

European Aviation Safety Agency

Acceptable Means of Compliance (AMC)

and

Guidance Material (GM)

to

Air operations of third country operators

Initial Issue

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¹ For the date of entry into force of this Amendment, kindly refer to Decision 2014/023/R in the [Official Publication](#) of the Agency

TABLE OF CONTENTS

SECTION I – GENERAL REQUIREMENTS 3

AMC1 TCO.105(a) Means of compliance 3

GM1 TCO.105(a) Means of compliance 3

GM1 TCO.110 Mitigating measures 3

SECTION II – AIR OPERATIONS..... 4

AMC1 TCO.200(b) General requirements 4

GM1 TCO.200(b) General requirements 4

GM1 TCO.200(c) General requirements 4

AMC1 TCO.200(e) General requirements 4

AMC1 TCO.210 Documents, manuals and records to be carried 4

GM1 TCO.210 Documents, manuals and records to be carried 4

SECTION III – AUTHORISATION OF THIRD COUNTRY OPERATORS 5

GM1 TCO.300(a) Application for an authorisation 5

GM1 TCO.300(b) Application for an authorisation 5

GM1 TCO.300(e)(1) Application for an authorisation 5

GM1 TCO.300(e)(2) Application for an authorisation 5

GM1 TCO.315 Changes 5

AMC1 TCO.320 Continued validity 6

AMC1 TCO.325 Findings 6

SECTION I – GENERAL REQUIREMENTS

AMC1 TCO.105(a) Means of compliance

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

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.

GM1 TCO.110 Mitigating measures

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.

SECTION II – AIR OPERATIONS

AMC1 TCO.200(b) General requirements

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.

GM1 TCO.200(b) General requirements

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

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

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.

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

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

GENERAL

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

SECTION III – AUTHORISATION OF THIRD COUNTRY OPERATORS

GM1 TCO.300(a) Application for an authorisation

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

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

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

DOCUMENTS FOR AIRCRAFT NOT REGISTERED IN THE STATE OF THE OPERATOR

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.

GM1 TCO.315 Changes

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;

AMC/GM TO ANNEX I – PART-TCO

SECTION III – AUTHORISATION OF THIRD COUNTRY OPERATORS

- (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.

AMC1 TCO.320 Continued validity

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.

AMC1 TCO.325 Findings

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.