

FAQ n.19135**FAQs:**

[Part-ARO](#), [Air Operations](#), [Regulations](#)

Question:

How do the provisions on code-sharing articulate with the Regulation applying to Third Country Operators (Part TCO)?

Answer:

Reference: Regulation (EU) No 965/2012, Annex III (Part-ORO)

Regarding code-sharing, Regulation (EU) No 965/2012 on air operations requires from the EU Operator, who wishes to enter into a code-sharing agreement with a third country operator (TCO), compliance with the requirements of Annex III to Regulation (EU) No 965/2012. This means the TCO as a code-share partner will undergo comprehensive audits for the initial verification of compliance and continuous compliance with the applicable ICAO standards [[AMC1 ORO.AOC.115\(a\)\(1\)](#)]. These audits can be performed either by the EU operator itself or a third party provider. The AMC ([AMC2 ORO.AOC.115\(b\)](#)) refers to the possibility of using industry standards. The audit will focus on the operational, management and control systems of the TCO (see [AMC1 ORO.AOC.115\(a\)\(1\)](#)).

Continuous compliance of the code-sharing TCO with the applicable ICAO standards will be performed on the basis of a code-share audit programme (see [AMC1 ORO.AOC.115\(b\)](#)).

This means that the audit and verification requirements contained in Part-ORO of Regulation 965/2012 cannot be substituted by a TCO authorisation issued by the Agency. For code-share, an EU operator must, in addition to the TCO authorisation, audit and monitor the TCO.

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