European Union Aviation Safety Agency

# 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 design or production organisation approval shall be made in a form and manner established by the Agency". Where can I find these these forms, and how does the application process work in practice?

**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.

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03/01/2024

**Link:**

https://www.easa.europa.eu/en/faq/139153

## 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.

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## 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.

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## In order to apply for EASA acceptance of a Federal Aviation Administration (FAA) approval, does our company have to be an EASA-approved design or production organisation (DPO) beforehand?

**Answer**

The current EU-USA Bilateral Agreement and the EASA-FAA Technical Implementation Procedures (TIP) do not address ATM/ANS ground equipment conformity assessment and ATM/ANS design or production organisation approval.

In accordance with ATM/ANS.EQMT.CERT.005 '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. This includes non-EU (e.g., US) stakeholders.

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## In order to perform maintenance and provide support of equipment produced by our company and that is already deployed in Europe, does our company need to be an approved design or production organisation (DPO)?

**Answer**

Responsibilities in relation to ‘routine maintenance’ are in the sphere of the ATM/ANS provider’s responsibilities as prescribed under Regulation (EU) 2017/373, and are performed following the instructions/manuals provided by the design and production organisation of the equipment.

Therefore, there is no need to become an approved DPO in order to perform the maintenance.

In contrast, a change to already deployed equipment must be performed in accordance with Regulation (EU) 2023/1768. During the transition period, the air navigation service provider (ANSP) may change the equipment using a 'Statement of Compliance'. However, after the transition period, the implementation of changes for equipment subject to Article 4 or 5 will require an approved DPO.

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**Link:**
https://www.easa.europa.eu/en/faq/139157

## What about home-made 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 communciation 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.

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## 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) is the ANSP expected to certify as a DPO?

**Answer**

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

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https://www.easa.europa.eu/en/faq/139163