Air Traffic Management / Air Navigation Services (ATM/ANS) ground equipment

Application for DPO

Our product will require certification under the new framework and our company would like to become an approved Design or Production Organisation. COMMISSION IMPLEMENTING REGULATION (EU) 2023/1769 includes DPO.OR.A.010 which states: "An application for a

Answer

The “Application for Design or Production Organisation (DPO) Approval" is now available on the EASA Application Services website. Organisations that are interested to become an approved DPO can find the new form (FO.AOA.00085) on the Application forms website. Detailed instructions to help applicants fill in the form are embedded at the bottom of the form itself. Additional information related to DPO and other ATM/ANS topics can be found on the EASA ATM website.

As always, any queries related to the approval of an ATM/ANS Organisation, ATCO Training Organisation, or Design or Production Organisation (DPO) can be sent to: AtmAnsOrg [at] easa.europa.eu.

The process of becoming an approved DPO begins when an organization submits an application. Once an application is received and accepted, an EASA project team will be created and assigned to the project. It is also possible to schedule a “pre-application” meeting with EASA to clarify specific points before an application is formally submitted. However, please be aware that your project schedule may need to accommodate delays that result from scheduling constraints.

Last updated:
03/01/2024

Link:
If a manufacturing company has several subsidiaries in several countries, is a DPO certificate expected for each of the subsidiaries or would there be a way to get an overall for the entire company?

Answer

Any natural or legal person who has demonstrated, or is set to demonstrate, their capability to design or produce ATM/ANS equipment, may apply for a design or production organisation approval under the conditions laid down in EU IR 2023/1769.

In this context, if the legal entity has formalized control over other legal entities (i.e., subsidiaries), then these subsidiaries can be covered by the DPO approval. For example, if the legal corporate entity (aka the “parent company”) submits an application as DPO, then it can choose to include subsidiary organisations under Section 2.3 “Additional Locations” on the DPO application form.

However, be aware that this is not simply a matter of legal definition on paper. The DPO applicant must demonstrate that all subsidiaries are also meeting the requirements needed for DPO approval (e.g., competencies, procedures, etc).

In accordance with ATM/ANS.EQMT.CERT.005 on Eligibility, any natural or legal person who has demonstrated, or is in the process of demonstrating (i.e. is an applicant), their design capability in accordance with point ATM/ANS.EQMT.CERT.010, may apply for the issuance of an ATM/ANS equipment certificate.

A DPO needs an organisation approval at latest by September 2028, but it could already apply now. Formally speaking, the certification process of an ATM/ANS equipment could be launched during the DPO approval process. However, it should be noted that the certificate of ATM/ANS equipment could be issued by EASA only after the DPO is approved. The same applies for an ATM/ANS equipment declaration of design compliance; the DPO could issue the declaration but only after the DPO approval is completed and issued.

Last updated: 03/01/2024

Link: https://www.easa.europa.eu/en/faq/139154
Which cost can be expected to perform a DPO approval?
(external cost, e.g. to be paid to EASA)

Answer

An estimate of workload connected with the approval procedure is provided by EASA as part of the quotation that may be requested in the application. As DPO is an entirely new domain for the Agency, these activities in accordance with the principles in the F&C regulation will be charged on an hourly rate basis. This is stated under Chapter IV, Article 21, Subparagraph 2 (page 10 of Regulation 2019/2153):

“The hourly rates set out in Part II of the Annex shall apply as of the entry into force of this Regulation to any tasks ongoing at the entry into force of this Regulation and for which fees or charges are calculated on an hourly basis.”

The level of effort depends on a number of specific factors linked to the organization itself and the type of equipment under consideration, so the assessment is done based on the documentation and exposition of activities accompanying the application. This is why EASA only provides detailed estimates in conjunction with a submitted application. The following provides additional detail:

- An applicant is entitled to request a financial quotation, and the Agency will provide the quotation before starting the investigation. This ensures that the DPO applicant has all the financial elements to make a business decision. An applicant can request a financial estimate (including working hours) via point 8 of the Application form. After submitting the application, EASA will reply with a quotation of estimated cost. Invoicing will be done based on the actual effort.
- The production of the estimate should not last more than a few working days, in parallel to the assessment of technical and administrative eligibility of the application, and the information is provided to the applicant. Procedurally, there is a maximum period of 90 days for the applicant to evaluate the quote and accept it.
- If the applicant would decide not to accept the quotation, there would be no fees/charges incurred. The investigation would start once the quotation is accepted.
- It is also important to be aware that an approved DPO organisation will incur additional costs under the EASA oversight activity. This oversight activity will also be invoiced for hours worked and travel costs.

If an organization has other questions linked to filling out the DPO application forms
or about the logic applied to the initial investigation in order to better prepare the approach, it is possible to schedule a “pre-application” meeting with EASA to clarify specific points before an application is formally submitted.

**Last updated:**
03/01/2024

**Link:**

**In order to apply for EASA acceptance of an FAA approval, does our company have to be EASA DPO approved beforehand?**

**Answer**

In accordance with ATM/ANS.EQMT.CERT.005 on Eligibility, any natural or legal person who has demonstrated, or is in the process of demonstrating (i.e. is an applicant), their design capability in accordance with point ATM/ANS.EQMT.CERT.010, may apply for the issuance of an ATM/ANS equipment certificate.

A DPO needs an organisation approval at latest by September 2028, but it could already apply now. Formally speaking, the certification process of an ATM/ANS equipment could be launched during the DPO approval process. However, it should be noted that the certificate of ATM/ANS equipment could be issued by EASA only after the DPO is approved. The same applies for an ATM/ANS equipment declaration of design compliance; the DPO could issue the declaration but only after the DPO approval is completed and issued.

**Last updated:**
03/01/2024

**Link:**

**In order to perform maintenance and support of equipment produced by our company and that is already is deployed in Europe, does our company need to be an approved DPO?**

**Answer**
Maintenance is commonly understood to mean the act of keeping equipment in good condition by making repairs, correcting problems, etc (aka “routine maintenance”). However, it can also be understood to refer to changes to equipment to reflect development of requirements and standards. Responsibilities in relation to “routine maintenance” are in the sphere of the ATM/ANS provider’s responsibilities as prescribed under EU 373 and are performed following the instructions/manuals provided by the design and production organisation of the equipment.

While it is possible for an ANSP to outsource the maintenance to the manufacturer, the responsibility for demonstrating compliance remains with the ANSP. In contrast, an upgrade to equipment is normally associated with a change to the functions, including the methods and technology used. These changes/upgrades might affect the demonstration of compliance of the equipment with the applicable detailed specifications, with the potential of having an impact on the validity of the certificates or declarations. Therefore, they are in the sphere of responsibility of the design or production organization (DPO). This does not prevent that certain changes could be implemented by the user of the equipment (ATM/ANS provider) but always under the control and conditions prescribed by the approved DPO.

**Last updated:**
03/01/2024

**Link:**

**What about homemade ANSP equipments? Does the ANSP need to be accredited as a DPO?**

**Answer**

It depends on the criticality and the categories. For example, Air/Ground communication is certified equipment, so it need to be certified. If it involves AIS or MET, then there are two possibilities: a Statement of Compliance can be issued by the ANSP, or the ANSP can contract this to an approved DPO.

**Last updated:**
03/01/2024

**Link:**
If an ANSP designs and builds an integrated system, e.g. integrating software from various suppliers onto a data centre infrastructure (noting this may involve "DPO" activities, and some specifications can only be fully implemented/verified at this level)

Answer

In those cases, yes, the ANSP has to be certified as an approved DPO to have those privileges.

Last updated: 03/01/2024


Classification or notification of changes

Major and minor changes (Major/Minor changes) - the description of what is a major and what is a minor change (for major changes, the need to issue an SoC/Declaration/Certificate) is defined in general terms in the regulatory proposals. There was no conse

Answer

The definition of major/minor changes are provided at the AMC/GM level. Further details on the delineation between minor and major changes will be clarified in the forthcoming set of AMC/GM associated to Regulation (EU) 2023/1769 and apply regardless of when the system was deployed/implemented.

Last updated: 03/01/2024

The new regulation does not require a notification and documentation of a small change - in cases where the SoC is not changed. A different approach compared to today's DoVs, which cover the entire life cycle of a component/equipment - for small changes,

Answer

The details for the notification and management (incl.) documentation) of minor changes are illustrated at AMC/GM level.

Last updated:
03/01/2024

Link:

Acceptance of approvals issued by third countries

Some of the equipment produced by our company has FAA approval and some equipment does not. For the FAA approved equipment, can you confirm that our company can send an application to have the FAA certification accepted by EASA?

Answer

It is acknowledged that there is an agreement between the USA and the EU on cooperation in the regulation of civil aviation safety (i.e., via a Bilateral Aviation Safety Agreement (BASA)). However, there currently is no Technical Implementation Procedures (TIP) for ATM/ANS equipment in place to allow direct acceptance/recogniton of FAA approvals/certificates. However, data that was used to obtain the FAA approval may be “re-used” by any natural or legal person who has demonstrated, or is in the process of demonstrating, their design capability (i.e. as an approved DPO) should they elect to apply for the issue of an ATM/ANS equipment certificate or wish to declare a design compliance.

Last updated:
Categorisation of systems or equipment

We are still not sure, in which category some specific equipment falls and thus we would appreciate a more detailed allocation oversight of specific systems to categories (e.g. electr. flight strips; network equipment, Server HW, virtualisation and operat

Answer

First step is to assess the scope of the equipment and which function it supports. This assessment will determine the category to which it belongs.

Last updated: 03/01/2024

Division of today's EATMN components into CA categories. For some existing systems, the categorization is debatable (e.g. EFS). Does the new regulation require anything similar as so called “distribution of systems and constituents within the functional

Answer

The new regulatory framework clearly defined the ATM/ANS equipment subject to the various attestation methods – certification/ declaration of design compliance and statement of compliance. The scope will be further illustrated at DS/AMC/GM level.

Last updated: 03/01/2024
Does a Primary Surveillance Radar (PSR) being provided to the European Union require certification under Regulation (EU) 2023/1768? If so, are there any published detailed specifications for PSRs?

**Answer**

No, the Primary Surveillance Radar (PSR) does not require certification. Since the PSR is used to provide surveillance data for the purpose of ensuring safe and interoperable air navigation, it is ATM/ANS equipment that falls under Article 5, paragraph 1(b) of the Commission Delegated Regulation (EU) 2023/1768. Therefore, a PSR would require a declaration of design compliance (see also ANNEX III of Regulation (EU) 2023/1768) rather than certification. An approved DPO (per Regulation (EU) 2023/1769)) has the authority to issue a declaration that a PSR is compliant with:

1. the general specifications of DS-GE.CER/DEC, “Part 1”, and
2. the specific detailed specifications of DS-GE.CER/DEC, “Part 3”, if any.

**Last updated:**

03/01/2024

**Commercial off the shelf (COTS) systems or equipment**

Is it correct to assume that COTS IT/network elements (e.g. servers, routers, switches) do not have the need for certification or declaration, if they are not part of the equipment subject to certification/declaration? E.g. certified software is delivered

**Answer**
Boundaries of the system / constituent are defined by the DPO. As such, COTS IT equipment can be well outside of the system subject to certification / declaration. Such system can be composed of SW only.

When a certain equipment requires underlying/supporting infrastructure (e.g. IT, network, cloud), the characteristics and requirements for this infrastructure are to be defined by the DPO and provided to the ANSP with the installation and operation instructions and any other integration requirements. The underlying infrastructure does not necessitate to be part of the equipment design and therefore does not necessarily form part of the certification envelope.

**Last updated:**
03/01/2024

**Link:**

### Cloud-based architectures

**How the case of an ANSP cloud based architecture and a SW application produced by a DP0 which is subject to certification or declaration will be handled ?**

**Answer**

The ANSP has to demonstrate to meet the functional requirements and the interface requirements. If the system is cloud based, then it is possible that the information security aspects may require specific scrutiny. However, the requirements are not dictating any specific architecture or HW/SW.

**Last updated:**
03/01/2024

**Link:**

### Development Assurance for Software or Hardware

**Who is going to define software/SWAL requirements for**
particular ATM/ANS system? EASA, ANSP,...?

Answer

At this point in time, there are not specific SWAL requirements for ATM/ANS GE but perhaps it will follow the processes used in Airborne certification. SW requirements are not in the standards.

Currently, the SW requirements contained in the general specifications are guidance material. The manufacturer is expected to define the SWAL depending on the function and criticality it supports. However, a declaration of "fit for use" is important.

In the future, EASA may be introducing SW standards used in airworthiness.

From NPA 2022-09:

In terms of hardware assurance, it is important to highlight that the new framework and the underpinning EASA detailed specifications, are built around functionalities and aimed to be agnostic in terms of the architecture of the equipment. No particular architecture is prescribed, leaving it up to the design or production organisation to define the architecture of their product in terms of software, hardware and their integration. The only requirement in terms of hardware introduced by the detailed specifications is that hardware is to be suitable to its intended use, and the hardware architecture should be considered in the assessment of that suitability.

In terms of software, the detailed specifications require software to be designed with an assurance level that is commensurate with the effects of a failure. This is a very common approach in many industries both in aviation and beyond, and EASA cannot see how this could be very demanding or constraining evolution. No industry standard is introduced as acceptable means of compliance for software assurance (ED-109 and ED-153 are just mentioned as guidance material, as they are the standards most widely used by the European ATM/ANS industry), and there are no requirements for any software certification

Last updated: 03/01/2024


Did I understand correctly that SWAL assignment and stating
that equipment is safe for use is moved to DPOs? I got that impression from previous sessions and disagree since safety (as security) depends on the operational usage of the equipment. What is yo

**Answer**

The SWAL will be developed and declared by the DPO. It is their design choice. It is assumed that the DPOs will perform adequate assessment in order to allocate the appropriate SWAL. The ANSP has to assess if the SWAL declared by the DPO is the suitable for the integration they intend to perform.

**Last updated:**
03/01/2024

**Link:**

If the SW DAL of equipment depends on ANSP ATM functions. How do you garantee that certified/declared equipement will be available with such expected level? Aren't we creating a chicken and egg issue?

**Answer**

This is similar to the case of safety objectives; the market will provide products that are demanded by the ANSPs. If an ANSP requests an assurance level for SW that is different from what is broadly used by the industry, it will have to be developed.

**Last updated:**
03/01/2024

**Link:**

**Non-compliance**

The implementation of a change from the awarding of a public contract to the introduction into operation is a long-term
process, during which the following situations may occur (we are considering the transition period): - Issuance of the specification fo

Answer

The new regulatory framework consisting of 5 regulations has been published on 15 September 2023 and will be applicable as from beginning of October 2023. Any DS/AMC/GM will be associated to facilitate the implementation of the ATM/ANS ground equipment conformity assessment. If a regulated party is not in a position to apply any of the requirements, the Flexibility provisions under Article 71 of EASA BR could be applied for a certain period of time.

Last updated: 03/01/2024


For a system subject to SoC: If there is a documented non-compliance with some detailed specification, does that automatically mean, it must not be put into operation, or can it be put into operation based on some evaluation criteria? If yes, which are th

Answer

Considering that the detailed specifications are “soft law”, deviations to the detailed specifications (i.e., non-compliances) can be declared within the statement of compliance. Please refer to the associated AMC/GM Article 6 of the Delegated Act.

Last updated: 03/01/2024


Partnership Agreements
What is the process to follow for an NSA to support EASA in its activity?

Answer

There will be need for coordination and information exchange between EASA and NSAs. If the question is about possible contribution of NSA into EASA assessments, then it is reminded that partnership agreements are possible. EASA intends to make use of that instrument, to get support from NSAs when needed.

Last updated: 03/01/2024


Registry of certificates, statements of compliance, defects

Does EASA plan to publish an EU-open database recording: a. Certified DPO with the details of the certificates (validity, etc.), b. Certified GE with the details of the certificates, c. Issued SoC by ANSP or DPO, d. Known defects on certified and declare

Answer

Some of the elements of the list will be included in EASA registry that is going to be created. For elements A and B, EASA needs to consider which info could be public. EASA does not anticipate the need for C at the moment. For d. the information will be made available to interested parties, for example, for occurrence reporting. This needs to be assessed internally, but at the moment EASA does not anticipate making this available for public information.

Last updated: 03/01/2024

Link: https://www.easa.europa.eu/en/faq/139183
**Scope/Applicability**

We assume that only those systems are subject to Certification/Declaration/SoC, where applicable specific Detailed Specifications have been issued. Is this assumption correct?

**Answer**

In fact, systems that require attestation are defined in Articles 4, 5 and 6 of the Delegated Regulation (EU) 2023/1768. All these systems have to fulfil at least the general requirements contained in the detailed specifications. Additionally, systems will have to comply to specific detailed specifications in case they are available.

**Last updated:**
03/01/2024

**Link:**

We assume that Electronic Flight Strips are not subject to certification (EFS does not fall into 3b, as EFS does not provide separation of aircraft or prevention of collision, it is not 3a either, there it must be 3c). Please confirm.

**Answer**

EFS falls in the scope of the ATC equipment that supports ATCO’s in providing separation.

**Last updated:**
03/01/2024

**Link:**

What parts of the system need to be certified/how can we define the equipment/constituent that needs to be certified. E.g. Flight strips System with several servers, operating system and virtualisation, switches, operating position equipment plus
some sof

Answer

It is a decision of the DPO to set the boundaries of the equipment that they wish to certify/declare.

COTS HW is not automatically excluded because it is COTS. However, if COTS HW is part of the supporting infrastructure, then it may fall out of the product boundaries.

Last updated: 03/01/2024


Is the following requirement applicable for all ATM/ANS Equipment in "PART 2 — ATM/ANS equipment subject to certification / Subpart A — Air traffic services: "DS GE.CER.ATS.110 ATS recording ATM/ANS equipment specified in this Subpart is to provide re

Answer

Yes, it is applicable for all in Part 2.

Last updated: 03/01/2024


DoV refers to the systems structured according to support of the functions and services provided within the functional system defined by the respective ANSP, while SoC refers to components/equipment. DoV also covers the integration process within ANSP, wh

Answer
Not exactly. E.g. point 3 of Annex VIII (Essential requirements) of EASA Basic Regulation also refers to “The systems and procedures shall include in particular those required to support the following functions and services (...)
Thus, the principle is the same. As regards the integration, it remains as today the ATM/ANS provider’s responsibilities as only the ANSP has the global picture of the complete functional systems and how it will behave or continue to behave after the integration.

Last updated:
03/01/2024

Link:

The DoV is also documenting the integration of components/devices into the provider's systems within its FS, the new regulatory framework does not cover this integration - the SoC issuing process ends before the device is integrated into the FS, the integ

Answer

Yes, the integration should be assessed as part of the change to the functional system.

Last updated:
03/01/2024

Link:

In Part 3, Subpart C, what about PSR and SMR?

Answer

They will be introduced in due course, at further updates, as EASA moves forward. Hopefully, before the transition period expires.

Last updated:
03/01/2024
Could you please elaborate a bit more on the SoCs in case there are no detailed specifications? If no there are no detailed specifications, then no SoC is required, right? Otherwise, any single and simple system would need SoC.

Answer

Correct, if there are no detailed specifications, then the equipment would not require a Statement of Compliance. However, if the equipment falls within the definitions provided in the Detailed Specifications (DSs), then it will have to be assessed against the general part.

Last updated: 03/01/2024

From your explanations, we infer that if we need to put into service a system but there are no DSs, then we only need to comply with the GENERAL part of the DSs: Is this interpretation right?

Answer

That is correct.

Last updated: 03/01/2024

Means of compliance (MOC)

Should the ATM/ANS Equipment Release Form attach external documentation/evidence how the GE is compliant with the AMCs
and DSs?

Answer

The release form is a declaration that what the manufacturer produced is in compliance with the applicable detailed specifications. There is no requirement or need for additional evidences.

Last updated: 03/01/2024


Conformity assessment during the transition period

We assume that all systems in operation before September 13 are grandfathered and only need SoC after major changes. Please confirm.

Answer

According to the transitional provisions, systems in operation before 5 October (entry into force date) holding EC declarations in accordance with Regulation (EU) No 552/2004 are deemed to have been issued with certificate, declaration, or statement of compliance.

In case of major change, there is a need to reissue the SoC.

Last updated: 03/01/2024

Link: https://www.easa.europa.eu/en/faq/139195

What happens with the equipment sold by a DPO during the transition period and installed by the ANSP but at the end of the transition period, the DPO is not certified by EASA?
During provisional period, it is possible to issue a statement of compliance (SoC). It becomes legacy equipment at the start of 2028. Therefore, legacy ATM/ANS GE issued with a SoC during this transition period (2023-2028) will be subject to evaluation by EASA and subject to certification/declaration. After 2028, this path will be closed.

Last updated: 03/01/2024


In the following scenario, an ANSP put into service a GE (i.e. ADS-B) with its SoC, in September 2028 the manufacturer is not approved as DPO. Should the ANSP deinstall it and deploy a GE from another DPO?

Answer

Between 2023 and 2028, attestation of equipment is achieved though a SoC. After 2028, there will be an EASA evaluation. If those equipment are installed, they will remain in operation. But if they need to be updated/modified, there will be a need to conduct certification/declaration.

Last updated: 03/01/2024


Does it mean that if during the transition period there is only one DPO but many manufactures, ANSPs are not forced to procure the equipment from that DPO? They can thus procure an equipment from non-DPO manufacturers till September 2028?

Answer
EASA confirms that during transition period, the main means for attestation will be the Statement of Compliance (SoC) by the ANSP.

To have a certificate of equipment, we need to have an approved DPO. However, during the transitional period, there may not be many approved DPOs. Therefore, the main means would be the SOC.

During the transition period (2023-2027) there will be a mixture of DPOs and equipment that is certified, and Statements of Compliance (SoC). If there is a certificate of conformity, then there is no need for the ATM/ANS provider to issue a SoC.

**Last updated:**
03/01/2024

**Link:**

For SoC and DoV, we assume that the issuance of existing DoVs will be simply replaced by the issuance of SoCs (at least within the transitional period until 2028, once the DoV or its part are to be change). Is this correct?

**Answer**

During the transition period (13 September 2028):

- ATM/ANS equipment subject to certification and ATM/ANS equipment subject to declaration of design compliance shall be deemed to have been issued with a certificate or declaration respectively in accordance with Article 4 or Article 5 on a provision basis, i.e. unless the Agency determine based on an assessment that such ATM/ANS equipment does not ensure a level of safety, security, performance and interoperability equivalent to that required by Regulation (EU) 2018/1139 and the new delegated act.

- ATM/ANS equipment which is subject to a statement of compliance, the EC declarations of verification (DoV) of systems that have been issued shall continue to be valid for an unlimited duration and shall be deemed to have a statement of compliance pursuant to Article 6 of the new delegated act.

**Last updated:**
Implementation support to stakeholders

What is the EASA plan to ensure wide communication towards ATM GE providers and common understanding of the regulation framework?

Answer

EPAS 2023-2025 contains 3 new tasks, 2 for the regulatory activities (covering the detailed specifications, AMC and GM material), and also 1 task requiring implementation support to Stakeholders (National Supervisory Authorities). EASA is also thinking about additional ways that materials can provided to any stakeholder to facilitate common understanding (e.g. Specific trainings and presentations, FAQs, etc).

Last updated:
03/01/2024

Link: