Council of the
European Union

Brussels, 17 March 2023
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From:	Secretary-General of the European Commission, signed by Ms Martine DEPREZ, Director
date of receipt:	16 March 2023
To:	Ms Thérèse BLANCHET, Secretary-General of the Council of the European Union
No. Cion doc.:	C(2023) 1679 final
Subject:	CORRIGENDUM to Commission Delegated Regulation of 2 December 2022 amending Regulation (EU) No 452/2014 of 29 April 2014 as regards the technical requirements and administrative procedures related to air operations of third country operators (C(2022) 8695 final)

Delegations will find attached document C(2023) 1679 final.

Encl.: C(2023) 1679 final

EUROPEAN
COMMISSION

Brussels, 16.3.2023
C(2023) 1679 final

CORRIGENDUM

to Commission Delegated Regulation of 2 December 2022 amending Regulation (EU) No 452/2014 of 29 April 2014 as regards the technical requirements and administrative procedures related to air operations of third country operators

(C(2022) 8695 final)

CORRIGENDUM

to Commission Delegated Regulation of 2 December 2022 amending Regulation (EU) No 452/2014 of 29 April 2014 as regards the technical requirements and administrative procedures related to air operations of third country operators

(C(2022) 8695 final)

In the title

for: 'COMMISSION DELEGATED REGULATION (EU) …/... of 2.12.2022 amending Regulation (EU) No 452/2014 of 29 April 2014 as regards the technical requirements and administrative procedures related to air operations of third country operators'

read: 'COMMISSION DELEGATED REGULATION (EU) …/... of 2.12.2022 amending Regulation (EU) No 452/2014 as regards the technical requirements and administrative procedures related to air operations of third country operators'.

In Article 1, in the amendment to Article 2, the heading

for: '*Article 2*'

read: '*Article 2*

Definitions'.

In the Annex, point (1)(c)

for: '(c) Section III is amended as follows:

(ii) point TCO.305 is replaced by the following:'

read: '(c) Section III is amended as follows:

(i) point TCO.305 is replaced by the following:'.

In the Annex, point (2)

for: '(2) Annex 2 is amended as follows:

(a) Section I is amended as follows:

(1) point ART.105 is deleted;

(a) in point ART.110, point (b) is replaced by the following:

‘(b) The Agency shall inform the Member States about the notifications it has received in accordance with point TCO.305 of Annex 1 without any undue delay.’;

(a) in point ART.115, points (a)(5), (a)(6) and (a)(7) are replaced by the following:

‘(5) enforcement measures taken, including fines requested by the Agency in accordance with Regulation (EU) 2018/1139;

(6) the implementation of corrective actions mandated by the Agency in accordance with Article 76(6) of Regulation (EU) 2018/1139; and

(7) the use of flexibility provisions in accordance with Article 71 of Regulation (EU) 2018/1139.’;

(b) Section II is amended as follows:

(ii) in point ART.200, point (b) is replaced by the following:

“(b) The Agency shall complete the initial assessment within 30 days after receipt of all required documents pursuant to point TCO.300 (c) and (d) of Annex 1.

When the initial assessment requires a further assessment or an audit, the assessment period shall be extended for the duration of the further assessment or the audit, as appropriate.’;

(iii) in point ART.200, point (d) is replaced by the following:

‘(d) When the third country operator does not provide the information required for the assessment in accordance with point TCO.300 (c) and (d) of Annex 1 within the timeline established by the Agency, the Agency may decide to suspend the assessment of the application until the information is provided. In this case, the Agency shall inform the third country operator of its decision.’;

(iv) in point ART.200, point (e)(1) is replaced by the following:

‘(1) reject the application when the outcome of the assessment indicates that further assessment will not result in the issue of an authorisation; or’;

(iv) in point ART.200, point (f) is added:

‘(f) When an application from a third country operator was previously rejected or authorisation revoked, the Agency may decide to wait 9 months from the date of revocation or rejection before starting to process the new application.’;'

read: '(2) Annex 2 is amended as follows:

(a) Section I is amended as follows:

(i) point ART.105 is deleted;

(ii) in point ART.110, point (b) is replaced by the following:

‘(b) The Agency shall inform the Member States about the notifications it has received in accordance with point TCO.305 of Annex 1 without any undue delay.’;

(iii) in point ART.115, points (a)(5), (a)(6) and (a)(7) are replaced by the following:

‘(5) enforcement measures taken, including fines requested by the Agency in accordance with Regulation (EU) 2018/1139;

(6) the implementation of corrective actions mandated by the Agency in accordance with Article 76(6) of Regulation (EU) 2018/1139; and

(7) the use of flexibility provisions in accordance with Article 71 of Regulation (EU) 2018/1139.';

(b) Section II is amended as follows:

(i) in point ART.200, point (b) is replaced by the following:

'(b) The Agency shall complete the initial assessment within 30 days after receipt of all required documents pursuant to point TCO.300 (c) and (d) of Annex 1.

When the initial assessment requires a further assessment or an audit, the assessment period shall be extended for the duration of the further assessment or the audit, as appropriate.';

(ii) in point ART.200, point (d) is replaced by the following:

'(d) When the third country operator does not provide the information required for the assessment in accordance with point TCO.300 (c) and (d) of Annex 1 within the timeline established by the Agency, the Agency may decide to suspend the assessment of the application until the information is provided. In this case, the Agency shall inform the third country operator of its decision.';

(iii) in point ART.200, point (e)(1) is replaced by the following:

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'(f) When an application from a third country operator was previously rejected or authorisation revoked, the Agency may decide to wait 9 months from the date of revocation or rejection before starting to process the new application.';'.