

Procedure file

Basic information		
DEA - Delegated acts procedure	2022/2987(DEA)	Procedure completed - delegated act enters into force
Technical requirements and administrative procedures related to air operations of third country operators		
Supplementing 2015/0277(COD)		
Subject		
3.20.01 Air transport and air freight		
3.20.01.01 Air safety		

Key players			
European Parliament	Committee responsible	Rapporteur	Appointed
	TRAN Transport and Tourism		

Key events			
02/12/2022	Non-legislative basic document published	C(2022)08695	Summary
02/12/2022	Initial period for examining delegated act 2 month(s)		
14/12/2022	Committee referral announced in Parliament		
10/02/2023	Delegated act not objected by Parliament		

Technical information	
Procedure reference	2022/2987(DEA)
Procedure type	DEA - Delegated acts procedure
Procedure subtype	Examination of delegated act
Stage reached in procedure	Procedure completed - delegated act enters into force
Committee dossier	TRAN/9/10829

Documentation gateway					
Non-legislative basic document		C(2022)08695	02/12/2022	EC	Summary
Document attached to the procedure		C(2023)1679	16/03/2023	EC	

Technical requirements and administrative procedures related to air operations of third country operators

This delegated Regulation amends Commission [Regulation \(EU\) No 452/2014](#) as regards the technical requirements and administrative procedures related to air operations of third country operators.

Background

Regulation (EU) No 452/2014 contains provisions relative to technical requirements and administrative procedures for the issuance of authorisations to third-country operators (TCO) by the European Union Aviation Safety Agency. These so-called TCO authorisations are a prerequisite for any third country operator wanting to operate into, within, or out of the territory to which the Treaties apply.

An assessment of Regulation (EU) No 452/2014 performed by the European Union Aviation Safety Agency identified several potential improvements, covering four main areas: efficiency, enforcement, flexibility and consistency with [Regulation \(EC\) No 2111/2005](#).

It is therefore necessary to amend certain provisions of Regulation (EU) No 452/2014 to incorporate the identified improvements. In particular, it is necessary to:

- remove the possibility for third country operators to use mitigating measures to address non-compliances with relevant International Civil Aviation Organisation (ICAO) standards. Compliance with those standards needs to be achieved before a TCO authorisation is issued and any need for flexibility is to be addressed through a procedure laid down in Article 76(4) of Regulation (EU) 2018/1139 on common rules in the field of civil aviation and establishing a European Union Aviation Safety Agency;
- amend the provisions allowing, within certain conditions, third country operators to carry out certain flights into, within or out of the territory subject to the provisions of the Treaties without first obtaining an authorisation, in order to increase legal certainty and improve efficiency
- improve the efficiency of the authorisation and oversight process of third country operators and to increase legal certainty, namely by eliminating certain barriers to digitalisation of the process, by further clarifying certain aspects related to the validity of third country operators authorisations, as well as certain procedural steps of the process undertaken by the Agency;
- increase the oversight and enforcement means at the disposal of the Agency, specifically by allowing intensified surveillance of certain third country operators and clarifying the provisions related to the issuance of findings, as well as the suspension and revocation of third country operator authorisations;
- amend certain provisions of Regulation (EU) No 452/2014 to improve consistency with Regulation (EC) No 2111/2005 of the European Parliament and of the Council in particular by further clarifying the conditions and procedural steps to be taken by the Agency when receiving an application from a third country operator subject to an operating ban or an operational restriction pursuant to Regulation (EC) No 2111/2005.

In addition, some changes to the definitions are proposed for reasons of consistency with Regulation (EU) 2018/1139

Content

Article 61(1) of [Regulation \(EU\) 2018/1139](#) empowers the Commission to adopt Delegated Acts, in accordance with Article 128 of that Regulation, laying down detailed rules for the authorisation of the operation of aircraft into, within or out of the territory to which the Treaties apply by a third-country aircraft operator.

This Regulation lays down detailed rules for third country operators of aircraft referred to in Regulation (EU) 2018/1139 of the European Parliament and of the Council who are engaged in commercial air transport operations into, within or out of the territory subject to the provisions of the Treaties, including conditions for issuing, maintaining, amending, limiting, suspending or revoking their authorisations, the privileges and responsibilities of the holders of authorisations as well as conditions under which operations shall be prohibited, limited or subject to certain conditions in the interest of safety.

Third country operators shall only engage in commercial air transport operations into, within, or out of the territory subject to the provisions of the Treaties if they comply with the requirements of Annex 1 and hold an authorisation issued by the Agency in accordance with Annex 2 to this Regulation.

It is proposed to amend Annexes 1 and 2 to Regulation (EU) No 452/2014 in accordance with the Annex to this Regulation.

The objective of this Delegated Act is to:

- foster a risk-based approach in the authorisation process of third-country operators and;
- improve the efficiency of the Agency as the authority being responsible for the implementation of the Third Country Operator Regulation establishing the list of air carriers subject to an operating ban or restrictions in the EU.

The proposals should maintain a high level of safety.