, or
  2. On the date of termination of this Agreement.
- (2) After consultation between the Contracting Parties, this Agreement shall also terminate 60 days after the date of receipt of written notice of the termination of this Agreement by one of the two Contracting Parties.
- (3) Upon termination of this Agreement ICAO shall be notified of it by each Contracting Party.
- (4) In the case where this Agreement was terminated for reasons other than the termination of the underlying lease or any other arrangement, the owners and the operator shall be notified by each civil aviation authority.

Done at Copenhagen on 8 April 2022

and at Ireland on \_\_\_\_\_, both in English.

For the  
Danish Civil Aviation and Railway Authority  
Carsten Niebuhrs Gade 43  
DK-1577 Copenhagen

For the  
Irish Aviation Authority  
The Times Building, 11-12 D'Olier Street  
Dublin, Ireland



Michael Dela  
Head of Department



Mr Declan Fitzpatrick  
Director Regulatory Performance and Innovation

Annex 1: Transfer of responsibilities and working procedures in relation to the bilateral agreement between Denmark and Ireland on the implementation of Article 83 *bis* of the Convention on International Civil Aviation

## **1 Function, Duties and responsibilities**

1.1 The State of the Operator<sup>1</sup> assumes, concerning the aircraft, all the responsibilities otherwise falling on the State of Registry as far as defined in the Convention of Chicago Article 12 (Rules of the Air) and associated Annex 2, and Commission Regulations (EU) No 965/2012 and No 1321/2014.

Exemptions from these applicable regulations will be coordinated and agreed between State of Registry and State of Operator before issuing.

For the sake of clarity, the responsibility of the MEL (Minimum Equipment List) of the aircraft is included in the responsibilities transferred to State of the Operator.

1.2 The State of Registry assumes, concerning the aircraft, all the rest of the responsibilities falling on the State of Registry defined as such in the Convention of Chicago Articles 30 a) (Aircraft Radio Licence), 31 (Certificate of Airworthiness) and associated Annexes 6 and 8.

More specifically:

1.2.1 Pursuant to Article 30 a) of the Convention of Chicago the Aircraft Radio Station License is delivered by the State of Registry.

1.2.2 Pursuant to Article 31 of the Convention of Chicago and in accordance with the provisions of Regulation (EU) 1321/2014<sup>2</sup> and paragraphs M.1.1 and M.1.4 of Part M and in accordance with the Commission Regulation (EU) No 965/2012 and all amendments thereto, the State of Registry retains the following functions, duties and responsibilities, concerning the aircraft:

- (a) Technical inspections of the aircraft within the framework of the survey programme of the State of Registry to monitor the status of the fleet (M.B.303);
- (b) Issuance and review of the Airworthiness Review Certificate of the Aircraft, except if the aircraft has been in a controlled environment for the last 12 months, which could then be issued by the CAMO as established in Part M (M.A. 901 c).

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<sup>1</sup> State of the Operator as defined in Annex 6 Chapter 1 of the Convention of Chicago.

<sup>2</sup> Commission Regulation (EU) 1321/2014 of 26 November 2014 on the continuing airworthiness of aircraft and aeronautical products, parts and appliances, and on the approval of the organisations and personnel involved in these tasks.

- (c) Reception of occurrence reports envisaged in Regulation (EU) No 376/2014 and Regulation (EU) No 996/2010 or Annex 13 to the Convention of Chicago, if applicable;
- (d) The issuance of Permits to Fly, unless Permits to Fly are issued by the Continuing Airworthiness Management Organisation according to its privileges under M.A.711(c);

The State of the Operator retains the following functions, duties and responsibilities, concerning the aircraft:

- (a) The approval of the MEL (Minimum Equipment List) of the aircraft, as well as all amendments thereto;
- (b) Ensuring the oversight of the continuing airworthiness management system of the Continuing Airworthiness Management Organisation approved in accordance with Annex Vc, Part CAMO of Regulation (EU) No 1321/2014, including modifications and repairs, interior installation and emergency and safety equipment;
- (c) The approval of the maintenance programme of the aircraft, as well as all revisions and deviations thereto;
- (d) Reception of occurrence reports envisaged in Regulation (EU) No 376/2014 and Regulation (EU) No 996/2010 or Annex 13 to the Chicago Convention, if applicable, and relevant follow up actions;
- (e) Ensuring compliance with all requirements of the Commission Regulation (EU) No 965/2012 prescribed in Annex IV [Part-CAT] Subpart D;
- (f) Coding the ELT with the country code of the State of Operator.

The State of the Operator grants the State of Registry the right to carry out any inspections on the aircraft on its territory or at the premises of the operator, its Continuing Airworthiness Management Organisation or its Part-145 organisation. The State of Registry will inform the State of Operator at least 48 hours in advance of planned inspections (except in cases of urgent safety concerns).

- 1.2.3 Pursuant to Commission Regulation (EU) No 1178/2011 (as amended), the pilot licence of the crew members must be issued or rendered valid by an EASA member State.

**2 Notification, coordination and control**

The civil aviation authorities will notify each other in case of level 1 findings regarding:

- (a) the Monitoring of the Continuous Airworthiness,
- (b) the Maintenance of the Aircraft and
- (c) any exemption issued with regards to the relevant regulations within 72 hours after first notice.

**3 Responsibilities of the Republic of Ireland and the Kingdom of Denmark regarding airworthiness (according to Regulation (EU) No 1321/2014, PART M, pursuant to Annex 1 of this Agreement)**

Part M requirement	Subject	Responsible State
M.1.1	Oversight of the continuing airworthiness of individual aircraft	State of the Operator
	Issue of Airworthiness Review Certificates	State of Registry
M.1.4	Approval of maintenance programmes,	State of the Operator
<b>SUBPART C CONTINUING AIRWORTHINESS</b>		
M.B.301	Maintenance Programme	State of the Operator
M.B.302	Exemptions	State of Operator or State of Registry coordinated and agreed between both States
M.B.303	Aircraft Continuing Airworthiness monitoring	State of Registry
M.B.304	Revocation and suspension of ARC	State of Registry
<b>SUBPART I AIRWORTHINESS REVIEW CERTIFICATE</b>		
M.B.901	Assessment of recommendations	State of Registry
M.B.902	Airworthiness review by the competent authority	State of Registry
M.B.903	Findings	State of Registry

**Annex 2 – Sample of initiation letter**

Date:

Mr./Mrs.  
Irish Aviation Authority  
The Times Building  
11-12 D'Olier Street  
Dublin

Or

Mr./Mrs.  
Danish Civil Aviation and  
Railway Authority  
Carsten Niebuhrs Gade 43  
DK-1577 Copenhagen  
Denmark

**Subject: Transfer of Surveillance for Danish (Irish) Registered Aircraft OY-XXX (IE-XXXX) Operating with XXXXXXXX Ireland (Denmark)**

Dear Sir/Madam,

In accordance with the provision of the agreement between Ireland and Denmark signed on dd.mm.aaaa. to implement the general conditions outlined in Article 83 bis of the Convention on International Civil Aviation, this Authority wishes to transfer flight operations, personnel and maintenance surveillance functions to the Civil Aviation Authority of Ireland (Denmark) in regard to the Danish (Irish) registered aircraft whilst being operated by XXXXXXXX Ireland (Denmark) *from DD/MM/YYYY to DD/MM/YYYY.*

This Authority would be grateful if you acknowledge in writing your acceptance or otherwise of the transferred functions as mentioned in the Agreement between Ireland and Denmark.

Thank you for your co-operation and assistance in this matter.

Yours faithfully,

-----  
(name)  
(title)

**Annex 3 – Sample of acceptance letter**

Date:

Ref:

Mr./Mrs.  
Irish Aviation Authority  
The Times Building  
11-12 D'Olier Street  
Dublin

Or

Mr./Mrs.  
Danish Civil Aviation and  
Railway Authority  
Carsten Niebuhrs Gade 43  
DK-1577 Copenhagen  
Denmark

**Subject: Transfer of Surveillance for Danish (Ireland) Registered Aircraft OY-XXX (IE-XXXX) Operating with XXXXX Ireland (Denmark)**

Dear Sir/Madam,

With reference to your letter [*ref. n. yyyy of DD/MM/YYYY*], we wish to inform you that the Irish Aviation Authority (Danish Civil Aviation and Railway Authority) is willing to accept the transfer of surveillance responsibilities for the subject aircraft while being operated by XXXXX Ireland (Denmark) from **DD/MM/YYYY** up to **DD/MM/YYYY**. The transfer will be accomplished in accordance with the terms and conditions laid down in the Agreement between Ireland and Denmark signed on xx.xx.xxxx.

Yours faithfully,

-----  
(name)  
(title)

**Annex 4 – Sample of letter for continued transfer of surveillance responsibilities**

Date:

Ref:

Mr./Mrs.  
Irish Aviation Authority  
The Times Building  
11-12 D'Olier Street  
Dublin

Or

Mr./Mrs.  
Danish Civil Aviation and  
Railway Authority  
Carsten Niebuhrs Gade 43  
DK-1577 Copenhagen  
Denmark

**Subject: Prolongation of agreement – Transfer of Surveillance for Danish (Irish)  
Registered Aircraft OY-XXX (IE-XXXX) Operating with XXXXX Ireland (Denmark)**

Dear Sir/Madam,

We have been informed that the subject operator/lessee intends to extend the dry-leasing contract for *[to continue operations of]* the subject aircraft up to **DD/MM/YYYY**.

Please could you confirm that the Irish Aviation Authority (Danish Civil Aviation and Railway Authority) is willing to accept the continued transfer of surveillance responsibilities as defined in the agreement between Ireland and Denmark signed on xx.xx.xxxx for the subject aircraft while being operated by XXXXXXXX Ireland (Denmark) up to **DD/MM/YYYY**.

Yours faithfully,

-----  
(Name)  
(title)

**Annex 5 – Sample of acceptance letter for continued transfer**

Date:

Ref:

Mr./Mrs.  
Irish Aviation Authority  
The Times Building  
11-12 D'Olier Street  
Dublin

Or

Mr./Mrs.  
Danish Civil Aviation and  
Railway Authority  
Carsten Niebuhrs Gade 43  
DK-1577 Copenhagen  
Denmark

**Subject: Prolongation of agreement - Transfer of Surveillance for Danish (Irish)  
Registered Aircraft OY-XXX (IE-XXXX) Operating with XXXXX Ireland (Denmark)**

Dear Sir/Madam,

With reference to your letter [*ref. n. yyyy of DD/MM/YYYY*], we wish to inform you that the Irish Aviation Authority (Danish Civil Aviation and Railway Authority) is willing to accept the continued transfer of surveillance responsibilities for the subject aircraft while being operated by XXXXX Ireland (Denmark) from **DD/MM/YYYY** up to **DD/MM/YYYY**. The transfer will be accomplished in accordance with the terms and conditions laid down in the Agreement between Ireland and Denmark signed on xx.xx.xxxx.

Yours faithfully,

-----  
(name)  
(title)

**Annex 6 – Sample of one page Summary Agreement**

AGREEMENT SUMMARY [IRELAND and DENMARK]		
Title of the Agreement:		
State of Registry:		Focal point:
State of the Operator/State of the principal location of a general aviation operator (PLG):		Focal point:
Date of signature <sup>1</sup> :	By State of Registry:	
	By State of the Operator/PLG:	
Duration <sup>1</sup> :	Start Date:	End Date:
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 Operator of responsibility in respect of certain functions and duties			
Article 12: Rules of the Air	Annex 2, all chapters	Yes	X	
		No		
Article 30 a): Aircraft radio equipment	Radio Station Licence	Yes		
		No	X	
Articles 30 b) and 32 a): Personnel Licensing	Annex 1, Chapters 1, 2, 3 and 6 and Annex 6 Part I, Radio Operator	Yes	X	
		No		
Article 31: Certificates of Airworthiness	Annex 6 Part I	Yes	X	Part I Chapters 5, 6, 7, 8 & 11.
		No		
	Annex 6 Part II or Part III, Section III	Yes		
		No	X	
	Annex 8 Part II, Chapters 3 and 4	Yes	X	Chapter 3 sections 3.2, 3.4, 3.5, 3.6. Chapter 4 except 4.2.3.1 a)
		No		

Aircraft affected by the transfer of responsibilities to the State of the Operator					
Aircraft make, model, series	Nationality & Registration marks	Serial No	AOC # (Commercial Aviation)	Lease/Charter/Interchange From date <sup>1</sup>	Lease/Charter/Interchange To date <sup>1</sup>

<sup>1</sup> (dd/mm/yyyy)

**Annex 7 – Schedule 1(A) / (B) list of concerned aircraft**

SCHEDULE 1(A)  
**LIST OF IRISH REGISTERED TRANSFERRED AIRCRAFT**

Aircraft Make Model	Registration Mark	Danish Operator & Lease Expiry Date
	<b>EI-XXX</b>	
	<b>EI-</b>	
	<b>EI-</b>	
	<b>EI-</b>	
	<b>EI-</b>	

This draft schedule of transferred aircraft is issued for information and 83bis compliance purposes. Original schedule(s) of transferred aircraft will be lodged with ICAO upon signature both states at time of individual aircraft transfer request and upon acceptance by state of operator authority. Schedule of transferred aircraft may change from time to time.

Signed \_\_\_\_\_  
Irish Aviation Authority (IAA)

Date:

Accepted \_\_\_\_\_  
Danish Civil Aviation and Railway  
Authority  
Date:

SCHEDULE 1(B)  
**LIST OF DANISH REGISTERED TRANSFERRED AIRCRAFT**

Aircraft Make Model	Registration Mark	Irish Operator & Lease Expiry Date
	<b>OY-XXX</b>	
	<b>OY-</b>	
	<b>OY -</b>	
	<b>OY -</b>	
	<b>OY -</b>	

This draft schedule of transferred aircraft is issued for information and 83bis compliance purposes. Original schedule(s) of transferred aircraft will be lodged with ICAO upon signature both states at time of individual aircraft transfer request and upon acceptance by state of operator authority. Schedule of transferred aircraft may change from time to time.

Signed \_\_\_\_\_  
Danish Civil Aviation and Railway Authority  
Date:

Accepted \_\_\_\_\_  
Irish Aviation Authority (IAA)  
Date: