

Acceptable Means of Compliance and Guidance Material for the certification and declaration of air traffic management/air navigation services systems and air traffic management/air navigation services constituents

AMC & GM to Annex I (Part- ATM/ANS.EQMT.AR) to Commission Delegated Regulation (EU) 2023/1768

Issue 1

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¹ For the date of entry into force of this Issue, kindly refer to ED Decision 2024/001/R at the [Official Publication](#) of EASA.

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GM1 ATM/ANS.EQMT.AR.A.030 ATM/ANS equipment directives

ATM/ANS EQUIPMENT DIRECTIVE IN CASE OF DISCONTINUATION OF DPO APPROVAL

Certificates of ATM/ANS equipment issued in accordance with Article 4 and declarations of design compliance of ATM/ANS equipment issued in accordance with Article 5 lose their validity in case the holder of the certificate/issuer of the declaration of design compliance is no longer compliant with Implementing Regulation (EU) 2023/1769.

In the above situations, EASA would typically:

- (a) revoke the certificate or deregister the declaration of design compliance, as appropriate;
- (b) inform ATM/ANS providers that are users of the ATM/ANS equipment concerned and their competent authorities, as in the absence of an approved DPO with appropriate privileges from that moment on:
 - the affected ATM/ANS equipment cannot be integrated into any functional system as the requirements in ATM/ANS.OR.A.045 (g) of Implementing Regulation (EU) 2017/373 will be no longer met;
 - the affected ATM/ANS equipment already integrated into a functional system cannot be modified until a valid certificate or declaration is in place, in accordance with points ATM/ANS.OR.A.045 (g)(1) and (g)(2) of Implementing Regulation (EU) 2017/373. This requires another DPO with appropriate privileges to take responsibility for the compliance of the equipment with the applicable technical specifications;
 - the continuous operation of the ATM/ANS equipment already integrated into the functional system of ATM/ANS providers may not necessarily be immediately impacted. However, ATM/ANS providers will have to consider how the absence of the DPO impacts the suitability for use of the equipment, the defined conditions of use, and any prescribed limitations; and
- (c) issue an ATM/ANS equipment directive to replace the ATM/ANS equipment concerned in case an unsafe, insecure, under-performing or non-interoperability condition has been identified or is likely to develop, as in the absence of a DPO with appropriate privileges and responsibility for ensuring that the equipment continues complying with the applicable technical specifications, design changes to the ATM/ANS equipment to restore performance are not possible. This ATM/ANS equipment directive will be addressed to all known users of the ATM/ANS equipment and their competent authorities.

Note: In case the DPO approval is still valid, e.g. during a suspension/revocation process, EASA will require the DPO to make appropriate descriptive data and accomplishment instructions available to all known users of the ATM/ANS equipment and their competent authorities.

Urgent operational needs might require certain exceptions to the principles described above, allowing integration or modification of equipment without a valid certificate or declaration. In those cases, the exemptions are to be managed under the flexibility provisions in Article 71 of Regulation (EU) 2018/1139, subject to all relevant conditions laid down in such article. In particular, the Member State must provide adequate justification for the following aspects:

- (1) it is not possible for another DPO to obtain a valid certificate or issue a declaration for the equipment;
 - (2) safety, environmental protection and compliance with the applicable essential requirements are ensured, where necessary through the application of mitigation measures;
 - (3) any possible distortion of market conditions as a consequence of the granting of the exemption will be mitigated as far as possible; and
 - (4) the exemption is limited in scope and duration to the extent strictly necessary and it is applied in a non-discriminatory manner; and
- (d) take any other necessary further enforcement measures which are necessary to mitigate the consequences of the discontinuation of a DPO approval.

GM1 ATM/ANS.EQMT.AR.B.001(a)(1) ATM/ANS equipment certification basis

DETAILED SPECIFICATIONS

The ATM/ANS equipment certification basis is established on the basis of the detailed specifications that were effective on the date of application and applicable for that certificate.

The validity period of an application for the issue of an ATM/ANS equipment certificate may be extended, as per point ATM/ANS.EQMT.CERT.015(e)(2). In such a case, the certification basis is then revised accordingly.

It is also possible for an applicant to elect to comply with a detailed specification that became applicable after the date of the submission of the application.

EASA will assess whether the proposed certification basis is appropriate.

During the transitional period, detailed specifications may not be fully developed, and only the general part of the detailed specifications might be available and applicable for the ATM/ANS equipment. Additional technical specifications will then be proposed by the DPO to be part of the certification basis.

AMC1 ATM/ANS.EQMT.AR.B.001(b) ATM/ANS equipment certification basis

Additional features, characteristics or functions not specified into the applicable detailed specifications should be addressed through demonstration to provide assurance that their inclusion in the certification basis does not detrimentally interfere with those specified in the applicable detailed specifications, as per point ATM/ANS.EQMT.CERT.025(f), when demonstrating the suitability of the ATM/ANS equipment for its intended use.