

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/nl/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?

Answer

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.

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Link:

<https://www.easa.europa.eu/nl/faq/139197>

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 through 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.

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<https://www.easa.europa.eu/nl/faq/139198>

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.

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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.

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