European Union Aviation Safety Agency

FAQ n.19135

FAQs:

Part-ARO, Air Operations, Regulations

Question:

How do the provisions on code-sharing articulate with the Regulation applying to Third Country Operators (Part TCO)?

Answer:

Reference: Regulation (EU) No 965/2012, Annex III (Part-ORO)

Regarding code-sharing, Regulation (EU) No 965/2012 on air operations requires from the EU Operator, who wishes to enter into a code-sharing agreement with a third country operator (TCO), compliance with the requirements of Annex III to Regulation (EU) No 965/2012. This means the TCO as a code-share partner will undergo comprehensive audits for the initial verification of compliance and continuous compliance with the applicable ICAO standards [AMC1 ORO.AOC.115(a)(1)]. These audits can be performed either by the EU operator itself or a third party provider. The AMC (AMC2 ORO.AOC.115(b)) refers to the possibility of using industry standards. The audit will focus on the operational, management and control systems of the TCO (see AMC1 ORO.AOC.115(a)(1)).

Continuous compliance of the code-sharing TCO with the applicable ICAO standards will be performed on the basis of a code-share audit programme (see AMC1 ORO.AOC.115(b)).

This means that the audit and verification requirements contained in Part-ORO of Regulation 965/2012 cannot be substituted by a TCO authorisation issued by the Agency. For code-share, an EU operator must, in addition to the TCO authorisation, audit and monitor the TCO.

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