

## ANNEX 1

### PART-TCO THIRD COUNTRY OPERATORS

#### SECTION III

#### Authorisation of third country operators

##### **TCO.300 Application for an authorisation**

- (a) Prior to engaging in commercial air transport operations under Part-TCO the third country operator shall apply for and obtain an authorisation issued by the [F<sup>1</sup>CAA].
- (b) An application for an authorisation shall be:
  - (1) submitted at least 30 days before the intended starting date of operation; and
  - (2) made in a form and manner established by the [F<sup>1</sup>CAA].
- (c) Without prejudice to applicable bilateral agreements, the applicant shall provide the [F<sup>1</sup>CAA] with any information needed to assess whether the intended operation will be conducted in accordance with the applicable requirements of TCO.200(a). Such information shall include:
  - (1) the duly completed application;
  - (2) the official name, business name, address, and mailing address of the applicant;
  - (3) a copy of the applicant's AOC and associated operations specifications, or equivalent document, that attests the capability of the holder to conduct the intended operations, issued by the State of the operator;
  - (4) the applicant's current certificate of incorporation or business registration or similar document issued by the Registrar of Companies in the country of the principal place of business;
  - (5) the proposed start date, type and geographic areas of operation.
- (d) When necessary, the [F<sup>1</sup>CAA] may request any other additional relevant documentation, manuals, or specific approvals issued or approved by the State of the operator or State of registry.
- (e) For those aircraft not registered in the State of the operator the [F<sup>1</sup>CAA] may request:
  - (1) details of the lease agreement for each aircraft so operated; and
  - (2) if applicable, a copy of the agreement between the State of the operator and the State of registry pursuant to Article 83bis of the Convention on International Civil Aviation that covers the aircraft.

*Changes to legislation: There are currently no known outstanding effects for the Commission Regulation (EU) No 452/2014, SECTION III. (See end of Document for details)*

#### Textual Amendments

- F1** Word in Annex 1 Point TCO. 300 substituted (31.12.2020) by [The Aviation Safety \(Amendment etc.\) \(EU Exit\) Regulations 2019 \(S.I. 2019/645\)](#), regs. 1, **377(4)(a)** (with Sch. 3) (as amended by S.I. 2019/1098, regs. 1(3), **12**); 2020 c. 1, **Sch. 5 para. 1(1)**

### TCO.305

#### Non-scheduled Flights — one-off notification

- (a) By way of derogation of TCO.300(a) a third country operator may perform air ambulance flights or a non-scheduled flight or a series of non-scheduled flights to overcome an unforeseen, immediate and urgent operational need without first obtaining an authorisation, provided that the operator:
- (1) notifies the [<sup>F2</sup>CAA] prior to intended date of the first flight in a form and manner established by the [<sup>F2</sup>CAA];
  - (2) is not being subject to an operating ban [<sup>F3</sup>under any relevant enactment]; and
  - (3) applies for an authorisation within 10 working days after the date of notification to the Agency pursuant to TCO.300.
- (b) The flight(s) specified in the notification prescribed in (a)(1) may be performed for a maximum period of six consecutive weeks after the date of notification or until the Agency has taken a decision on the application in accordance with Part-ART, whichever comes sooner.
- (c) A notification may be filed only once every 24 months by an operator.

#### Textual Amendments

- F2** Word in Annex 1 Point TCO. 305(a)(1) substituted (31.12.2020) by [The Aviation Safety \(Amendment etc.\) \(EU Exit\) Regulations 2019 \(S.I. 2019/645\)](#), regs. 1, **377(4)(b)(i)** (with Sch. 3) (as amended by S.I. 2019/1098, regs. 1(3), **12**); 2020 c. 1, **Sch. 5 para. 1(1)**
- F3** Words in Annex 1 Point TCO. 305(a)(2) substituted (31.12.2020) by [The Aviation Safety \(Amendment etc.\) \(EU Exit\) Regulations 2019 \(S.I. 2019/645\)](#), regs. 1, **377(4)(b)(ii)** (with Sch. 3) (as amended by S.I. 2019/1098, regs. 1(3), **12**); 2020 c. 1, **Sch. 5 para. 1(1)**

**TCO.310** The privileges of the operator shall be listed in the specifications to the authorisation and not exceed the privileges granted by the State of the operator.

#### Privileges of an authorisation holder

### TCO.315 Changes

- (a) Any change, other than those agreed under ART.210(c), affecting the terms of an authorisation or associated specifications shall require prior authorisation by the [<sup>F4</sup>CAA].

*Changes to legislation: There are currently no known outstanding effects for the Commission Regulation (EU) No 452/2014, SECTION III. (See end of Document for details)*

- (b) The application for prior authorisation by the [F4CAA] shall be submitted by the third country operator at least 30 days before the date of implementation of the intended change.

The third country operator shall provide the [F4CAA] with the information referred to in TCO.300, restricted to the extent of the change.

After submission of an application for a change, the third country operator shall operate under the conditions prescribed by the [F4CAA] pursuant to ART.225(b).

- (c) All changes not requiring prior authorisation, as agreed in accordance with ART.210(c), shall be notified to the [F4CAA] before the change takes place.

#### Textual Amendments

- F4** Word in Annex 1 Point TCO. 315 substituted (31.12.2020) by The Aviation Safety (Amendment etc.) (EU Exit) Regulations 2019 (S.I. 2019/645), regs. 1, 377(4)(c) (with Sch. 3) (as amended by S.I. 2019/1098, regs. 1(3), 12); 2020 c. 1, Sch. 5 para. 1(1)

### TCO.320

#### Continued validity

- (a) The authorisation shall remain valid subject to:
- (1) the third country operator remaining in compliance with the relevant requirements of Part-TCO. The provisions related to the handling of findings, as specified under TCO.325, shall also be taken into account;
  - (2) the validity of the AOC or equivalent document issued by the State of the operator and the related operations specifications, if applicable;
  - (3) the [F5CAA] being granted access to the third country operator as specified in TCO.115;
  - (4) the third country operator not being subject to an operating ban [F6under any relevant enactment];
  - (5) the authorisation not being surrendered, suspended or revoked;
  - (6) the third country operator having carried out at least one flight every 24 calendar months, into, within or out of the [F7United Kingdom] under the authorisation.
- (b) Upon surrender or revocation, the authorisation shall be returned to the [F8CAA].

#### Textual Amendments

- F5** Word in Annex 1 Point TCO. 320 substituted (31.12.2020) by The Aviation Safety (Amendment etc.) (EU Exit) Regulations 2019 (S.I. 2019/645), regs. 1, 377(4)(d)(i)(aa) (with Sch. 3) (as amended by S.I. 2019/1098, regs. 1(3), 12); 2020 c. 1, Sch. 5 para. 1(1)
- F6** Words in Annex 1 Point TCO. 320 substituted (31.12.2020) by The Aviation Safety (Amendment etc.) (EU Exit) Regulations 2019 (S.I. 2019/645), regs. 1, 377(4)(d)(i)(bb) (with Sch. 3) (as amended by S.I. 2019/1098, regs. 1(3), 12); 2020 c. 1, Sch. 5 para. 1(1)

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**Changes to legislation:** There are currently no known outstanding effects for the Commission Regulation (EU) No 452/2014, SECTION III. (See end of Document for details)

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- F7** Words in Annex 1 Point TCO. 320 substituted (31.12.2020) by The Aviation Safety (Amendment etc.) (EU Exit) Regulations 2019 (S.I. 2019/645), regs. 1, **377(4)(d)(i)(cc)** (with Sch. 3) (as amended by S.I. 2019/1098, regs. 1(3), 12); 2020 c. 1, Sch. 5 para. 1(1)
- F8** Word in Annex 1 Point TCO. 320 substituted (31.12.2020) by The Aviation Safety (Amendment etc.) (EU Exit) Regulations 2019 (S.I. 2019/645), regs. 1, **377(4)(d)(ii)** (with Sch. 3) (as amended by S.I. 2019/1098, regs. 1(3), 12); 2020 c. 1, Sch. 5 para. 1(1)

**TCO.325** After receipt of a notification of findings pursuant to ART.230 raised by the [<sup>F9</sup>CAA], **Findings** the third country operator shall:

**Textual Amendments**

- F9** Word in Annex 1 Point TCO. 320 substituted (31.12.2020) by The Aviation Safety (Amendment etc.) (EU Exit) Regulations 2019 (S.I. 2019/645), regs. 1, **377(4)(e)** (with Sch. 3) (as amended by S.I. 2019/1098, regs. 1(3), 12); 2020 c. 1, Sch. 5 para. 1(1)

- (a) identify the root cause of the non-compliance;
- (b) establish a corrective action plan to address the root cause of the non-compliance within an acceptable time frame and submit it to the [<sup>F9</sup>CAA];
- (c) demonstrate corrective action implementation to the satisfaction of the [<sup>F9</sup>CAA] within the period agreed with the [<sup>F9</sup>CAA] as defined in ART.230(e)(1).

**Changes to legislation:**

There are currently no known outstanding effects for the Commission Regulation (EU) No 452/2014, SECTION III.