

Executive Director Decision

2023/016/R

of 26 October 2023

issuing the following:

Issue 1 of the Acceptable Means of Compliance and Guidance Material

to the articles of Commission Delegated Regulation (EU) 2023/1768

‘AMC & GM to the articles of Commission Delegated Regulation (EU) 2023/1768 — Issue 1’

‘Conformity assessment of ATM/ANS equipment’

THE EXECUTIVE DIRECTOR OF THE EUROPEAN UNION AVIATION SAFETY AGENCY (EASA),

Having regard to Regulation (EU) 2018/1139¹, and in particular Articles 76(3) and 104(3)(a) thereof,

Whereas:

- (1) Acceptable means of compliance are non-binding standards issued by EASA, which are used by persons and organisations to show compliance with Regulation (EU) 2018/1139 and with the delegated and implementing acts adopted on the basis thereof, or with the certification specifications and detailed specifications.
- (2) Guidance material is non-binding material issued by EASA, which helps to illustrate the meaning of delegated or implementing acts or certification specifications and detailed specifications, and which is used to support the interpretation of Regulation (EU) 2018/1139, the delegated and implementing acts adopted on the basis thereof, and of certification specifications and detailed specifications.
- (3) Commission Delegated Regulation (EU) 2023/1768² of 14 July 2023 lays down detailed rules for the certification and declaration of air traffic management/air navigation services systems and air traffic management/air navigation services constituents.

¹ Regulation (EU) 2018/1139 of the European Parliament and of the Council of 4 July 2018 on common rules in the field of civil aviation and establishing a European Union Aviation Safety Agency, and amending Regulations (EC) No 2111/2005, (EC) No 1008/2008, (EU) No 996/2010, (EU) No 376/2014 and Directives 2014/30/EU and 2014/53/EU of the European Parliament and of the Council, and repealing Regulations (EC) No 552/2004 and (EC) No 216/2008 of the European Parliament and of the Council and Council Regulation (EEC) No 3922/91 (OJ L 212, 22.8.2018, p. 1) (<https://eur-lex.europa.eu/legal-content/EN/TXT/?qid=1535612134845&uri=CELEX:32018R1139>).

² <https://eur-lex.europa.eu/legal-content/EN/TXT/?uri=CELEX%3A32023R1768&qid=1696924092642>

- (4) EASA shall, pursuant to Article 4(1)(a) of Regulation (EU) 2018/1139, reflect the state of the art and the best practices in the field of aviation, taking into account worldwide aviation experience and scientific and technical progress in the respective fields.

This Decision issues the acceptable means of compliance and guidance material to facilitate the application of that Regulation.

- (5) EASA, pursuant to Article 115(1)(c) of Regulation (EU) 2018/1139 and Article 6 of the EASA Rulemaking Procedure³, widely consulted the interested parties on the content of this Decision, considered the comments received, and provided thereafter a written response to the comments received through the consultation⁴,

HAS DECIDED:

Article 1

The Acceptable Means of Compliance and Guidance Material to the articles of Commission Delegated Regulation (EU) 2023/1768 are laid down in the Annex to this Decision.

Article 2

This Decision shall enter into force on the day following that of its publication in the Official Publication of EASA.

Cologne, 26 October 2023

For the European Union Aviation Safety Agency

The Acting Executive Director

Luc TYTGAT

³ EASA is bound to follow a structured rulemaking process as required by Article 115(1) of Regulation (EU) 2018/1139. Such a process has been adopted by the EASA Management Board (MB) and is referred to as the 'Rulemaking Procedure'. See MB Decision No 01-2022 of 2 May 2022 on the procedure to be applied by EASA for the issuing of opinions, certification specifications and other detailed specifications, acceptable means of compliance and guidance material ('Rulemaking Procedure'), and repealing Management Board Decision No 18-2015 (<https://www.easa.europa.eu/the-agency/management-board/decisions/easa-mb-decision-01-2022-rulemaking-procedure-repealing-mb>).

⁴ <http://easa.europa.eu/document-library/comment-response-documents>