INFO-2016-1: EASA TCO SMS

To: NON-EU BUSINESS AVIATION COMMERCIAL OPERATORS
From: IS-BAO PROGRAMME
Date: 25SEP2016
Subject: EASA TCO SMS

PURPOSE:

To clarify the use of IS-BAO Registration as part of a successful EASA Third Country Operator (TCO) authorization application.

NOTE - IS-BAO registration (all Stages) indicates an operator has an SMS in place equivalent to ICAO phase 4 SMS and may be used to declare an SMS for EASA TCO purposes.

DETAILS:

Non-EU registered commercial operators desiring to fly into the EU must file an application for approval with EASA. The EU is unifying the process by using a centralized approval from EASA. The EASA Third Country Operator (TCO) regulation has an implementation deadline of Nov. 26, 2016. However, operators were required to begin applying for TCO prior to traveling to Europe in May 2014. The 30-month transition period ensures smooth implementation of Part-TCO and should not interrupt operations for foreign air carriers into the EU.

Prior to operating into the EU, operators should visit EASA’s TCO website (https://tco.easa.europa.eu) to file an application, if one has not been completed already. The website includes a straightforward new users guide to assist operators in the application process.

The TCO Authorization is issued solely by EASA and grants the authority for applicants to operate commercially into Europe. To receive TCO authorization, operators must meet ICAO Standards. The online application process requires operators to self-
declare compliance and many items, such as aircraft weights, TCAS 7.1, and implementation of an SMS under ICAO Annex 19, SMS.

- ICAO Annex 19, Section 3.1.3, requires each State ensure commercial operators implement an SMS.

- ICAO Annex 19, Section 4.1.3, states, “The SMS of a certified operator of aeroplanes or helicopters authorized to conduct international commercial air transport, in accordance with Annex 6, Part I or Part III, Section II, respectively, shall be made acceptable to the State of the Operator.”

While the Part TCO regulation contains language requiring applicants to participate in a State sponsored SMS, this provision assumes all States have adopted ICAO Annex 19, Section 3.1.3. However, not all States have adopted all ICAO Annexes. For example, the FAA does not have an SMS requirement for Part 135 operators.

Because many States have filed differences to various ICAO Annexes, Part TCO also contains a provision indicating EASA will accept alternative means of compliance. Since all stages of IS-BAO are ICAO Phase 4-compliant, EASA has been approving applications from operators using an IS-BAO registered SMS to show compliance, including those of U.S. FAR Part 135 operators. Recent IBAC conversations with EASA officials indicate this process will not change.

Contact:

Should you have any questions, please contact Ben Walsh, IS-BAO Programme Director at bwalsh@ibac.org.
PROCEDURE:

1. After sign in on the landing page, select “Basic operator data”: 

![Image of EASA website interface with Basic operator data selected]
2. On the ‘BOD’ page select “II. Organization”, Scroll down to “II.11 Industry standards”, enter your IS-BAO registration:
3. Further down in the “II. Organization’ section” at “II.14 Safety management system (SMS)” select phase 4.
4. The approval comes with 4 pages:

Cologno, 3 May 2016

Subject: Delivery of EASA documents

Dear [Name],

Please find enclosed the original(s) of your document(s) issued by the European Aviation Safety Agency.

Should you have further queries, please do not hesitate to contact us. Please assist us by always quoting your EASA account number in any correspondence with the Agency.

Right to Appeal
You have the right to appeal against this decision of the Agency in accordance with Articles 44-51 of Regulation (EC) No 216/2008. The appeal notification must be filed in writing at EASA within two months from the date of notification of this decision; you are required to pay a fee when lodging the appeal. The appeal notification form and further instructions are available from the EASA website: http://www.easa.europa.eu

Yours sincerely
The Applications Management Team

Contact: approvals@easa.europa.eu

This is a computer generated document valid without an EASA signature.
AUTHORISATION

Type of operation: COMMERCIAL AIR TRANSPORT (CAT)

EASA.TCO.USA-CHARTER, INC.

USA

Doing business as/Trading name: 
State of the operator: USA
AOC or equivalent document number: 

This authorisation confirms that CHARTER, INC. has complied with the requirements of Part-TCO and is entitled to apply for individual operating permits or equivalent documents to perform commercial air transport operations into, within or out of the territory subject to the provisions of the Treaty in accordance with the conditions defined in the specifications in their latest version as published electronically.

This authorisation may be used to apply for individual operating permits.
Remark: Individual operational permits or equivalent documents related to "traffic rights" in the framework of agreements between EU Member States and third countries must be obtained from EU Member States in addition to this authorisation prior to the intended starting date of the operation.

This authorisation is valid whilst the authorised operator remains in compliance with Part-TCO.

Subject to compliance with the foregoing condition, this authorisation will remain valid unless the authorisation or the air operator certificate issued by the state of the operator has been surrendered, suspended or revoked.

For the European Aviation Safety Agency
Date of Issue: 02. MAI 2016

Patrick KY
Executive Director

60038420
TCO Authorisation - CHARTER, INC.

TE.TCO.00009-004 © European Aviation Safety Agency. All rights reserved. ISO9001 Certified.
I) Changes requiring prior authorisation by the Agency

Any of the following changes affecting the terms of an authorisation or associated specifications shall require prior authorisation by the Agency:
1. temporary or permanent cessation of operations;
2. the name of the operator;
3. the operator’s principal place of business;
4. new type of aircraft with different ICAO type designator - included in the fleet;
5. change in the operator’s scope of activities or extensions of privileges, for which EASA has specifically limited or excluded this activity in the TCO specification;
6. restrictions imposed in the operations specifications to the AOC;
7. enforcement measures imposed by a civil aviation authority, including limitations and suspension;
8. any takeover, merger, consolidation or other structural change to the operator’s organisation that could result in a change.

The application for prior authorisation by the Agency shall be submitted by the third country operator at least 30 days before the date of implementation of the intended change. The application shall be performed by submission of an updated Basic Operator Data form in in the TCO web-interface.

II) Changes NOT requiring prior authorisation by the Agency

Changes not listed in paragraph I) above do not require prior authorisation. These changes shall be notified to the Agency before the change is implemented. The notification shall be performed by submission of an updated Basic Operator Data form in in the TCO web-interface.

III) Special Agreement between EASA and the third country operator

Pursuant to ART.210 (c) of Annex 2 to Regulation 432/2014 the Agency hereby agrees with the third country operator the following alleviation:

EASA has provided the operator with specifications associated to the TCO authorisation for “TCO Business aircraft”. Derogating from paragraph i.4 above the operator may use under its TCO authorisation a new type of aircraft without prior authorisation by the Agency under the following conditions:
(a) the change shall be notified to the Agency before the new aircraft is used under the TCO authorisation. The notification shall be performed by submission of an updated Basic Operator Data form in in the TCO Web-Interface; and
(b) the aircraft complies with all applicable ICAO standards and airspace requirements; and (c) the new type of aircraft meets all criteria of “TCO Business aircraft”, meaning that the aircraft:
   i. is not used for scheduled operations.
   ii. is a multi-engine passenger aeroplane
   iii. is operated by multi-crew
   iv. does not exceed an MCTM of 45 500 kg
   v. is not authorized to carry more than 19 passengers
   vi. holds an EASA type certificate
   vii. holds a standard Certificate of Airworthiness
European Aviation Safety Agency

SPECIFICATION associated to TCO Authorisation
(subject to the approved conditions in the AOC and associated operations specifications)

<table>
<thead>
<tr>
<th>Authorisation (2):</th>
<th>EASA.TCO.USA-0020.01</th>
</tr>
</thead>
<tbody>
<tr>
<td>Operator name (3):</td>
<td>CHARTER, INC.</td>
</tr>
<tr>
<td>Date (2):</td>
<td>02 MAI 2016</td>
</tr>
<tr>
<td>Specifications:</td>
<td>Issue 001</td>
</tr>
</tbody>
</table>

Aircraft model (4): TCO Business Aircraft (Multi-engine/multi-crew aircraft with MCTOM not exceeding 45 500 kg and authorised for not more than 19 seats, used for non-scheduled passenger transport or air ambulance flights)

Note: Authorised registration marks are listed in the Agency’s electronic publication.

Types of operation:
- Commercial air transportation
  - Passengers (*)
  - Cargo (*)
  - Other (*)
  (*) As per the latest ADC Operations Specifications issued by the State of the Operator.

Special limitations (2):

<table>
<thead>
<tr>
<th>SPECIAL AUTHORISATIONS</th>
<th>YES</th>
<th>NO</th>
<th>SPECIFICATION</th>
<th>REMARKS</th>
</tr>
</thead>
<tbody>
<tr>
<td>Dangerous goods</td>
<td></td>
<td></td>
<td>(*)</td>
<td>(*) As per the latest ADC Operations Specifications issued by the State of the Operator</td>
</tr>
<tr>
<td>Low visibility operations</td>
<td></td>
<td></td>
<td>RVR (m); (*)</td>
<td>(*) m</td>
</tr>
<tr>
<td>Take Off</td>
<td></td>
<td></td>
<td>CAT; (*)</td>
<td>(*) ft</td>
</tr>
<tr>
<td>Approach and Landing</td>
<td></td>
<td></td>
<td>DH; (*)</td>
<td>(*) m</td>
</tr>
<tr>
<td>RVSM (2)</td>
<td>N/A</td>
<td></td>
<td>(*)</td>
<td>(*)</td>
</tr>
<tr>
<td>ETOPS/EDTO (18)</td>
<td>N/A</td>
<td></td>
<td>Maximum diversion time (2)</td>
<td>(*) min</td>
</tr>
<tr>
<td>Navigation specifications for PBN operations</td>
<td></td>
<td></td>
<td>(*)</td>
<td>(*)</td>
</tr>
<tr>
<td>G1 Imr (19)</td>
<td></td>
<td></td>
<td>(*)</td>
<td>(*)</td>
</tr>
</tbody>
</table>

(2) Insertion of associated operator’s authorisation number.
(3) Issuance date of the operations specifications (dd-mm-yyyy).
(4) Operator’s registered name and the operator’s trading name, if different.
(5) Insert the Commercial Aviation Safety Agency (EASA) designation of the aircraft make, model and series, or model series, if a series has been designated (e.g. Boeing-737-MC or Boeing-777-2xx). The EASA/ICAO taxonomy is available at http://www.icao.int/|/.
(6) Other type of transport (if to be specified) (e.g., emergency medical service).
(7) List the applicable special limitations (e.g. VFR only, day only). * 
(8) List in this column the most permissive criteria for each approval or the approval type (with appropriate criteria).
(9) Insert the approved minimum TOW (in metric tonnes). The TOW is not approved per flight.
(10) Insert the applicable extended approach category (CAT II, IIIA, IIIB or IIC). The minimum TOW in metric tonnes and decision height in feet. One line is used per listed approach category.
(11) "Not applicable (N/A)" box may be checked only if the aircraft maximum ceiling is below 15,000.
(12) Extended range operations (ETOPS) applies only to twin-engined aircraft.
(13) Other authorizations or data sets be entered here, using one line (or one multi-line block) per authorization (e.g. special approach authorization, NMPS, approved navigation performance).