European Union Aviation Safety Agency

FAQ n.22615

FAQs:

Part-SPO, Air Operations, Regulations

Question:

Does Regulation (EU) No 965/2012 also apply to third-country operators that conduct specialised operations in an EU Member State?

Answer:

Third country operators – non-EU countries and non-EEE countries - Reference: Reg. (EU) No 965/2012 on air operations

Specialised operations (SPO) performed by third-country operators into, within, or out of the EASA Member States are not subject to Regulation (EU) No 965/2012 (Part-SPO) or Commission Regulation (EU) No 452/2014 (Part-TCO), unless conducted under an approved wet lease-in agreement signed by an EU commercial SPO operator (ORO.SPO.100). For stand-alone third-country SPO, EU law does not require prior safety authorisation for such operations, however those operations (and their aircrew and aircraft) must comply, as per Article 59 of Regulation (EU) 2018/1139, with the applicable ICAO standard – or to the extent that there are no such standards with the essential requirements of the above-mentioned Regulation – as well as EU requirements regarding use of the airspace when operating in the Single European Sky.

In addition, in case the aircraft performing such operations is registered in an EASA Member State, the crew must comply with the EU aircrew requirements, unless responsibilities for the regulatory oversight of the aircraft has been transferred by the EASA Member State to the third country concerned. For further details concerning conditions for conducting SPO by a TCO in EASA Member States, including eventual need for obtaining permits for conducting this type of professional activity, please contact the Member State of the intended operations, as EASA is not responsible for oversight of these type of operations.

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