



# Easy Access Rules for Third Country Operators (Regulation (EU) No 452/2014)

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Rules and regulations are the core of the European Union civil aviation system. The aim of the **EASA eRules** project is to make them **accessible** in an efficient and reliable way to stakeholders.

**EASA eRules** will be a comprehensive, single system for the drafting, sharing and storing of rules. It will be the single source for all aviation safety rules applicable to European airspace users. It will offer easy (online) access to all rules and regulations as well as new and innovative applications such as rulemaking process automation, stakeholder consultation, cross-referencing, and comparison with ICAO and third countries' standards.

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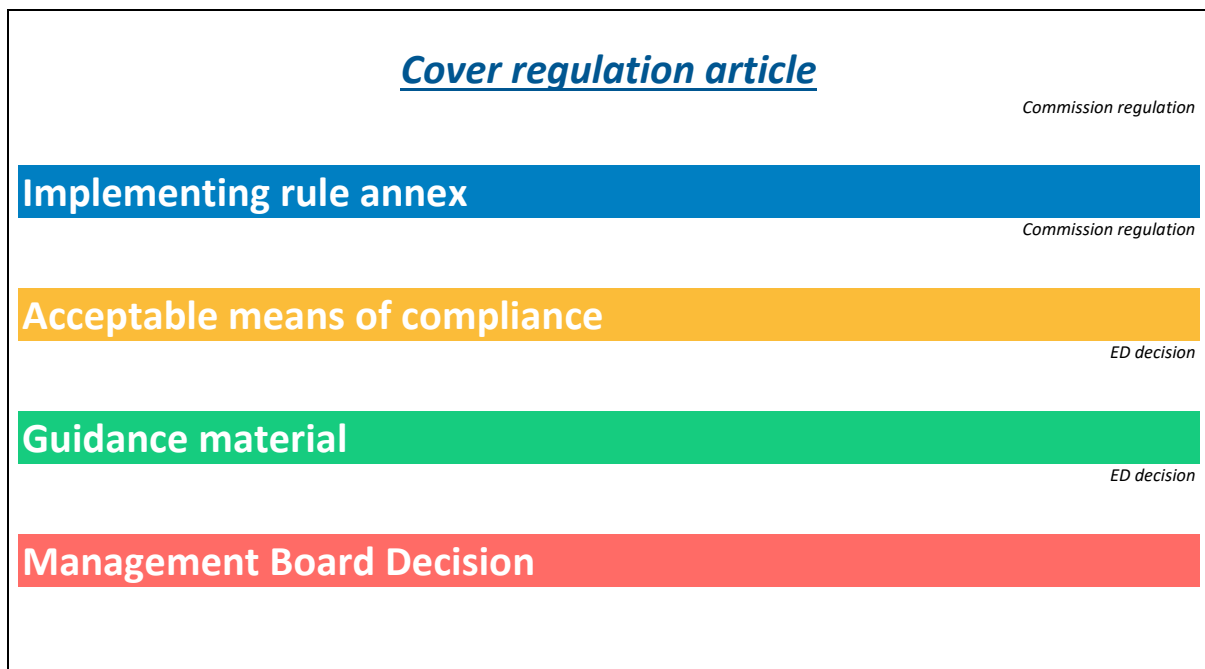
## **DISCLAIMER**

This version is issued by the European Union Aviation Safety Agency (EASA) in order to provide its stakeholders with an updated, consolidated, and easy-to-read publication. It has been prepared by putting together the officially published regulations with the related acceptable means of compliance and guidance material (including the amendments) adopted so far. However, this is not an official publication and EASA accepts no liability for damage of any kind resulting from the risks inherent in the use of this document.

## NOTE FROM THE EDITOR

The content of this document is arranged as follows: the cover regulation (recitals and articles) of the implementing rule (IR) appear first, then the IR annex points, followed by the related acceptable means of compliance (AMC) and guidance material (GM) paragraph(s).

All elements (i.e. cover regulation, IRs, AMC, CS, and GM) are colour-coded and can be identified according to the illustration below. The Commission regulation or EASA Executive Director (ED) decision through which the point or paragraph was introduced or last amended is indicated below the point or paragraph title(s) *in italics*.



This document will be updated regularly to incorporate further amendments.

The format of this document has been adjusted to make it user-friendly and for reference purposes. Any comments should be sent to [erules@easa.europa.eu](mailto:erules@easa.europa.eu).

## INCORPORATED AMENDMENTS

### IMPLEMENTING RULES (IRs) (COMMISSION REGULATIONS)

Incorporated Commission Regulation	Affected Part	Regulation amendment	Applicability date <sup>1</sup>
<a href="#">Regulation (EU) No 452/2014</a>	Annex 1 (Part-TCO)	Initial issue	26/5/2014
	Annex 2 (Part-ART)		
<a href="#">Regulation (EU) 2016/1158</a>	Annex 2 (Part-ART)	First amending regulation	5/8/2016

### AMC/GM TO IRs (ED DECISIONS)

Incorporated ED Decision	AMC/GM Issue No, Amendment No	Applicability date <sup>1</sup>
<a href="#">ED Decision 2014/023/R</a>	Initial issue to Annex 1 (Part-TCO)	7/5/2014

Note: To access the official versions, please click on the hyperlinks provided above.

<sup>1</sup> This is the earliest date of application (i.e. the date from which an act or a provision in an act produces its full legal effects) as defined in the relevant cover regulation article. Some provisions of the regulations though may be applicable at a later date (deferred applicability). Besides, there may be some opt-outs (derogations from certain provisions) notified by the Member States.

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## COVER REGULATION

### COMMISSION REGULATION (EU) No 452/2014 of 29 April 2014

**laying down technical requirements and administrative procedures related to air operations of third country operators pursuant to Regulation (EC) No 216/2008 of the European Parliament and of the Council**

*Regulation (EU) No 452/2014*

THE EUROPEAN COMMISSION,

Having regard to the Treaty on the functioning of the European Union,

Having regard to Regulation (EC) No 216/2008<sup>1</sup> of the European Parliament and of the Council of 20 February 2008 on common rules in the field of civil aviation and establishing a European Aviation Safety Agency, and repealing Council Directive 91/670/EEC, Regulation (EC) No 1592/2002 and Directive 2004/36/EC, and in particular Article 9(4) thereof,

Whereas:

- (1) According to Regulation (EC) No 216/2008, third country operators involved in commercial air transport operations of aircraft have to comply with the relevant standards of the International Civil Aviation Organisation (ICAO).
- (2) Regulation (EC) No 216/2008 does not apply to third country operators flying over the territory subject to the provisions of the Treaty.
- (3) Regulation (EC) No 216/2008 requires that to the extent that there are no relevant ICAO standards, third country operators have to comply with the relevant essential requirements set out in Annexes I, III, IV and, if applicable, Annex Vb to Regulation (EC) No 216/2008, provided that these requirements are not in conflict with the rights of third countries under international conventions.
- (4) Regulation (EC) 216/2008 requires that a European Aviation Safety Agency (hereafter referred to as 'the Agency') issues authorisations and continuously monitors authorisations that it has issued. The authorisation is one prerequisite in the process of obtaining an operating permit or equivalent document from the respective EU Member State under existing Air Service Agreements between EU Member States and third countries.
- (5) For the purpose of initial authorisations and continuous monitoring, the Agency is to conduct assessments and is to take any measure to prevent the continuation of an infringement.
- (6) The process of authorisation of third country operators should be simple, proportionate, cost effective, efficient and take account of the results of the ICAO Universal Safety Oversight Audit Programme, ramp inspections and other recognised information on safety aspects with regard to third country operators.
- (7) Assessments of third country operators subject to an operating ban pursuant to Regulation (EC) No 2111/2005 may include an audit on-site the operator's premises. For the purpose of lifting a suspension of an authorisation, the Agency may consider conducting an audit of the third country operator.

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<sup>1</sup> OJ L 79, 13.3.2008, p.1.



- (8) In order to ensure a smooth transition and a high level of civil aviation safety in the European Union, implementing measures should take into consideration the recommended practices and guidance documents agreed under the auspices of ICAO.
- (9) It is necessary to provide sufficient time for the aeronautical industry and the Agency's administration to adapt to the new regulatory framework and to recognise under certain conditions operating permits or equivalent documents issued by a Member State to operate into, within or out of its territory.
- (10) The European Aviation Safety Agency prepared draft implementing rules and submitted them as an opinion to the Commission in accordance with Article 19(1) of Regulation (EC) No 216/2008.
- (11) The measures provided for in this Regulation are compatible with the opinion of the Committee established by Article 65 of Regulation (EC) No 216/2008,

HAS ADOPTED THIS REGULATION:

### **Article 1 - Subject matter and scope**

*Regulation (EU) No 452/2014*

This Regulation lays down detailed rules for third country operators of aircraft referred to in Article 4(1)(d) of Regulation (EC) No 216/2008 engaged in commercial air transport operations into, within or out of the territory subject to the provisions of the Treaty, including conditions for issuing, maintaining, amending, limiting, suspending or revoking their authorisations, the privileges and responsibilities of the holders of authorisations as well as conditions under which operations shall be prohibited, limited or subject to certain conditions in the interest of safety.

### **Article 2 - Definitions**

*Regulation (EU) No 452/2014*

For the purposes of this Regulation:

1. 'Alternative means of compliance' are those that propose an alternative to an existing Acceptable Means of Compliance (AMC) or those that propose new means to establish compliance with Regulation (EC) No 216/2008 and its Implementing Rules for which no associated AMC have been adopted by the Agency.
2. 'Commercial air transport (CAT) operation' means an aircraft operation to transport passengers, cargo or mail for remuneration or other valuable consideration.
3. 'Flight' means a departure from a specified aerodrome towards a specified destination aerodrome.
4. 'Third country operator' means any operator holding an air operator certificate issued by a third country.

### **Article 3 - Authorisations**

*Regulation (EU) No 452/2014*

Third country operators shall only engage in commercial air transport operations within, into or out of the territory subject to the provisions of the Treaty if they comply with the requirements of Annex 1 and hold an authorisation issued by the Agency in accordance with Annex 2 to this Regulation.

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## **Article 4 - Entry into force**

*Regulation (EU) No 452/2014*

1. This Regulation shall enter into force on the 20th day following that of its publication in the Official Journal of the European Union.  
  
It shall apply from the 20th day following that of its publication in the Official Journal of the European Union.
2. By way of derogation from the second subparagraph of paragraph 1, Member States that at the date of entry into force of this Regulation are issuing operating permits or equivalent documents to third country operators in accordance with their national law shall continue to do so. The third country operators shall comply with the scope and privileges defined in the permit or equivalent document granted by the Member State until the Agency has taken a decision in accordance with Annex 2 of this Regulation. Member States shall inform the Agency of the issue of such operating permits or equivalent documents.  
  
After the date the Agency has taken a decision for the relevant third country operator, or after a maximum period of 30 months after entry into force of this Regulation, whichever comes sooner, the Member State shall no longer perform a safety assessment of that third country operator in accordance with their national law when issuing operating permits.
3. Third country operators that at the date of entry into force hold an operating permit or equivalent document, shall submit an application for an authorisation to the Agency no later than 6 months after entry into force of this Regulation. The application shall contain information about any operating permits granted by a Member State.
4. Upon receiving an application, the Agency shall assess the third country operator's compliance with the applicable requirements. The assessment shall be completed no later than 30 months after entry into force of this Regulation.

This Regulation shall be binding in its entirety and directly applicable in all Member States.

Done at Brussels,

*For the Commission*

*The President*

# ANNEX 1 – THIRD COUNTRY OPERATORS (PART-TCO)

## SECTION I – GENERAL REQUIREMENTS

### TCO.100 Scope

*Regulation (EU) No 452/2014*

This Annex (hereafter referred to as ‘Part-TCO’) establishes requirements to be followed by a third country operator engaged in commercial air transport operations into, within or out of the territory subject to the provisions of the Treaty.

### TCO.105 Means of compliance

*Regulation (EU) No 452/2014*

- (a) Alternative means of compliance to the AMC adopted by the Agency may be used by a third country operator to establish compliance with Regulation (EC) No 216/2008<sup>1</sup> and Part-TCO.
- (b) When a third country operator subject to an authorisation wishes to use an alternative means of compliance to the AMC adopted by the Agency to establish compliance with Regulation (EC) No 216/2008 and Part-TCO, it shall, prior to implementing it, notify it to the Agency with a full description of the alternative means of compliance. The description shall include any revisions to manuals or procedures that may be relevant, as well as an assessment demonstrating that the Implementing Rules are met.

The third country operator may implement these alternative means of compliance subject to prior approval by the Agency and upon receipt of the notification as prescribed in [ART.105](#) in Annex 2 (hereafter referred to as ‘Part-ART’).

### AMC1 TCO.105(a) Means of compliance

*ED Decision 2014/023/R*

#### DEMONSTRATION OF COMPLIANCE

In order to demonstrate that the Implementing Rules are met, a risk assessment should be completed and documented by the operator. The result of this risk assessment should demonstrate that an equivalent level of safety to that established by the Acceptable Means of Compliance (AMC) adopted by the Agency is accomplished.

### GM1 TCO.105(a) Means of compliance

*ED Decision 2014/023/R*

#### DEMONSTRATION OF COMPLIANCE

Alternative means of compliance cannot be used to establish compliance with ICAO standards. [TCO.105\(a\)](#) refers to alternatives to the Acceptable Means of Compliance (AMC) adopted by the Agency, which detail how compliance with Regulation (EC) No 216/2008 and Part-TCO may be established.

<sup>1</sup> Regulation (EC) No 216/2008 of the European Parliament and of the Council of 20 February 2008 on common rules in the field of civil aviation and establishing a European Aviation Safety Agency, and repealing Council Directive 91/670/EEC, Regulation (EC) No 1592/2002 and Directive 2004/36/EC. *OJ L 79, 19.3.2008, p.1*. Regulation as last amended by Regulation (EC) No 1108/2009 of the European Parliament and of the Council of 21 October 2009 (OJ L 309, 24.11.2009, p. 51).

## GM1 TCO.110 Mitigating measures

*ED Decision 2014/023/R*

### NOTIFIED DIFFERENCES TO ICAO STANDARDS

- (a) In case of notified differences to ICAO standards, the Agency will rely on the ICAO EFOD (Electronic Filing of Differences) database.
- (b) If the operator can demonstrate that it operates in compliance with the ICAO standard, despite a difference to ICAO standards notified by the State of operator or the State of registry, the operator is not required to propose mitigating measures to establish compliance with Part-TCO.

## TCO.110 Mitigating measures

*Regulation (EU) No 452/2014*

- (a) When the State of operator or the State of registry have notified differences to ICAO standards that have been identified by the Agency in accordance with [ART.200\(d\)](#) in Part-ART, the third country operator may propose mitigating measures to establish compliance with Part-TCO.
- (b) The third country operator shall demonstrate to the Agency that these measures ensure an equivalent level of safety to that achieved by the standard to which differences have been notified.

## TCO.115 Access

*Regulation (EU) No 452/2014*

- (a) The third country operator shall ensure that any person authorised by the Agency or the Member State in whose territory one of its aircraft has landed will be permitted to board such aircraft, at any time, with or without prior notice to:
  - (1) inspect the documents and manuals to be carried on board and to perform inspections to ensure compliance with Part-TCO; or
  - (2) carry out a ramp inspection as referred to in Annex II to Commission Regulation (EU) No 965/2012 of 5 October 2012.
- (b) The third country operator shall ensure that any person authorised by the Agency is granted access to any of its facilities or documents related to its activities, including any subcontracted activities, to determine compliance with Part-TCO.

## SECTION II – AIR OPERATIONS

### TCO.200 General requirements

*Regulation (EU) No 452/2014*

- (a) The third country operator shall comply with:
- (1) the applicable standards contained in the Annexes to the Convention on International Civil Aviation, in particular Annexes 1 (Personnel licensing), 2 (Rules of the Air), 6 (Operation of Aircraft, Part I (International Commercial Air Transport – Aeroplanes) or Part III (International Operations-Helicopters), as applicable, 8 (Airworthiness of Aircraft), 18 (Dangerous Goods), and 19 (Safety Management);
  - (2) the mitigating measures accepted by the Agency in accordance with [ART.200\(d\)](#);
  - (3) the relevant requirements of Part-TCO; and
  - (4) the applicable Union rules of the air.
- (b) The third country operator shall ensure that an aircraft operated into, within or out of the territory subject to the provisions of the Treaty is operated in accordance with:
- (1) its air operator certificate (AOC) and associated operations specifications; and
  - (2) the authorisation issued in accordance with this Regulation and the scope and privileges defined in the specifications attached to it.
- (c) The third country operator shall ensure that an aircraft operated into, within or out of the Union has a certificate of airworthiness of the aircraft (CofA) issued or validated by:
- (1) the State of registry; or
  - (2) the State of the operator, provided that the State of the operator and the State of registry have entered into an agreement under Article 83bis of the Convention on International Civil Aviation that transfers the responsibility for the issue of the CofA.
- (d) The third country operator shall, upon request, provide the Agency with any information relevant for verifying compliance with Part-TCO.
- (e) Without prejudice to Regulation (EU) No 996/2010<sup>1</sup>, the third country operator shall without undue delay report to the Agency any accident as defined in ICAO Annex 13, involving aircraft used under its AOC.

### AMC1 TCO.200(b) General requirements

*ED Decision 2014/023/R*

#### DIFFERENCE BETWEEN OPERATIONS SPECIFICATIONS AND TCO AUTHORISATION

Whenever there is a difference between the operations specifications associated to the Air Operator Certificate (AOC) and the specification associated to the TCO authorisation, the more limiting specification should apply.

<sup>1</sup> Regulation (EU) No 996/2010 of the European Parliament and of the Council of 20 October 2010 on the investigation and prevention of accidents and incidents in civil aviation and repealing Directive 94/56/EC. *OJ L 295, 12.11.2010, p. 35.*

## GM1 TCO.200(b) General requirements

*ED Decision 2014/023/R*

### **SPECIAL AUTHORISATION**

For certain operations a special authorisation is required. Special authorisations are those including, but not limited to, the carriage of dangerous goods, Low Visibility Operations (LVO), Reduced Vertical Separation Minima (RVSM), Extended Diversion Time Operations (EDTO), navigation specifications for Performance-Based Navigation operations (PBN), special approach authorisation and Minimum Navigation Performance Specifications (MNPS).

## GM1 TCO.200(c) General requirements

*ED Decision 2014/023/R*

### **CERTIFICATE OF AIRWORTHINESS**

Certificate of Airworthiness of the Aircraft (CofA) means a Certificate of Airworthiness (CofA) issued in accordance with ICAO Annex 8.

## AMC1 TCO.200(e) General requirements

*ED Decision 2014/023/R*

### **REPORTING OF ACCIDENTS**

The third country operator should report to the Agency all accidents involving aircraft used under its AOC, including aircraft that are not intended to be flown into, within or out of the territory subject to the provisions of the Treaty.

## TCO.205 Navigation, communication and surveillance equipment

*Regulation (EU) No 452/2014*

When undertaking operations within the airspace above the territory to which the Treaty applies the third country operator shall equip its aircraft with and operate such navigation, communication and surveillance equipment as required in that airspace.

## TCO.210 Documents, manuals and records to be carried

*Regulation (EU) No 452/2014*

The third country operator shall ensure that all documents, manuals and records that are required to be carried on board are valid and up-to-date.

## AMC1 TCO.210 Documents, manuals and records to be carried

*ED Decision 2014/023/R*

### **GENERAL**

The documents, manuals and information may be available in a form other than on printed paper. Accessibility, usability and reliability should be assured.

## **GM1 TCO.210 Documents, manuals and records to be carried**

*ED Decision 2014/023/R*

### **GENERAL**

The third country operator is not required to carry the TCO authorisation on board its aircraft.

## **TCO.215 Production of documentation, manuals and records**

*Regulation (EU) No 452/2014*

Within a reasonable time of being requested to do so by a person authorised by the Agency or the competent authority of the Member State where the aircraft has landed, the pilot-in-command shall produce to that person the documentation, manuals and records required to be carried on board.

## SECTION III – AUTHORISATION OF THIRD COUNTRY OPERATORS

### TCO.300 Application for an authorisation

*Regulation (EU) No 452/2014*

- (a) Prior to engaging in commercial air transport operations under Part-TCO the third country operator shall apply for and obtain an authorisation issued by the Agency.
- (b) An application for an authorisation shall be:
  - (1) submitted at least 30 days before the intended starting date of operation; and
  - (2) made in a form and manner established by the Agency.
- (c) Without prejudice to applicable bilateral agreements, the applicant shall provide the Agency with any information needed to assess whether the intended operation will be conducted in accordance with the applicable requirements of [TCO.200\(a\)](#). Such information shall include:
  - (1) the duly completed application;
  - (2) the official name, business name, address, and mailing address of the applicant;
  - (3) a copy of the applicant's AOC and associated operations specifications, or equivalent document, that attests the capability of the holder to conduct the intended operations, issued by the State of the operator;
  - (4) the applicant's current certificate of incorporation or business registration or similar document issued by the Registrar of Companies in the country of the principal place of business;
  - (5) the proposed start date, type and geographic areas of operation.
- (d) When necessary, the Agency may request any other additional relevant documentation, manuals, or specific approvals issued or approved by the State of the operator or State of registry.
- (e) For those aircraft not registered in the State of the operator the Agency may request:
  - (1) details of the lease agreement for each aircraft so operated; and
  - (2) if applicable, a copy of the agreement between the State of the operator and the State of registry pursuant to Article 83bis of the Convention on International Civil Aviation that covers the aircraft.

### GM1 TCO.300(a) Application for an authorisation

*ED Decision 2014/023/R*

#### DEMONSTRATION OF INTENTION TO OPERATE

The intention to operate is sufficiently substantiated when an operator can demonstrate a credible intention to conduct commercial operations into within or out of the territory subject to the provisions of the Treaty of the European Union. The operator may substantiate its intention by submitting its planned schedule for commercial air transport operations where this is possible or, by having aircraft available for intended flights in the case of unscheduled commercial air transport operations, or Europe being a geographical part of the operations specifications, or a statement from senior management that operations to the European Union are planned. However, other means of demonstrating a credible intention may be used.



## GM1 TCO.300(b) Application for an authorisation

*ED Decision 2014/023/R*

### SUBMISSION OF APPLICATION FOR AN AUTHORISATION

The application is considered to be submitted when the complete set of information required under [TCO.300\(c\)](#) has been received.

## GM1 TCO.300(e)(1) Application for an authorisation

*ED Decision 2014/023/R*

### LEASE-IN OF AIRCRAFT NOT REGISTERED IN THE STATE OF THE OPERATOR

- (a) In the case of aircraft not registered in the State of the operator, the Agency may request the following information on the lease agreement:
- (1) the aircraft type, registration markings and serial number;
  - (2) the name and address of the registered owner;
  - (3) a copy of the valid certificate of airworthiness;
  - (4) a copy of the lease agreement or description of the lease provisions, except financial arrangements; and
  - (5) duration of the lease.

## GM1 TCO.300(e)(2) Application for an authorisation

*ED Decision 2014/023/R*

### DOCUMENTS FOR AIRCRAFT NOT REGISTERED IN THE STATE OF THE OPERATOR

- (13) Any agreement on the transfer of certain functions and duties between the State of registry and the State of operator that relieves the State of registry of responsibility in respect of the functions and duties transferred, should be made available upon request.

## TCO.305 Non-scheduled Flights – one-off notification

*Regulation (EU) No 452/2014*

- (a) By way of derogation of [TCO.300\(a\)](#) a third country operator may perform air ambulance flights or a non-scheduled flight or a series of non-scheduled flights to overcome an unforeseen, immediate and urgent operational need without first obtaining an authorisation, provided that the operator:
- (1) notifies the Agency prior to intended date of the first flight in a form and manner established by the Agency;
  - (2) is not being subject to an operating ban pursuant to Regulation (EC) No 2111/2005; and
  - (3) applies for an authorisation within 10 working days after the date of notification to the Agency pursuant to [TCO.300](#).
- (b) The flight(s) specified in the notification prescribed in (a)(1) may be performed for a maximum period of six consecutive weeks after the date of notification or until the Agency has taken a decision on the application in accordance with Part-ART, whichever comes sooner.
- (c) A notification may be filed only once every 24 months by an operator.

## TCO.310 Privileges of an authorisation holder

*Regulation (EU) No 452/2014*

The privileges of the operator shall be listed in the specifications to the authorisation and not exceed the privileges granted by the State of the operator.

## TCO.315 Changes

*Regulation (EU) No 452/2014*

- (a) Any change, other than those agreed under [ART.210\(c\)](#), affecting the terms of an authorisation or associated specifications shall require prior authorisation by the Agency.
- (b) The application for prior authorisation by the Agency shall be submitted by the third country operator at least 30 days before the date of implementation of the intended change.

The third country operator shall provide the Agency with the information referred to in [TCO.300](#), restricted to the extent of the change.

After submission of an application for a change, the third country operator shall operate under the conditions prescribed by the Agency pursuant to [ART.225\(b\)](#).

- (c) All changes not requiring prior authorisation, as agreed in accordance with [ART.210\(c\)](#), shall be notified to the Agency before the change takes place.

## GM1 TCO.315 Changes

*ED Decision 2014/023/R*

### **CHANGES REQUIRING PRIOR APPROVAL**

Typical examples of changes that require a prior approval and affect the TCO authorisation or associated specification are listed below:

- (a) temporary or permanent cessation of operations;
- (b) the name of the operator;
- (c) the operator's principal place of business;
- (d) the operator's scope of activities, e.g. extensions of privileges granted or restrictions imposed in the operations specifications to the AOC;
- (e) enforcement measures imposed by a civil aviation authority, including limitations and suspension;
- (f) new type of aircraft - different ICAO type designator - included in the fleet;
- (g) any takeover, merger, consolidation or other structural change to the operator's organisation that could result in a change to the conditions and approvals as defined in the AOC or equivalent document.

## TCO.320 Continued validity

*Regulation (EU) No 452/2014*

- (a) The authorisation shall remain valid subject to:
- (1) the third country operator remaining in compliance with the relevant requirements of Part-TCO. The provisions related to the handling of findings, as specified under [TCO.325](#), shall also be taken into account;
  - (2) the validity of the AOC or equivalent document issued by the State of the operator and the related operations specifications, if applicable;
  - (3) the Agency being granted access to the third country operator as specified in [TCO.115](#);
  - (4) the third country operator not being subject to an operating ban pursuant to Regulation (EC) No 2111/2005;
  - (5) the authorisation not being surrendered, suspended or revoked;
  - (6) the third country operator having carried out at least one flight every 24 calendar months, into, within or out of the territory subject to the provisions of the Treaty under the authorisation.
- (b) Upon surrender or revocation, the authorisation shall be returned to the Agency.

## AMC1 TCO.320 Continued validity

*ED Decision 2014/023/R*

### RE-SUBMITTANCE OF APPLICATION

If an operator has not carried out a flight into within or out of the territory subject to the provisions of the Treaty within the last 24 months, the operator should resubmit an application for a TCO authorisation prior to recommencing operations to Europe.

## TCO.325 Findings

*Regulation (EU) No 452/2014*

After receipt of a notification of findings pursuant to [ART.230](#) raised by the Agency, the third country operator shall:

- (a) identify the root cause of the non-compliance;
- (b) establish a corrective action plan to address the root cause of the non-compliance within an acceptable time frame and submit it to the Agency;
- (c) demonstrate corrective action implementation to the satisfaction of the Agency within the period agreed with the Agency as defined in [ART.230\(e\)\(1\)](#).

## AMC1 TCO.325 Findings

*ED Decision 2014/023/R*

### **GENERAL**

Operators should identify and review the root cause(s) of the non-compliances for each confirmed finding and should ensure that the corrective action(s) taken are adequate to correct the non-compliance and to prevent re-occurrence. A corrective action plan lists the action(s) to eliminate or mitigate the root cause(s) and to prevent recurrence of an existing detected non-compliance or other undesirable condition or situation. Proper determination of the root cause is crucial for defining effective corrective actions to prevent reoccurrence.

# ANNEX 2 – AUTHORITY REQUIREMENTS REGARDING THE AUTHORISATION OF THIRD COUNTRY OPERATORS (PART-ART)

## SECTION I – GENERAL

### ART.100 Scope

*Regulation (EU) No 452/2014*

This Annex ('Part-ART') establishes administrative requirements to be followed by Member States and the Agency, specifically regarding:

- (a) the issuance, maintenance, change, limitation, suspension or revocation of authorisations of third country operators engaging in commercial air transport operations; and
- (b) the monitoring of these operators.

### ART.105 Alternative means of compliance

*Regulation (EU) No 452/2014*

The Agency shall evaluate all alternative means of compliance proposed by third country operators in accordance with [TCO.105\(b\)](#) by analysing the documentation provided and, if considered necessary, conducting an inspection of the third country operator.

When the Agency finds that the alternative means of compliance are in accordance with Part-TCO it shall without undue delay notify the applicant that the alternative means of compliance may be implemented and, if applicable, amend the authorisation of the applicant accordingly.

### ART.110 Exchange of information

*Regulation (EU) No 452/2014*

- (a) The Agency shall inform the Commission and the Member States when it:
  - (1) rejects an application for an authorisation;
  - (2) imposes a limitation due to safety concerns, suspends or revokes an authorisation.
- (b) The Agency shall inform the Member States of the notifications it has received in accordance with [TCO.305](#) within one working day after receipt of the notification.
- (c) The Agency shall regularly make available to the Member States an updated list containing the authorisations it has issued, limited, changed, suspended or revoked.
- (d) Member States shall inform the Agency when they intend to take a measure pursuant to Article 6(1) of Regulation (EC) No 2111/2005.

## ART.115 Record-keeping

*Regulation (EU) No 452/2014*

- (a) The Agency shall establish a system of record-keeping providing for adequate storage, accessibility and reliable traceability of:
- (1) training, qualification and authorisation of its personnel;
  - (2) third country operator authorisations issued or notifications received;
  - (3) authorisation processes and continuing monitoring of authorised third country operators;
  - (4) findings, agreed corrective actions and date of action closure;
  - (5) enforcement measures taken, including fines requested by the Agency in accordance with Regulation (EC) No 216/2008<sup>1</sup>;
  - (6) the implementation of corrective actions mandated by the Agency in accordance with Article 22(1) of Regulation (EC) No 216/2008; and
  - (7) the use of flexibility provisions in accordance with Article 18(d) of Regulation (EC) No 216/2008.
- (b) All records shall be kept for a minimum period of 5 years, subject to applicable data protection law.

<sup>1</sup> Regulation (EC) No 216/2008 of the European Parliament and of the Council of 20 February 2008 on common rules in the field of civil aviation and establishing a European Aviation Safety Agency, and repealing Council Directive 91/670/EEC, Regulation (EC) No 1592/2002 and Directive 2004/36/EC. *OJ L 79, 19.3.2008, p.1.*

## SECTION II – AUTHORISATION, MONITORING AND ENFORCEMENT

### ART.200 Initial evaluation procedure – general

*Regulation (EU) No 452/2014*

- (a) Upon receiving an application for an authorisation in accordance with [TCO.300](#), the Agency shall assess the third country operator's compliance with applicable requirements in Part-TCO.
- (b) The initial assessment shall be completed within 30 days after receipt of the application or 30 days before the intended starting date of operation, whichever is the later.
- When the initial assessment requires a further assessment or an audit, the assessment period shall be extended for the duration of the further assessment or the audit, as appropriate.
- (c) The initial assessment shall be based on:
- (1) documentation and data provided by the third country operator;
  - (2) relevant information on the safety performance of the third country operator, including ramp inspection reports, information reported in accordance with ARO.RAMP.145(c)<sup>1</sup>, recognised industry standards, accidents records and enforcement measures taken by a third country;
  - (3) relevant information on the oversight capabilities of the State of the operator or State of registry, as applicable, including the outcome of audits carried out under international conventions or State safety assessment programmes; and
  - (4) decisions, investigations pursuant to Regulation (EC) No 2111/2005 or joint consultations pursuant to Regulation (EC) No 473/2006.
- (d) The Agency shall, in consultation with the Member States, identify those ICAO standards for which it may accept mitigating measures in case the State of the operator or the State of registry has notified a difference to ICAO. The Agency shall accept the mitigating measure when it is satisfied that these measures ensure an equivalent level of safety to that achieved by the standard to which differences have been notified.
- (e) When the Agency cannot establish a sufficient level of confidence in the third country operator and/or the State of the operator during the initial assessment, it shall:
- (1) refuse the application when the outcome of the assessment indicates that further assessment will not result in the issue of an authorisation; or
  - (2) conduct further assessments to the extent necessary to establish that the intended operation will be conducted in compliance with the applicable requirements of Part-TCO.

<sup>1</sup> Regulation (EU) No 965/2012 of the European Parliament and of the Council of 5 October 2012 on laying down technical requirements and administrative procedures related to air operations pursuant to Regulation (EC) No 216/2008 of the European Parliament and of the Council. *OJ L 296, 25.10.2012, p. 1.*

## **ART.205 Initial evaluation procedure – third country operators subject to an operating ban**

*Regulation (EU) No 452/2014*

- (a) Upon receiving an application for an authorisation from an operator subject to an operating ban or an operational restriction pursuant to Regulation (EC) No 2111/2005 the Agency shall apply the relevant assessment procedure as described in [ART.200](#).
- (b) When the operator is subject to an operating ban due to the State of the operator not performing adequate oversight, the Agency shall inform the Commission for further assessment of the operator and the State of Operator under Regulation (EC) No 2111/2005.
- (c) The Agency shall perform an audit when:
  - (1) the third country operator agrees to be audited;
  - (2) the outcome of the assessments referred to in (a) and (b) indicates that there is a possibility that the audit will have a positive result; and
  - (3) the audit can be performed at the third country operator's facilities without the risk of compromising the security of the Agency's personnel.
- (d) The audit of the third country operator may include an assessment of the oversight conducted by the State of the operator when there is evidence of major deficiencies in the oversight of the applicant.
- (e) The Agency shall inform the Commission of the results of the audit.

## **ART.210 Issue of an authorisation**

*Regulation (EU) 2016/11582016/1158*

- (a) The Agency shall issue the authorisation, including the associated specifications, when:
  - (1) it is satisfied that the third country operator holds a valid AOC or equivalent document and associated operations specifications issued by the State of the operator;
  - (2) it is satisfied that the third country operator is authorised by the State of the operator to conduct operations into the EU;
  - (3) it is satisfied that the third country operator has established:
    - (i) compliance with the applicable requirements of Part-TCO;
    - (ii) transparent, adequate and timely communication in response to a further assessment and/or an audit of the Agency, if applicable; and
    - (iii) a timely and successful corrective action submitted in response to an identified non-compliance, if any;
  - (4) there is no evidence of major deficiencies in the ability of the State of the operator or the State of registry, as applicable, to certify and oversee the operator and/or aircraft in accordance with the applicable ICAO standards; and
  - (5) the applicant not being subject to an operating ban pursuant to Regulation (EC) No 2111/2005



- (b) The authorisation shall be issued for an unlimited duration.  
The privileges and the scope of the activities that the third country operator is authorised to conduct shall be specified in the specifications attached to the authorisation.
- (c) The Agency shall agree with the third country operator the scope of changes to the third country operator not requiring prior authorisation.

## ART.215 Monitoring

*Regulation (EU) No 452/2014*

- (a) The Agency shall assess:
  - (1) continued compliance of third country operators it has authorised with the applicable requirements of Part-TCO;
  - (2) if applicable, the implementation of corrective actions mandated by the Agency in accordance with Article 22(1) of Regulation (EC) No 216/2008.
- (b) This assessment shall:
  - (1) take into account safety relevant documentation and data provided by the third country operator;
  - (2) take into account relevant information on the safety performance of the third country operator, including ramp inspection reports, information reported in accordance with ARO.RAMP.145(c), recognised industry standards, accidents records and enforcement measures taken by a third country;
  - (3) take into account relevant information on the oversight capabilities of the State of the operator or State of registry, as applicable, including the outcome of audits carried out under international conventions or State safety assessment programmes;
  - (4) take into account decisions and investigations pursuant to Regulation (EC) No 2111/2005 or joint consultations pursuant Regulation (EC) No 473/2006;
  - (5) take into account previous assessments or audits, if carried out; and
  - (6) provide the Agency with the evidence needed in case further action is required, including the measures foreseen by [ART.235](#).
- (c) The scope of monitoring defined in (a) and (b) shall be determined on the basis of the results of past authorisation and/or monitoring activities.
- (d) Where, based on available information, the safety performance of the third country operator and/or the oversight capabilities of the State of the operator are suspected to have decreased below the applicable standards contained in the Annexes to the Convention on International Civil Aviation, the Agency shall conduct further assessments to the extent necessary to establish that the intended operation will be conducted in compliance with the applicable requirements of Part-TCO.
- (e) The Agency shall collect and process any safety information deemed relevant for monitoring.

## ART.220 Monitoring programme

*Regulation (EU) No 452/2014*

- (a) The Agency shall establish and maintain a monitoring programme covering the activities required by [ART.215](#) and, if applicable, by Subpart ARO.RAMP.
- (b) The monitoring programme shall be developed taking into account the results of past authorisation and/or monitoring activities.
- (c) The Agency shall perform a review of third country operators at intervals not exceeding 24 months.

The interval may be reduced if there are indications that the safety performance of the third country operator and/or the oversight capabilities of the State of the operator may have decreased below the applicable standards contained in the Annexes to the Convention on International Civil Aviation.

The Agency may extend the interval to a maximum of 48 months if it has established that, during the previous monitoring period:

- (1) there are no indications that the overseeing authority of the State of the operator fails to perform effective oversight on operators under its oversight responsibility;
  - (2) the third country operator has continuously and timely reported changes referred to in [TCO.315](#);
  - (3) no level 1 findings, referred to in [ART.230\(b\)](#), have been issued; and
  - (4) all corrective actions have been implemented within the time period accepted or extended by the Agency as defined in [ART.230\(e\)\(1\)](#).
- (d) The monitoring programme shall include records of the dates of monitoring activities, including meetings.

## ART.225 Changes

*Regulation (EU) No 452/2014*

- (a) Upon receiving an application for a change that requires prior authorisation, the Agency shall apply the relevant procedure as described in [ART.200](#), restricted to the extent of the change.
- (b) The Agency shall prescribe the conditions under which the third country operator may operate within the scope of its authorisation during the change, unless the Agency determines that the authorisation needs to be suspended.
- (c) For changes not requiring prior authorisation, the Agency shall assess the information provided in the notification sent by the third country operator in accordance with [TCO.315](#) to verify compliance with the applicable requirements. In case of any non-compliance, the Agency shall:
  - (1) notify the third country operator about the non-compliance and request a revised proposal to achieve compliance; and
  - (2) in case of level 1 or level 2 findings, act in accordance with [ART.230](#) and [ART.235](#), as appropriate.

## ART.230 Findings and corrective actions

*Regulation (EU) No 452/2014*

- (a) The Agency shall have a system to analyse findings for their safety significance.
- (b) A level 1 finding shall be issued by the Agency when any significant non-compliance is detected with the applicable requirements of Regulation (EC) No 216/2008 and Part-TCO, or with the terms of the authorisation that lowers safety or seriously hazards flight safety.

The level 1 findings shall include, but are not limited to:

- (1) failure to give the Agency access to the third country operator's facilities as defined in [TCO.115\(b\)](#) during normal operating hours and after a written request;
  - (2) implementing changes requiring prior authorisation without having received an authorisation as defined in [ART.210](#);
  - (3) obtaining or maintaining the validity of the authorisation by falsification of documentary evidence;
  - (4) evidence of malpractice or fraudulent use of the authorisation.
- (c) A level 2 finding shall be issued by the Agency when any non-compliance is detected with the applicable requirements of Regulation (EC) No 216/2008 and Part-TCO, or with the terms of the authorisation which could lower safety or hazard flight safety.
  - (d) When a finding is detected during monitoring, the Agency shall, without prejudice to any additional action required by Regulation (EC) No 216/2008 and its Implementing Rules, communicate the finding to the third country operator in writing and request corrective action to eliminate or mitigate the root cause in order to prevent recurrence of the non-compliance(s) identified.
  - (e) In the case of level 2 findings, the Agency shall:
    - (1) grant the third country operator a corrective action implementation period appropriate to the nature of the finding. At the end of the period, and subject to the nature of the finding, the Agency may extend the period subject to a second satisfactory corrective action plan agreed by the Agency; and
    - (2) assess the corrective action and implementation plan proposed by the third country operator. If the assessment concludes that it contains root cause(s) analysis and course(s) of action to effectively eliminate or mitigate the root cause(s) to prevent recurrence of the non-compliance(s), the corrective action and implementation plan shall be accepted.

Where a third country operator fails to submit an acceptable corrective action plan referred to in [ART.230\(e\)\(1\)](#), or to perform the corrective action within the time period accepted or extended by the Agency, the finding shall be raised to a level 1 finding and action taken as laid down in [ART.235\(a\)](#).

- (f) The Agency shall record and notify the State of the operator or the State of registry, as applicable, of all findings it has raised.

## **ART.235 Limitation, suspension and revocation of authorisations**

*Regulation (EU) No 452/2014*

- (a) Without prejudice to any additional enforcement measures, the Agency shall take action to limit or suspend the authorisation in case of:
  - (1) a level 1 finding;
  - (2) verifiable evidence that the State of operator or State of registry, as applicable, is not capable to certify and oversee the operator and/or aircraft in accordance with the applicable ICAO standard; or
  - (3) the third country operator being subject to a measure pursuant to Article 6(1)(2) of Regulation (EC) No 2111/2005.
- (b) An authorisation shall be suspended for a maximum period of 6 months. At the end of the 6-month period the Agency may extend the suspension period for an additional 3 months.
- (c) The limitation or suspension shall be lifted when the Agency is satisfied that successful corrective action has been taken by the third country operator and/or the State of the operator.
- (d) In considering the lifting of a suspension the Agency shall conduct an audit of the third country operator when the conditions in [ART.205\(c\)](#) are met. In case the suspension is due to major deficiencies in the oversight of the applicant by the State of the operator or State of registry, as applicable, the audit may include an assessment with the aim to verify if these oversight deficiencies have been corrected.
- (e) The Agency shall revoke the authorisation when:
  - (1) the period referred to in (b) has expired; or
  - (2) the third country operator becomes subject to an operating ban pursuant to Regulation (EC) No 2111/2005.
- (f) If following a limitation referred to in (a) an operational restriction is imposed on the third country operator in accordance with Regulation (EC) No 2111/2005, the Agency shall maintain such limitation until the operational restriction has been withdrawn.

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## **EASA MANAGEMENT BOARD DECISION 01-2014 ADOPTING THE THIRD COUNTRY AUTHORISATION PROCEDURES**

### **Decision of the Management Board<sup>1</sup> concerning the General Principles related to Authorisation Procedures to be applied by the Agency for issuing Authorisations for Third Country Operators (“TCO Authorisation Procedure”)**

The Management Board,

1. Whereas the European Parliament and the Council of the European Union, by adopting Regulation (EC) No 216/2008 (hereinafter the Basic Regulation), have created the European Aviation Safety Agency (hereinafter the Agency);
2. Whereas Article 23 of the Basic Regulation requiring a system in respect of the authorisation of third country operators (hereinafter TCO);
3. Considering the Commission Implementing Regulation laying down technical requirements and administrative procedures related to air operations of third country operators pursuant to Regulation (EC) No 216/2008 of the European Parliament and of the Council (Implementing Regulation Third Country Operators – hereinafter Part-TCO); and
4. Whereas Article 53 of the Basic Regulation which requires the Management Board to establish transparent procedures the Executive Director shall follow for taking individual decisions;

HAS ADOPTED THIS DECISION

### **SECTION 1 – BASIC PRINCIPLES**

#### **Article 1 – Objectives and Applicability**

1. The objective of this Decision is to establish transparent procedures to be followed by the Agency when carrying out the authorisation of third country operators, including the monitoring of these operators, pursuant to Part-TCO.
2. The Agency shall establish and maintain a process to ensure fair, standardised and proportionate treatment of all TCO applicants and authorisation holders.
3. Holders of an AOC issued by a Member State will be not be subject to TCO authorisation.

#### **Article 2 – Coordination process with the EU Safety List pursuant to Reg. (EC) No 2111/2005**

In cooperation with the Commission, the Agency shall engage in establishing and maintaining a coordination process between the EU Safety List and Part-TCO, ensuring the integrity of both Regulations.

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<sup>1</sup> Adopted at MB 01/2014 of 11 March 2014.

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**Article 3 – Risk-based approach**

1. The Agency shall use a risk-based approach to help determine the Agency's level of confidence in respect of the AOC's of third country operators that have been issued by the respective competent authorities, adequately allocate its resources and strengthen the assessment of TCOs for which it has a limited level of confidence into their AOC, taking into consideration the operator's traffic volume.
2. The Agency shall establish and maintain a TCO model to process data obtained from specified, trustworthy internal and external sources. Results of the TCO model are indicative and shall not be decisive for authorisation decisions. The use of TCO model results shall normally be restricted to internal use. Any request to the Agency for information by a Member State at any stage of the assessment or monitoring process should be justifiable and would normally be made on an exceptional basis and shared on a confidential basis. An example being that upon justifiable request by a Member State, the Agency may share with Member States on a confidential basis detailed information about its assessment, including TCO model results, if a negative authorisation decision was issued against an applicant exercising traffic rights in the territory of that Member State during the TCO transition period.
3. The TCO model shall consist of clearly specified parameters for both the State of operator and the operator and allow for continuous comparison of the safety performance of third country operators applying for or holding a TCO Authorisation.

**Article 4 – Management of ICAO Differences**

1. The Agency shall use ICAO's Electronic Filing of Differences (EFOD) system as the central repository when identifying ICAO standards for which it may accept mitigating measures for differences notified to ICAO by the State of operator or the State of registry, as applicable, pursuant to ART.200(d).
2. ICAO differences notified by EASA Member States shall be considered by the Agency when identifying ICAO standards in accordance with paragraph 1.

**Article 5 – Exceptional measures imposed by a Member State**

The Agency shall work with Member States towards establishing and maintaining a process that ensures timely information from Member States to the Agency in case that a Member State intends to take a measure pursuant to Article 6 of Regulation (EC) No 2111/2005.

**Article 6 – Transitional Phase**

1. The Agency shall establish a phase-in plan that:
  - a. to the extent possible ensures uninterrupted continuation of international air services;
  - b. balances the Agency's workload of assessing third country operators; and
  - c. ensures the completion of TCO assessments before the end of the transition period established in Article 4 of Part TCO.
2. Pursuant to paragraph 2 of Article 4 of Part TCO, the Agency shall coordinate with the Member States the transfer of performing safety assessments of third country operators to which they have issued an operational authorisation.

3. During the course of the transfer described in paragraph 2, the Agency shall consider information of the latest safety assessments performed by Member States.
4. A negative authorisation decision during the transition phase, due to a level 1 finding being issued by the Agency to an applicant, shall be communicated by the Agency to all Member States.

## **SECTION 2 – AUTHORISATION PROCEDURE**

### **Article 7 – Receipt and eligibility of the application**

1. Upon receipt of an application, the Agency shall perform an eligibility check according to Part-TCO and inform the applicant when its application is accepted for further processing. In case of refusal of the application for reasons of non-eligibility, the Agency shall reject the application in writing and justify its decision to the applicant.
2. The Agency shall determine how to proceed with each eligible application. When receiving an application from a TCO subject to an operating ban due to the State of the operator not performing adequate oversight, due account shall be taken of the need for coordination with the Commission in order to ensure a consistent approach with Regulation (EC) No 2111/2005 and the requirements of Part-TCO.

### **Article 8 – Assessment**

1. Results of the TCO model shall be used to determine the appropriate assessment methodology of each applicant or authorisation holder.
2. In the absence of relevant safety concerns, and when the TCO model indicates confidence into the State of Operator and the operator itself, the Agency shall abstain from further assessment pursuant to ART.200(e)(2) or ART.215(d), as applicable.
3. Subject to efficiency and resource considerations, and provided that travel and accommodation arrangements are made by the applicant or TCO Authorisation holder, the Agency may accept on request of the operator to carry out parts of further assessment outside of EASA premises in compliance with Agency procedures applicable to ensure absence of conflicts of interest, staff health and security, and travel policy.

### **Article 9 – Authorisation document and changes**

1. The TCO Authorisation shall specify the conditions for continued validity and include the necessary conditions or restrictions, as the case may be.
2. The Agency shall specify the manner of requesting changes by TCO Authorisation holders that require prior approval by the Agency.

### **Article 10 – Monitoring plan and reaction to safety concerns**

1. The Agency shall establish a monitoring plan for each TCO Authorisation holder. This plan shall be established at the beginning of each monitoring interval and modified in case the level of confidence changes.
2. The Agency shall establish and maintain a process to react appropriately and timely to aviation safety concerns that may adversely affect the safe operation of TCO Authorisation holders.

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**Article 11 – Industry Standards**

1. Conformity with industry standards should not be considered in isolation from other assessment elements.
2. When considering any audits performed as part of certification or registration in accordance with industry standards, the following requirements should be assessed by the Agency:
  - a. The demonstration of conformity is based on a certification/registration audit scheme which provides for systematic verification, absence of conflict of interest, comprehensive programme description, defined standards and protocols;
  - b. The certification/registration audit scheme is managed by an organisation with a documented management system and internal quality assurance programme and is performed by auditors/assessors who demonstrate to meet specific and relevant qualification criteria;
  - c. Certification/registration audits are relevant to applicable Annexes to the Chicago Convention and should cover at least the scope defined in TCO.200(a)(1) of Part-TCO. If the industry standard does not fully cover the scope defined in TCO.200(a)(1) then the shortfall should be accounted for separately;
  - d. It can be demonstrated that such certification/registration audits can easily be mapped against the requirements of Part-TCO; and
  - e. Audit/assessment results are accessible to the Agency and may be used for the purpose of determining compliance with Part-TCO.
3. The certification/registration audit scheme referenced in paragraph 2 should ensure that the Agency is notified about relevant changes to the operator, such as conditions that could affect the certification/registration, and suspension or removal of certification/registration in accordance with the industry standards.

**Article 12 – Findings**

1. In case of a level 1 finding, the Agency shall not issue an initial TCO Authorisation and shall not approve a change until such time when the level 1 finding is permanently rectified by the applicant and closed by the Agency.
2. In case of level 2 findings,
  - a. during the TCO transition period, the Agency may issue a TCO Authorisation and approve a change, provided that all level 2 findings are appropriately controlled in accordance with ART.230;
  - b. after the TCO transition period, the Agency may continue a TCO Authorisation and approve a change, provided that all level 2 findings are appropriately controlled in accordance with ART.230.
3. The Agency shall establish and maintain a process to decide about the escalation of level 2 findings to level 1 findings in cases when several level 2 findings indicate systemic non-compliances.



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**Article 13 – Authorisation Panel Decisions**

1. A TCO Authorisation Panel shall decide about the classification of noncompliance findings, recommendations pertaining to authorisation decisions, and the proposition of enforcement actions. Decisions of the panel shall be recorded.
2. The Agency shall establish and maintain a process to ensure the electronic publication of its authorisation decisions.

**Article 14 – Termination of an initial evaluation**

1. The Agency may terminate an initial evaluation procedure when the applicant is unable or unwilling to comply with Part-TCO as demonstrated by:
  - a. a lack of transparency or adequate and timely communication on the part of the applicant; or
  - b. an inappropriate or insufficient corrective action plan presented in response to findings.
2. If during an initial evaluation procedure the Agency determines that the number and/or nature of non-compliance findings of an applicant is such that permanent rectification of all level 1 findings within 3 months after their initial notification is unlikely or unrealistic, the Agency may decide to terminate the evaluation on grounds of significant systemic non-compliance with Part-TCO. In such a case, the Agency shall not be required to start processing a new initial application of the same operator sooner than 6 months after the date of rejection.

**Article 15 – Web-based TCO Software Application**

The Agency shall deploy a secure software application for receiving the necessary information from the applicant during the assessment, processing the information received and managing authorisations in line with Part-TCO. The software application shall also support the timely exchange of information related to TCO Authorisations between the Commission, Member States, applicants and TCO Authorisation holders in accordance with Art. 110.

## SECTION 3 – FINAL PROVISIONS

**Article 16 – Enforcement**

1. In accordance with ART.235, to the extent not already otherwise established by equivalent policies and procedures, the Agency shall establish and maintain procedures for taking enforcement action in respect of TCO Authorisation holders.
2. When a TCO Authorisation shall be limited, suspended or revoked, the Agency shall notify by letter the TCO Authorisation holder of its decision and the reasons therefore. This letter shall make reference to the possibility for appeal as specified in Articles 44 to 50 of the Basic Regulation.

**Article 17 – Resolution of Disagreements**

1. Every effort shall be made to resolve all disagreements between the applicant or the authorisation holder and the Agency at the lowest possible level.
2. In case the applicant or TCO Authorisation holder continues to disagree with a decision of the Agency, it may lodge a formal appeal under the Agency’s appeal process.

**Article 18 – Entry into Force**

This Decision enters into force in its entirety on the day of its publication in the Official Publication of the Agency.

Done at Brussels,

Michael Smethers  
Chair of the Management Board