



PROTOCOL

(OPS.27) Article 83 bis agreement

July 2024



Acknowledgement of Country

The Civil Aviation Safety Authority (CASA) respectfully acknowledges the Traditional Custodians of the lands on which our offices are located and their continuing connection to land, water and community, and pays respect to Elders past, present and emerging.

Inside front cover artwork: James Baban.

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1. Purpose

This protocol is for the assessment of a request for an Article 83 bis agreement for an Australian registered aircraft to be operated by a foreign operator on a foreign AOC, or for a foreign registered aircraft to be operated within Australia.

2. Concept and philosophy

An Article 83 bis agreement is an agreement between two Contracting States whereby the oversight responsibilities of one Contracting State are transferred by arrangement to the other Contracting State in order to maintain effective airworthiness and operational control of an aircraft registered in the first Contracting State, but operating within the jurisdiction of the second Contracting State.

3. Policy

Australian-registered aircraft operated by a foreign operator on a foreign AOC

Australia will only enter into an Article 83 bis agreement for an Australian-registered aircraft to be operated by a foreign operator on a foreign AOC, if:

- it is practical to do so
- there are no differences registered with the International Civil Aviation Organization (ICAO) by Australia, as the State of Registration, against the Standards and Recommended Practices (SARPS) published in the Annexes, which would directly affect the regulatory oversight of the aircraft by the foreign State of the operator
- the Australian registered aircraft will be based overseas where it is impractical or not cost-effective for CASA inspectors to conduct appropriate regulatory oversight
- CASA has sufficient confidence in the foreign operator's competence to safely operate and maintain the aircraft
- CASA has sufficient confidence that the foreign regulatory authority, under whose jurisdiction the aircraft will be operated, is technically capable of undertaking the regulatory oversight work required and also has adequate resources to meet the obligations imposed by the Article 83 bis agreement.

Foreign-registered aircraft operated within Australia under an Australian AOC or private operation

Australia will only enter into an Article 83 bis agreement for a foreign-registered aircraft to be operated within Australia, under an Australian AOC or private operation, if:

- it is practical to do so
- there are no differences registered with ICAO, by the foreign state of registration, against the SARPS published in the annexes, which would directly affect the regulatory oversight of the aircraft
- CASA has confidence in the foreign regulatory authority, on whose register the aircraft is recorded, to meet all of the obligations and requirements to be undertaken, as specified in the Article 83 bis agreement
- the aircraft will be operated long-term in Australian territory
- CASA has sufficient confidence that the Australian operator can safely operate and maintain the foreign registered aircraft
- CASA has sufficient technical personnel available to undertake the regulatory oversight and reporting commitments specified in the Article 83 bis agreement.

4. Process

A request for an Article 83 bis agreement will normally be received by Regservices, as an operator-initiated request. However, if the request is initiated by a foreign authority, the request may come through the International Relations section.

All administration tasks should follow standard regulatory service administration procedures (as applicable), in addition to the following:

- a. Regservices will create a case in EAP to be assigned to a Regulatory Services Manager 2 (RS2).
- b. RS2 will assign an inspector to do an initial review of the request.
- c. Regservices and the inspector should confirm that an EAP stop alert is not active.
- d. All associated CASA staff must be knowledgeable of, and competent with, Principle (OPS.27).
- e. The relevant sections of Worksheet (OPS.27) must be completed by the CASA inspector and saved as a PDF document in RMS, including the assessment summary.
- f. The recommendation to enter an Article 83 bis agreement will be sent back to the RS2 for endorsement.
- g. The decision to proceed with an Article 83 bis agreement must be completed in conjunction with the Legal, International and Regulatory Affairs (LIRA) division who will prepare the draft formal letters and complete the approval datasheet checklist.
- h. Final formal letters of agreement will be approved by the Executive Manager, Regulatory Oversight Division and, where required, signed by the Director of Aviation Safety (DAS).
- i. International Relations will register the agreement with ICAO.
- j. LIRA will publish the details on the Commonwealth of Australia Gazette.
- k. The inspector must complete EAP in accordance with the EAP OAS Case Management - Regulatory Oversight Division (ROD) handbook (CASA-03-5501).

5. List of supplements

Only the following supplements may be used in support of this protocol. The most recently approved versions will be found on the CASA intranet website. Approved forms are located on CASA's external website.

- [Principle \(OPS.27\) Article 83 bis agreement](#) (CASA-03-6401)
- [Worksheet \(OPS.27\) Article 83 bis agreement](#) (CASA-04-6400)

6. Associated legislation

Table 1. Legislation associated with this protocol

Document	Title
<i>Civil Aviation Act 1988</i>	Section 4A(2)

7. Guidance references

Table 2. Guidance material relevant to this protocol

Document	Title
AC 1-01	Understanding the legislative framework

8. ICAO references

Table 3. ICAO references applicable to this protocol

Document	Title
Article 12	Rules of the air
Article 30	Aircraft radio equipment
Article 31	Certificates of airworthiness (CofA)
Article 33	Recognition of certificates and licences
Article 32(a)	Licences of personnel
Article 83	Bis agreement – effect of transfer
Doc 6685	The procedures for registering agreements with ICAO council
Doc 7300	Convention on international civil aviation
Doc 8335	Lease, charter & interchange operations
Doc 9642	International leasing arrangements
Annex 1	Personnel Licensing
Annex 6	Operation of aircraft Parts I, II, & III
ICAO Cir 295-LE/2	Guidance on the implementation of Article 83 bis of the convention on international civil aviation

9. Revision history

Amendments/revisions of this protocol are recorded below in order of most recent first.

Table 4. Revision history table

Version No.	Date	Parts/Sections	Details
1.1	July 2024	All	Reformat to latest template and minor updates.
1.0	April 2023	All	First release