

## Applicability

### **Is a TCO Authorisation issued by EASA required to perform commercial air transport operations to the United Kingdom?**

#### **Answer**

No. As a result of the decision of the United Kingdom to leave the European Union, foreign air operators are no longer required to hold an EASA TCO Authorisation in order to operate to the United Kingdom and EASA does no longer have a mandate to issue authorisations for this purpose.

For further information, you may wish to contact the UK Civil Aviation Authority via TCO [at] caa.co.uk (e-mail) to enquire on UK TCO related issues.

#### **Last updated:**

08/01/2021

#### **Link:**

<https://www.easa.europa.eu/en/faq/122935>

### **We run a helicopter operation and are contracted for aerial work in the EU. Do I have to apply for a TCO authorisation?**

#### **Answer**

No. Special operations, such as aerial work is outside the scope of TCO authorisation. For activities which do not fall under commercial air transport, as covered in ICAO Annex 6, third country operators have to apply for permission with the concerned Member State.

#### **Last updated:**

18/12/2019

#### **Link:**

<https://www.easa.europa.eu/en/faq/19553>

### **Our operation is currently subject to an operating ban in**

## **accordance with the EU Air Safety List (Reg. (EC) No 2111/2005). Can we nevertheless apply for a TCO authorisation?**

### **Answer**

Operators who are subject to an operating ban or restriction in accordance with Reg. (EC) No 2111/2005 are eligible to apply for a TCO authorisation. The authorisation process will require an audit to be performed at the operational premises of the operator. Once EASA has finished its assessment, it will present the results to the European Commission for consideration. EASA cannot issue an authorisation until the European Commission has lifted the operating ban under the Air Safety List Regulation. Note: When the operator is subject to an operating ban due to the State of the Operator not performing adequate oversight, EASA must coordinate with the European Commission before processing the application for a TCO authorisation.

### **Last updated:**

18/12/2019

### **Link:**

<https://www.easa.europa.eu/en/faq/19554>

## **We are a non-EU AOC holder with no plans to fly commercially to the EU. However, our maintenance facility is located in the EU. Do I need a TCO authorisation when flying there?**

### **Answer**

No - as long as these flights to-and-from the maintenance facility are non-commercial (ferry flights). These flights shall be designated a non-commercial (General Aviation) flights in the ATS flight plan.

### **Last updated:**

23/11/2016

### **Link:**

<https://www.easa.europa.eu/en/faq/19552>

## **How will EU-OPS provisions on code-sharing interact with Part-TCO?**

**Answer**

In order to comply with the code-sharing requirements of Regulation (EU) No. 965/2012, it is not sufficient to hold only a TCO authorisation. Code-share provisions apply in addition to the requirements of Part-TCO. Therefore, a third-country operator who shares codes with an EU carrier will be subject to both sets of requirements and their related AMC [ORO.AOC.115/ARO.OPS.105]. In practice, the third-country operator will be obliged to undergo comprehensive audits for the initial and continuous verification of compliance with the applicable ICAO Standards [AMC1 ORO.AOC.115(a)\*]. The audits can be performed either by the EU operator itself, or by a third-party provider [AMC2 ORO.AOC.115(b)], which includes the possibility of using industry standards such as IOSA. The audit will focus on the operational, management and control systems of the TCO [AMC1 ORO.AOC.115(a) (1)]. Ensuring that the code-sharing third-country operator continues to comply with the applicable ICAO Standards, will be achieved through a code-share audit programme [AMC1 ORO.AOC.115(b)].

A third country operator that does not intend to perform flights under its own AOC to aerodromes located in an EU territory is not required to hold a TCO Authorisation when entering into a code-share agreement with an EU operator.

\* *Regulation (EU) No. 452/2014*

**Last updated:**

18/12/2019

**Link:**

<https://www.easa.europa.eu/en/faq/19539>

**Leasing scenario 1. We plan to wet lease-out one of our aircraft to an EU operator. The operations will be performed under our own AOC, with our crew and under our full operational responsibility. Do we need a TCO authorisation?**

**Answer**

Yes and in addition to this, you will need to comply with the European requirements for leasing as laid down in Reg. (EC) No 965/2012.

**Last updated:**

18/12/2019

**Link:**

<https://www.easa.europa.eu/en/faq/19555>

**Leasing, scenario 2. Could you specify if the lessor must have a TCO authorisation in the following situation? A third country operator (lessee) uses an aircraft wet leased-in from a non-EU carrier operating flights under the AOC of the lessor, using the**

**Answer**

The lessor (non-EU carrier) needs a TCO authorisation.

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18/12/2019

**Link:**

<https://www.easa.europa.eu/en/faq/19557>

**Leasing, scenario 3. Could you specify if the lessor must have a TCO authorisation in the following situation? A third country operator (lessee) uses an aircraft for commercial air transport operations to the EU that is dry leased-in from another non-EU**

**Answer**

No. The aircraft lessor does not need a TCO authorisation, but the third country operator (lessee) must hold a TCO authorisation. Rule of thumb: it is always the operating carrier that performs flights under its responsibility with aircraft under its AOC that needs a TCO authorisation.

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18/12/2019

**Link:**

<https://www.easa.europa.eu/en/faq/19558>

**Which EU operating rules are applicable to third country operators?**

**Answer**

**ANSWER**

Third country operators intending to perform commercial air transport operations (into, out or within the EU) are subject to Part-TCO. In addition, they must comply with the Standardised European Rules of the Air (SERA) and Airspace Usage Requirements (AUR). The State Aeronautical Information Publication (AIP), the Single European Sky (SES) implementing rules and in particular the Interoperability rules also apply. There are also other Regulations under the responsibility of the European Commission that need to be followed, including:

- Commission Implementing Regulation (EU) No 1206/2011 of 22 November 2011 (requirements on aircraft identification for surveillance for the Single European Sky);
- Commission Implementing Regulation (EU) No 1207/2011 of 22 November 2011 (requirements for the performance and the interoperability of surveillance for the single European sky), as amended by Regulation (EU) No 1028/2014 and Regulation (EU) 2017/386;
- Commission Regulation (EC) No 29/2009 of 16 January 2009 (requirements on data-link services for the single European sky), as amended by Regulation (EU) No 2015/310 and Regulation (EU) 2019/1170;
- Commission Decision (EU) 2019/2012 of 29 November 2019 (exemptions on data link services requirements);
- Commission Regulation (EC) No 1079/2012 of 16 November 2012 (requirements on air ground voice channel spacing for the single European sky), as amended by Regulation (EU) No 657/2013, Regulation (EU) 2016/2345 and Regulation (EU) 2017/2160;
- Commission Regulation (EC) No 1332/2011 of 16 December 2011 (common airspace usage requirements and operating procedures for airborne collision avoidance) [ACAS II 7.1], as amended by Regulation (EU) 2016/583.

**Last updated:**

18/12/2019

**Link:**<https://www.easa.europa.eu/en/faq/19559>**Do AOC holders certified by an EASA Member State need to apply for a TCO authorisation?****Answer**

No. AOC holders certified by an EU Member State or an associated State (Iceland, Liechtenstein, Norway, Switzerland) do not require a TCO authorisation.

**Last updated:**

23/11/2016

**Link:**

<https://www.easa.europa.eu/en/faq/19590>

**Are there any territories related to the EU to which a third country operator can fly without holding a TCO authorisation?****Answer**

A third country operator can fly to the following territories without holding a TCO authorisation:

- Greenland and Faroe Islands
- Channel Islands
- French Polynesia
- French Southern & Antarctic Territories
- New Caledonia and Dependencies
- Wallis and Futuna Islands
- Saint Pierre and Miquelon
- Aruba
- Bonaire
- Curaçao
- Saba
- Saint-Barthélemy
- Saint Eustatius
- Sint Maarten (part of the island that forms part of the Kingdom of the Netherlands)
- Anguilla
- Cayman Islands
- Falkland Islands
- South Georgia and the South Sandwich Islands
- Montserrat
- Pitcairn
- Saint Helena and Dependencies
- British Antarctic Territory

- British Indian Ocean Territory
- Turks and Caicos Islands
- British Virgin Islands
- Bermuda

**Last updated:**

26/03/2015

**Link:**<https://www.easa.europa.eu/en/faq/19593>**Will the TCO authorisation cover the transport of forbidden Dangerous Goods?****Answer**

The TCO authorisation does not cover the transport of forbidden DGs. Exemptions issued by each of the concerned states in accordance with paragraph 4.2 of Annex 18 to the Chicago Convention are required for this operation.

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18/12/2019

**Link:**<https://www.easa.europa.eu/en/faq/21340>**For a flight requiring diplomatic clearance, does it need to be performed under a TCO authorisation?****Answer**

An EASA safety authorisation is required by **third country operators** engaged in **commercial air transport** operations into, within or out of the territory subject to the provisions of the Treaty [of the EU]. A third country operator (TCO) in the context of a TCO authorisation is an Air Operator Certificate (**AOC**) holder certified in a non-EASA member State. Commercial air transport (scheduled or non-scheduled) is defined as “flights involving the transport of passengers, cargo or mail for **remuneration or hire**”.

As a consequence, it is EASA’s position that **regardless of the nature of passengers, cargo or mail** involved, a flight performed by an **AOC holder** for **remuneration or hire** with civil aircraft constitutes **commercial air transport**

and is subject to prior **TCO authorisation** by EASA if the above conditions apply.

A flight may require (additional) diplomatic clearance; however, this is unrelated to the requirement of TCO authorisation where applicable.

**Last updated:**

17/01/2017

**Link:**

<https://www.easa.europa.eu/en/faq/21865>

**My principle place of business (POB) is in an EU overseas territory which is not listed in the scope of Commission Regulation (EU) No 452/2014. Do I need a TCO authorisation to fly to territories which are in the scope of Commission Regulation (EU) 452/20**

**Answer**

Yes a TCO authorisation is required, if your principle place of business (POB) is in one of the following territories (i.e. an EU overseas territory which is not listed in the scope of Commission Regulation (EU) No 452/2014)

- Greenland and Faroe Islands
- Channel Islands
- French Polynesia
- French Southern & Antarctic Territories
- New Caledonia and Dependencies
- Wallis and Futuna Islands
- Saint Pierre and Miquelon
- Aruba
- Bonaire
- Curaçao
- Saba
- Saint Eustatius
- Saint Maarten
- Anguilla
- Cayman Islands
- Falkland Islands
- South Georgia and the South Sandwich Islands



- Montserrat
- Pitcairn
- Saint Helena and Dependencies
- British Antarctic Territory
- British Indian Ocean Territory
- Turks and Caicos Islands
- British Virgin Islands
- Bermuda

**Exception:** If your POB is in one of these territories, but the AOC was issued by an EU Member State, then no TCO authorisation is required.

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23/11/2016

**Link:**

<https://www.easa.europa.eu/en/faq/19594>

## **Is a TCO authorisation required by Business Aviation Operators?**

### **Answer**

It depends. If you perform commercial air transport under an Air Operator Certificate (AOC) (operating aircraft for hire to transport passengers, cargo or mail) (e.g. under U.S. 14 CFR Part 135) the answer is yes. If you file flight plans using the flight types “N” or “S” then you are conducting commercial air transport operations and must hold a TCO authorisation issued by EASA in order to operate to EU territories.

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18/12/2019

**Link:**

<https://www.easa.europa.eu/en/faq/19544>

## **We are a U.S. 14 CFR Part 91 operator. Are we subject to a TCO authorisation?**

### **Answer**

For operations performed strictly within the classification of Part-91, EASA does not require an authorisation under Part-TCO. These flights shall be designated a non-

commercial (General Aviation) flights in the ATS flight plan.

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23/11/2016

**Link:**

<https://www.easa.europa.eu/en/faq/19546>

**We are a U.S. 14 CFR Part 125 Operator. Do we need a TCO Authorisation issued by EASA for operations to EU territories?**

**Answer**

U.S. 14 CFR Part 125 Operators are not eligible to apply for a TCO Authorisation. An FAA Part 125 Operating Certificate is not an Air Operator Certificate (AOC) as defined in ICAO Annex 6, Part I. An ICAO-compliant AOC is required for commercial air transport operations to EU territories. United States 14 CFR Part 125 Operators may conduct non-commercial, general aviation flights to EU territories in line with provisions stipulated in the AIP of the State of destination. Make sure the type of flight is correctly denoted in item no. 8 of the ATS flight plan ('G' for general aviation).

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23/11/2016

**Link:**

<https://www.easa.europa.eu/en/faq/21597>

**I plan to overfly EU territories without intending to land. Is a TCO authorisation required?**

**Answer**

No. A TCO authorisation is only required for intended landings in EU territories.

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23/11/2016

**Link:**

<https://www.easa.europa.eu/en/faq/19547>

**I plan a technical fuel stop in EU territories. Is a TCO**

## authorisation required?

### Answer

Yes. A TCO authorisation is required for all commercial air transport flights to/from airports in EU territories (including certain EU overseas territories) performed by third country operators.

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18/12/2019

#### Link:

<https://www.easa.europa.eu/en/faq/19548>

**I plan to fly from a non-EU departure airport to a non-EU destination airport and I intend to file a destination alternate airport in the territory of an EASA Member State. Can I do this without holding a TCO authorisation?**

### Answer

Yes. An in-flight diversion may become necessary out of safety considerations on a flight that was initially intended to serve an aerodrome outside the EU. Such diversion that is performed in the interest of safety, would not constitute commercial air transport operation to an EU territory. Hence, third country operator may file an airport located in the territory of an EASA Member State as an alternate airport without holding a TCO authorisation.

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#### Link:

<https://www.easa.europa.eu/en/faq/19549>

**We are a U.S. 14 CFR Part 135 operator. Do I need to hold an authorisation if I intend flying commercially to Europe?**

### Answer

Yes. Part-TCO is fully applicable to flights conducted under an U.S. 14 CFR Part 135 certificate. Note: The international standards laid down in the ICAO Annexes exceed

the requirements of U.S. 14 CFR Part 135 in several aspects.

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18/12/2019

**Link:**

<https://www.easa.europa.eu/en/faq/19550>

**Do non-scheduled charter operators need a TCO authorisation?**

**Answer**

Yes. The European TCO authorisation regime does not differentiate between scheduled and non-scheduled commercial air transport operations. All commercial air transport air operators need to apply for a TCO authorisation.

For air ambulance flights and other urgent flights performed in the public interest and where the urgency of the mission justifies bypassing the regular TCO assessment process (e.g. humanitarian missions or disaster relief operations), please consult the section for “One-off” notification flights.

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23/11/2016

**Link:**

<https://www.easa.europa.eu/en/faq/19551>

**Leasing, scenario 4. Please specify which of the two operators must have a TCO Authorisation in the following situation: A third country operator (lessee) uses an aircraft wet leased-in from an EU carrier (lessor) operating flights to the EU under the AOC**

**Answer**

Neither the lessee (TCO) nor the lessor (EU carrier) need a TCO authorisation, because the flights are performed under the responsibility of an operator that does not fall under the definition of a third country operator.

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18/12/2019

**Link:**

<https://www.easa.europa.eu/en/faq/19556>