European Union Aviation Safety Agency

FAQ n.19539

FAQs:

Applicability, Third Country Operators (TCO), Regulations

Question:

How will the provisions on code-sharing that are laid down in the EU Rules for Air Operations 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 (GM1 TCO.100).

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Link:

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