



## NOTICE TO OPERATORS 14-07

<b>Subject:</b>	<b>Code-Share Agreements</b>
<b>Date:</b>	26/09/2014
<b>References:</b>	EC no. 965/2012 (EASA OPS), including ORO.AOC.115 ARO.OPS.105 and related AMCs & GM
<b>Amends:</b>	N/A
<b>Applicability:</b>	Commercial Air Transport operators

### Description:

**This Notice To Operators (NTO) contains information that is for guidance and/or awareness.**

Operators are asked to ensure that this NTO is copied to all members of their staff who may have an interest in the information (including any 'in-house' or relevant outside contractors).

### **1. Introduction**

1.1 Commission Regulation (EU) No. 965/2012, known as the European Aviation Safety Agency (EASA) Air Operations Regulation or EASA-OPS, includes provisions for the regulation of code-share agreements between EU Member State operators and Third-Country Operators (TCOs). 'Code-share' means an arrangement under which an operator places its designator code on a flight operated by another operator, and sells and issues tickets for that flight.

1.2 The purpose of this NTO is to guide and inform Belgian air operators about how compliance with ORO.AOC.115 and ARO.OPS.105 and related Acceptable Means of Compliance (AMCs) and Guidance Material (GM) is to be achieved

### **2. Scope**

2.1 This guidance applies to any Belgian air operator either:

- having entered into a code-share agreement prior to 28 October 2014; or
- renewing, or entering into new, code-share agreements following that date, with TCOs.

### **3. Roles and Responsibilities**

3.1 Belgian air operators – to make code-share statements to the BCAA about code-share agreements with TCOs, having put in place appropriate audit programmes in compliance with the applicable requirements.

3.2 The BCAA – to accept initial and renewal code-share statements; to check that the applicable requirements have been met.



#### 4. Policy

- 4.1 The 'applicable International Civil Aviation Organization (ICAO) Standards' as mentioned in ORO.AOC.115 and ARO.OPS.105 means: The Convention itself, plus Annexes 1, 6, 8 and 19; and Annex 18 if relevant. The International Air Transport Association (IATA) Operational Safety Audit (IOSA) is to be regarded as the default standard, and the scope of any in-house or other third party audits should check compliance with at least the same ICAO Standards
- 4.2 The 'Documented information' to be submitted for initial, renewal and changed code-share agreements is set out in **Form 1194 code share** (in annex).
- 4.3 The acceptable scope for the audit reports is those ICAO Standards addressed by IOSA. Any in-house or other third party audits must cover at least these Standards.
- 4.4 IOSA registration of the TCO is accepted as meeting the requirements of:
- ORO.AOC.115;
  - AMC1 ORO.AOC.115(a)(1);
  - AMC1 ORO.AOC.115(b); and
  - AMC2 ORO.AOC.115(b), paragraph (a).
- Where IOSA registration is to be relied upon, a copy of the latest IOSA audit report will need to be provided.
- 4.5 Operators which do not fall within the scope of the IOSA requirements (due to the equipment operated and/or the type of operation) must comply with the applicable ICAO Standards, and the audit schedule of in-house or other third party audits must therefore cover the applicable ICAO Standards addressed by IOSA.
- 4.6 The audit schedules, renewal audit reports and any other relevant records relating to code-share flights will be sampled by the BCAA as part of the routine oversight of the AOC holder's Compliance Monitoring System (CMS) and Safety Management System (SMS).
- 4.7 Where an AOC holder uses another third-party provider in place of IOSA to audit TCOs, there should be a contract in place and the organisation considered as a sub-contracting organisation. The BCAA will verify that other third-party providers meet audit programme requirements by checking:
- the audit scope against IOSA;
  - how AOC holders have verified auditor competence; and
  - audit frequencies.
- 4.8 Where omissions or non-compliances are identified in initial, renewal or changed code-share statements, a report will be raised with Level 2 findings, and managed in accordance with established BCAA procedures.



**Federal Public Service  
Mobility and Transport**  
*Civil Aviation Authority*

**Belgium Civil Aviation Authority (BCAA)**  
**Kingdom of Belgium**  
*Operations Directorate*  
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**5. Action Required**

All aircraft operators to whom this NTO applies should, as part of their process to transition to EASA-OPS, submit completed code-share statements, in the formats provided, to their assigned Operations Inspector. Thereafter, such statements relating to new, renewal or changed code-share agreements should also be submitted.

**6. Queries**

Any queries or requests for further guidance as a result of this communication should be addressed at the following e-mail address: [ops.queries@mobiliteit.fgov.be](mailto:ops.queries@mobiliteit.fgov.be).

**7. Cancellation**

This Notice to operators will remain in force until its withdrawal.

*For the BCAA,*

**Robbie DECOSTER**  
**Responsible a.i. Operations Directorate**

