



European Union Aviation Safety Agency

Notice of Proposed Amendment 2024-05 (B)

in accordance with Article 6 of MB Decision 01-2022

**Draft Implementing Regulation (EU) .../.... laying down detailed rules
and administrative procedures for the certification and declaration of
safety-related aerodrome equipment**

and

Proposed amendments to Regulation (EU) No 139/2014

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Proposed amendments

The text of the amendment is arranged to show deleted, new or amended text as follows:

- deleted text is ~~struck through~~;
- new or amended text is highlighted in **blue**;
- an ellipsis, '[...]', indicates that the rest of the text is unchanged.

COMMISSION IMPLEMENTING REGULATION (EU) .../.... — Preamble**Preamble**

THE EUROPEAN COMMISSION,

Having regard to the Treaty on the Functioning of the European Union,

Having regard to 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(1), and in particular Articles 36(1) and 62(13),

Whereas:

- (1) Regulation (EU) 2018/1139 establishes common essential requirements to provide for a high uniform level of civil aviation safety in the Union and to ensure that safety-related aerodrome equipment is fit for the intended purpose.
- (2) Detailed specifications should be established to ensure compliance with the essential requirements; those detailed specifications should whenever possible rely on International Civil Aviation Organization Standards and Recommended Practices and on recognised industry standards from Standards Developing Organisations (SDOs) that reflect the state of the art and best design practices. The design and production of safety-related aerodrome equipment should be carried out with consideration given to requirements to issue certificates and declarations of design compliance and in line with the detailed specifications issued by the European Union Aviation Safety Agency ('the Agency').
- (3) *reserved*

HAS ADOPTED THIS REGULATION:

COMMISSION IMPLEMENTING REGULATION (EU) .../.... — Articles**Article 1 Subject matter and scope**

This Regulation lays down common technical requirements and administrative procedures for the certification and declaration of design compliance of safety-related aerodrome equipment. This Regulation lays down the rules on:

- (a) identifying safety-related aerodrome equipment that is subject to either certification or declaration;

- (b) issuing certificates for safety-related aerodrome equipment;
- (c) issuing declarations of compliance of safety-related aerodrome equipment by organisations involved in the design and production of safety-related aerodrome equipment;
- (d) issuing declarations of design and production capability by organisations involved in the design and production of safety-related aerodrome equipment;
- (e) issuing safety-related aerodrome equipment directives by the Agency.

Article 2 Definitions

For the purpose of this Regulation, the following definitions apply:

1. 'safety-related aerodrome equipment directive' means a document issued by the Agency that mandates actions to be performed by safety-related aerodrome equipment manufacturers and where applicable by aerodrome operators to address an unsafe and/or insecure condition that has been identified and restore the performance and interoperability of that safety-related aerodrome equipment when evidence shows that the safety, security, performance or interoperability of that particular equipment may otherwise be compromised.
2. *reserved*

Article 3 Competent authority

The competent authority responsible for issuing certificates for safety-related aerodrome equipment in accordance with Article 4, for accepting declarations of compliance of safety-related aerodrome equipment in accordance with Article 5, and for accepting declarations of design and production capability by organisations involved in the design and production of safety-related aerodrome equipment, shall be the Agency. For that purpose, the Agency shall comply with the requirements laid down in Annex I.

Article 4 Certification of safety-related aerodrome equipment

Safety-related aerodrome equipment that provides information directly to the flight crew to enable them to execute the flight safely shall be issued with a certificate as set out in Annex II.

Article 5 Declaration of design compliance of safety-related aerodrome equipment

1. Safety-related aerodrome equipment that supports aerodrome operations personnel to ensure the safe operation of an aircraft at the aerodrome shall be issued with a declaration of design compliance as set out in Annex III.



2. By way of derogation from paragraph 1, safety-related aerodrome equipment subject to declaration may be issued with a certificate at the request of the equipment manufacturer.

Article 6 Declaration of design and production capability

An organisation involved in the design and production of safety-related aerodrome equipment may declare its design and production capability in accordance with Annex IV.

Article 7 Transitional provisions

1. The Agency shall comply with the requirements laid down in Annex I to this Regulation before *[2 years following the date of publication in the Official Journal]*.
2. A certificate for safety-related aerodrome equipment or the submission of a declaration of design compliance by an organisation involved in the design and production of safety-related aerodrome equipment shall be required for applications submitted to the Agency after *[2 years following the date of publication in the Official Journal]*.
3. Safety-related aerodrome equipment that is subject to this Regulation and already used at an aerodrome within the scope of Regulation (EU) 2018/1139, unless included in the aerodrome certificate, shall be evaluated by the Agency within 5 years from the date of entry into force of this Regulation. For that purpose, the competent authority responsible for the certification and oversight of aerodromes referred to in point ADR.AR.A.005 of Regulation (EU) No 139/2014 shall provide the Agency with the relevant information to facilitate this evaluation. The objective of that evaluation shall be to determine whether the relevant safety-related aerodrome equipment ensures a level of safety, security, performance and interoperability equivalent to that required by Regulation (EU) 2018/1139 and this Regulation. The Agency shall publish the results of the evaluation, and any measure to change the safety-related aerodrome equipment identified by the evaluation shall be applied after 3 years following the publication of the evaluation, unless the evaluation reveals a deficiency that may have a detrimental effect on safety. If a deficiency that may have a detrimental effect is detected, any measure to change the safety-related aerodrome equipment revealed by the evaluation shall be applied immediately.
4. Safety-related aerodrome equipment that is subject to certification in accordance with Article 4 or a declaration of design compliance in accordance with Article 5 may be put into operation from the date of entry into force of this Regulation until 2 years following that date, on the basis of a statement of compliance made by the organisation involved in the design and production of safety-related aerodrome equipment. At the end of the 2-year period, the following provisions shall apply to such safety-related aerodrome equipment:
 - (a) safety-related aerodrome equipment that falls within the category of equipment that requires certification in accordance with Article 4 and for which a statement of compliance was issued by the organisation involved in the design and production of that equipment shall



be deemed to have been issued with a certificate in accordance with Article 4 unless the Agency determines, following the evaluation referred to in paragraph 5, that such safety-related aerodrome equipment does not ensure a level of safety, security, performance and interoperability equivalent to that required by Regulation (EU) 2018/1139 and this Regulation;

- (b) safety-related aerodrome equipment that falls within the category of equipment that requires a declaration of design compliance in accordance with Article 5 and for which a statement of compliance was issued by the organisation involved in the design and production of that equipment shall be deemed to have been issued with a declaration of design compliance in accordance with Article 5, unless the Agency determines, following the evaluation referred to in paragraph 5, that such safety-related aerodrome equipment does not ensure a level of safety, security, performance and interoperability equivalent to that required by Regulation (EU) 2018/1139 and this Regulation.
5. The Agency shall evaluate the safety-related aerodrome equipment referred to in paragraph 4 not later than *[5 years after publication in the Official Journal]*. For that purpose, the competent authorities for the certification and oversight of aerodromes referred to in point ADR.AR.A.005 of Regulation (EU) No 139/2014 shall provide the Agency with the relevant information to facilitate this evaluation. The objective of that evaluation shall be to determine whether the particular safety-related aerodrome equipment meets a level of safety, security, performance and interoperability equivalent to that required by Regulation (EU) 2018/1139 and this Regulation.

Article 8 Entry into force

This Regulation shall enter into force on the twentieth day following that of its publication in the *Official Journal of the European Union*.



ANNEX I — REQUIREMENTS FOR THE AGENCY (Part-ADR.EQMT.AR)**SUBPART A — GENERAL REQUIREMENTS (ADR.EQMT.AR.A)****ADR.EQMT.AR.A.001 Scope**

This Annex establishes the requirements for the administration and management systems of the Agency when it exercises its tasks and responsibilities with regard to:

- (a) the issuance, maintenance, amendment, limitation, suspension or revocation of certificates for safety-related aerodrome equipment;
- (b) the verification, acceptance and registration of declarations for safety-related aerodrome equipment;
- (c) the acceptance of declarations of design and production capability by organisations involved in the design and production of safety-related aerodrome equipment, their oversight and enforcement tasks;
- (d) the oversight of safety-related aerodrome equipment; and
- (e) the conditions and procedures for the accreditation of qualified entities by the Agency.

ADR.EQMT.AR.A.005 Certification, oversight and enforcement documentation

The Agency shall make available to its staff all applicable legislative acts, standards, rules, technical publications and related documentation to allow them to perform their tasks and discharge their responsibilities.

ADR.EQMT.AR.A.010 Means of compliance

- (a) The Agency shall develop acceptable means of compliance (AMC) that may be used to demonstrate compliance with Regulation (EU) 2018/1139 and the delegated and implementing acts adopted on the basis thereof.
- (b) Alternative means of compliance may be used to demonstrate compliance with this Regulation.
- (c) The Agency shall establish a system to consistently evaluate the alternative means of compliance used by organisations under its oversight to allow for the establishment of compliance with this Regulation.
- (d) The Agency shall evaluate all the AltMoC proposed by an organisation involved in the design and production of safety-related aerodrome equipment by analysing the documentation provided and, if considered necessary, conducting an inspection of the organisation.



- (e) When the Agency finds that the alternative means of compliance establish compliance with this Regulation, it shall without undue delay notify the organisation that the proposed alternative means of compliance may be used.

ADR.EQMT.AR.A.015 Immediate reaction to a safety, security and interoperability problem

- (a) Without prejudice to Regulation (EU) No 376/2014 of the European Parliament and of the Council, and the delegated and implementing acts adopted on the basis thereof, the Agency shall implement a system to appropriately collect, analyse, and disseminate safety, security and interoperability information.
- (b) Upon receiving the information referred to in point (a), the Agency shall take appropriate measures to address any identified safety, security, or interoperability problem, including the issuing of safety directives in accordance with point ADR.EQMT.AR.A.025.
- (c) The measures taken under point (b) shall immediately be notified to the organisation concerned, who is obliged to comply with them, in accordance with point ADR.DPO.OR.A.030 of Regulation (EU) No 139/2014. The competent authority of the aerodrome operator concerned shall also be notified.

ADR.EQMT.AR.A.020 Immediate reaction to an information security incident or vulnerability with an impact on aviation safety

- (a) The Agency shall implement a system to appropriately collect, analyse, and disseminate information related to information security incidents and vulnerabilities with a potential impact on aviation safety that are reported by organisations. This shall be done in coordination with any other relevant authorities responsible for information security or cybersecurity within the Member State to increase the coordination and compatibility of reporting schemes.
- (b) Upon receiving the information referred to in point (a), the Agency shall take adequate measures to address the potential impact on aviation safety of the information security incident or vulnerability.
- (c) Measures taken in accordance with point (b) shall immediately be notified to all persons or organisations that shall comply with them under Regulation (EU) 2018/1139 and the delegated and implementing acts adopted on its basis. The Agency shall also notify those measures, when combined action is required, to the competent authorities of the Member States concerned.

ADR.EQMT.AR.A.025 Safety directives

- (a) The Agency shall issue a safety directive when:



- (1) an unsafe, insecure, underperformance or non-interoperability condition has been determined by the Agency to exist in the equipment as a result of a deficiency in the equipment;
 - (2) that condition is likely to exist or develop in other equipment; and
 - (3) demonstration of compliance with any amended or additional specification established by the Agency is necessary.
- (b) The directive shall be forwarded to the organisations concerned and the competent authorities for aerodromes in the Member States, as appropriate, and shall contain at least the following information:
- (1) identification of the unsafe, insecure, underperformance or non-interoperability condition;
 - (2) the affected safety-related aerodrome equipment;
 - (3) the required action(s) and their rationale, including the amended or additional specifications that have to be complied with;
 - (4) the accomplishment time for the required action(s); and
 - (5) the date of entry into force.

ADR.EQMT.AR.A.030 Detailed specifications for equipment design compliance

- (a) The Agency shall establish and make available detailed specifications that organisations may use to demonstrate compliance with the relevant essential requirements set out in Annex VII and, if applicable, Annex VIII to Regulation (EU) 2018/1139, when they:
- (1) apply for the certification of safety-related aerodrome equipment in accordance with Article 4 of this Regulation;
 - (2) declare compliance of safety-related aerodrome equipment in accordance with Article 5 of this Regulation.
- (b) The detailed specifications referred to in point (a) shall indicate design standards that reflect the state of the art and best design practices, and that build on valuable experience gained and scientific and technical progress, and on the best available evidence and analyses as regards safety-related aerodrome equipment.

SUBPART B — MANAGEMENT (ADR.EQMT.AR.B)



ADR.EQMT.AR.B.001 Management system

- (a) The Agency shall establish and maintain a management system, including, as a minimum, the following elements:
- (1) documented policies and procedures to describe its organisation, means and methods to establish compliance with Regulation (EU) 2018/1139 and the delegated and implementing acts adopted on its basis, as necessary, for the exercise of its certification, oversight and enforcement tasks; the procedures shall be kept up to date and serve as the basic working documents within the Agency for all related tasks;
 - (2) a sufficient number of personnel to perform its tasks and discharge its responsibilities under this Regulation; a system shall be in place to plan the availability of personnel in order to ensure the proper completion of all related tasks;
 - (3) personnel who are qualified to perform their allocated tasks and have the necessary knowledge and experience, and have received initial and recurrent training to ensure their continuing competence;
 - (4) adequate facilities and offices to perform the allocated tasks;
 - (5) a function to monitor the compliance of the management system with the relevant requirements and the adequacy of the procedures, including the establishment of an internal audit process and a safety risk management process; the compliance-monitoring function shall include a system to provide feedback about audit findings to the senior management of the Agency to ensure the implementation of corrective actions as necessary;
 - (6) a person or group of persons ultimately responsible to the senior management of the Agency for the compliance-monitoring function.
- (b) The Agency shall, for each field of activity included in the management system, appoint one or more persons with the overall responsibility for the management of the relevant task(s).
- (c) The Agency shall establish procedures for its participation in a mutual exchange of all the necessary information with any other competent authority(ies) referred to in Article 3 of Regulation (EU) No 139/2014 and, if applicable, Article 4 of Implementing Regulation (EU) 2017/373 and provide them with assistance or request assistance from them, including any information that stems from mandatory and voluntary occurrence reporting as required by point ADR.DPO.OR.A.035.
- (d) The management system established and maintained by the Agency shall comply with Annex I (Part-IS.AR) of Implementing Regulation (EU) 2023/203 in order to ensure the proper management of information security risks that may have an impact on aviation safety.



ADR.EQMT.AR.B.005 Changes in the management system

- (a) The Agency shall have a system in place to identify those changes that affect its capability to perform its tasks and discharge its responsibilities as set out in Regulation (EU) 2018/1139 and the delegated and implementing acts adopted on the basis thereof. That system shall enable the Agency to take action, as appropriate, to ensure that the management system remains adequate and effective.
- (b) The Agency shall update its management system to reflect any changes to Regulation (EU) 2018/1139 and the delegated and implementing acts adopted on the basis thereof, in a timely manner, so as to ensure the effective implementation of its management system.

ADR.EQMT.AR.B.010 Allocation of tasks to qualified entities

When the Agency decides to allocate tasks related to the certification of, or acceptance of declarations for, safety-related aerodrome equipment subject to this Regulation, the acceptance of declarations of design and production capability by organisations involved in the design and production of safety-related aerodrome equipment or their continuing oversight to qualified entities, it shall do so in accordance with Regulation (EU) 2024/1403.

ADR.EQMT.AR.B.015 Record-keeping

- (a) The Agency shall establish and maintain a record-keeping system that provides for the adequate storage, accessibility and reliable traceability of:
 - (1) the management system's documented policies and procedures;
 - (2) the training, qualifications, and authorisation of personnel as required by point ADR.EQMT.AR.B.001(a)(3);
 - (3) the allocation of tasks to qualified entities, covering the elements required by point ADR.EQMT.AR.B.010, as well as the details of the allocated tasks;
 - (4) the process related to the acceptance of declarations of design and production capability by organisations involved in the design and production of safety-related aerodrome equipment, the certification process, the registration of declarations of safety-related aerodrome equipment and the continuing oversight thereof, including:
 - (i) all valid declarations of capability to design and produce safety-related aerodrome equipment by organisations involved in the design and production of safety-related aerodrome equipment;
 - (ii) safety-related aerodrome equipment certificates issued, including any changes to them that it has issued;



- (iii) all valid declarations of safety-related aerodrome equipment that it has registered;
 - (iv) the Agency's continuing oversight programme, including all assessment, audit and inspection records;
 - (v) a copy of the oversight programme listing the dates when audits are due and when audits were carried out;
 - (vi) copies of all formal correspondence;
 - (vii) recommendations for the issue or continuation of a certificate or continuation of the registration of a declaration, details of findings and actions taken by the organisations to close them, including the date of closure of each item, enforcement actions and observations;
 - (viii) any assessment, audit or inspection report;
 - (ix) copies of all organisation handbooks, procedures and processes or manuals and amendments to them;
 - (x) copies of any other documents approved by the Agency;
- (5) the notification and evaluation of the alternative means of compliance proposed by organisations involved in the design and production of safety-related aerodrome equipment and the assessment of these alternative means of compliance;
- (6) safety information, safety directives and follow-up measures;
- (7) the use of flexibility provisions pursuant to Article 76(4) of Regulation (EU) 2018/1139.
- (b) The Agency shall maintain a list of all the certificates it has issued and of any declarations it has registered.
- (c) All the records referred to in points (a) and (b) shall be stored in a manner that ensures protection against damage, alteration and theft, and kept for a minimum period of 5 years after the certificates cease to be valid or the declarations are withdrawn, subject to the applicable data protection law.

SUBPART C – CERTIFICATION, DECLARATION, OVERSIGHT, AND ENFORCEMENT (ADR.EQMT.AR.C)

ADR.EQMT.AR.C.005 Initiation of the certification process

- (a) Upon receiving an application for the initial issue of a certificate, the Agency shall assess the application and shall verify compliance with the applicable requirements.
- (b) The Agency shall establish and notify the applicant of the certification basis in accordance with ADR.EQMT.AR.C.010.



ADR.EQMT.AR.C.010 Safety-related aerodrome equipment certification basis

- (a) The Agency shall establish the certification basis and notify it to the applicant for a safety-related aerodrome equipment certificate. The certification basis shall consist of the following:
- (1) detailed specifications issued by the Agency in accordance with point ADR.EQMT.AR.A.030 that are applicable to the safety-related aerodrome equipment and are applicable on the date of submission of the application for that certificate, unless:
 - (i) the applicant chooses to comply, or is required to comply, in accordance with point ADR.EQMT.CERT.015(d), with detailed specifications that became applicable after the date of the submission of the application, in which case the Agency shall include in the certification basis any other specifications that are directly related; or
 - (ii) the Agency accepts any alternative to a determined detailed specification that cannot be complied with, for which compensating factors have been found that provide an equivalent level of safety or to ensure equivalence with the applicable specifications; and
 - (2) any special conditions prescribed by the Agency in accordance with point ADR.EQMT.AR.C.015.
- (b) The possible inclusion of additional features, characteristics or functions not initially included in the certification basis shall be agreed by the Agency.

ADR.EQMT.AR.C.015 Special conditions

- (a) The Agency shall establish additional requirements, named 'special conditions', for safety-related aerodrome equipment if the related applicable detailed specifications are not deemed adequate or appropriate, because of one of the following:
- (1) the safety-related aerodrome equipment has novel or unusual design features relative to the design practices on which the applicable detailed specifications are based;
 - (2) the intended use of the safety-related aerodrome equipment is unconventional;
 - (3) experience with similar safety-related aerodrome equipment in service having similar design features or newly identified risks have shown that unwanted conditions may develop;
 - (4) the environment at the location of installation physically prevents the fulfilment of certain requirements of the applicable detailed specifications.



- (b) Special conditions contain safety, performance, security, and interoperability standards that the Agency finds necessary to ensure that the appropriate level of performance of the safety-related aerodrome equipment is equivalent to that required by the applicable detailed specifications.

ADR.EQMT.AR.C.020 Level of involvement

- (a) The Agency shall determine its level of involvement in the verification of compliance-demonstration activities and data related to an application for the issue of a certificate or for changes to it. It shall determine this based on the assessment of subjective groups of compliance-demonstration activities and data from the compliance-demonstration plan.

The assessment shall address the following:

- (1) the likelihood of unidentified non-compliance with the certification basis;
- (2) the potential impact of that non-compliance on the safety, security, service specifications and functioning of the safety-related aerodrome equipment.

It shall consider at least the following elements:

- (i) novel or unusual features of the compliance-demonstration plan, including operational, organisational and knowledge-management aspects;
 - (ii) the complexity of the design and/or the demonstration of compliance;
 - (iii) the criticality of the design or the technology, the related safety, security or service-compliance risks and the functioning of the safety-related aerodrome equipment, including those identified in similar designs; and
 - (iv) the performance and experience of the applicant in the domain concerned.
- (b) The Agency shall notify its level of involvement to the applicant, and it shall update its level of involvement when this is warranted by information that has an appreciable impact on the risk previously assessed in accordance with point (a). The Agency shall notify the applicant about any change in the level of involvement.

ADR.EQMT.AR.C.025 Issue of a safety-related aerodrome equipment certificate

- (a) The Agency shall issue a certificate for safety-related aerodrome equipment, provided that all of the following conditions are met:
- (1) the applicant has demonstrated compliance with point ADR.EQMT.CERT.015;



- (2) the Agency has not identified any non-compliance with the safety-related aerodrome equipment certification basis through the verification of the compliance-demonstration activities determined in accordance with point ADR.EQMT.CERT.025;
 - (3) no feature or characteristics have been identified that may render the equipment unsafe for the intended use.
- (b) The certificate shall include the operating limitations, the maintenance instructions, the applicable equipment certification basis with which the Agency records compliance, and any other conditions or limitations prescribed in the applicable specifications and special conditions.

ADR.EQMT.AR.C.030 Initial oversight investigation of declaration of design compliance of safety-related aerodrome equipment

- (a) Upon receiving a declaration of design compliance of safety-related aerodrome equipment from an organisation involved in the design and production of safety-related aerodrome equipment, the Agency shall acknowledge receipt of the declaration and shall verify that the following is complied with:
- (1) the declaration contains all the information specified in point ADR.EQMT.DEC.015;
 - (2) the declaration does not contain information that indicates a non-compliance with the applicable requirements of Annex III to this Regulation and no feature or characteristic has been identified that may render the equipment unsafe for the intended use.
- (b) The declaration of design compliance shall include the operating limitations, the maintenance instructions, the applicable detailed specifications with which the manufacturer has demonstrated compliance, and any other conditions or limitations set out in the applicable detailed specifications and special conditions.
- (c) If the declaration contains information that indicates non-compliance with the applicable detailed specifications and special conditions, the Agency shall notify the manufacturer concerned about the non-compliance and request further information, corrective actions and evidence thereof.

ADR.EQMT.AR.C.035 Registration of a declaration of design compliance of safety-related aerodrome equipment

The Agency shall register a declaration of design compliance of safety-related aerodrome equipment in a suitable database, provided that:

- (a) the declarant has declared compliance of the safety-related aerodrome equipment design in accordance with ADR.EQMT.DEC.015;
- (b) the declarant has committed to undertake the obligations laid down in Annex III;



- (c) there are no unresolved issues in accordance with point ADR.EQMT.AR.C.030.

ADR.EQMT.AR.C.040 Changes to declarations

- (a) Upon receiving a notification of changes in accordance with point ADR.EQMT.DEC.025, the Agency shall acknowledge receipt of the notification of the changes and shall verify the completeness of the notification in accordance with point ADR.EQMT.AR.C.030.
- (b) When the change(s) affects (affect) any aspect of the declaration that is registered in accordance with ADR.EQMT.AR.C.035, the Agency shall update the database.
- (c) Upon completion of the activities required by points (a) and (b), the Agency shall acknowledge receipt of the notification to the organisation involved in the design and production of safety-related aerodrome equipment.

SUBPART D — DECLARATION, OVERSIGHT AND ENFORCEMENT

DESIGN PRODUCTION ORGANISATIONS OF SAFETY-RELATED AERODROME EQUIPMENT (ADR.EQMT.AR.D)

ADR.EQMT.AR.D.001 Initial oversight investigation

- (a) Upon receiving a declaration of design compliance of safety-related aerodrome equipment from an organisation declaring its design and production capability, the Agency shall verify that:
- (1) the declaration contains all the information specified in point (b) of point ADR.DPO.OR.010; and
 - (2) the declaration does not contain information that indicates a non-compliance with the requirements of Annex IV of this Regulation.
- (b) The Agency shall acknowledge the receipt of the declaration.

ADR.EQMT.AR.D.005 Registration of a declaration of design and production capability

The Agency shall register the declaration of design and production capability on a suitable database, provided that:

- (a) the declarant has declared its capability in accordance with point ADR.DPO.OR.A.010;
- (b) there are no unresolved issues in accordance with point ADR.EQMT.AR.D.001.



ADR.EQMT.AR.D.010 Oversight programme

(a) The Agency shall establish and update annually an oversight programme taking into account the specific nature of the organisations it oversees, the complexity of their activities and the results of past certification or oversight activities, and shall base it on the assessment of the associated risks. The oversight programme shall include audits, which shall:

- (1) cover all the areas of potential concern, with a focus on those areas where problems have been identified in the past;
- (2) cover all the organisations, certificates and declarations under the Agency's oversight;
- (3) cover the means implemented by the organisations to ensure the competence of their personnel;
- (4) ensure that audits are conducted in a manner commensurate with the level of the risk posed by the organisation's activities;
- (5) ensure that, for organisations under its supervision, an oversight planning cycle not exceeding 36 months is applied.

The oversight planning cycle may be reduced if there is evidence that the safety performance of the organisation has decreased.

The oversight planning cycle may be extended to a maximum of 48 months if the Agency has established that during the previous 24 months:

- (i) the organisation has continuously demonstrated compliance with the change management requirements under point ADR.DPO.OR.B.005;
- (ii) no level 1 findings referred to in ADR.EQMT.AR.D.015 have been issued;
- (iii) all corrective actions referred to in ADR.EQMT.AR.D.015 have been implemented within the time period accepted or extended by the Agency as defined in point ADR.EQMT.AR.D.015.

If, in addition to points (i), (ii) and (iii), the organisation has established an effective continuous reporting system to the Agency as regards its regulatory compliance, which has been approved, the oversight planning cycle may be extended to a maximum of 48 months;

- (6) ensure the follow-up of the implementation of corrective actions referred to in ADR.EQMT.AR.D.015;
- (7) be subject to consultation with the organisations concerned and thereafter its notification;
- (8) indicate the planned intervals of the inspections of the different sites, if necessary.

(b) The Agency may decide to modify the objectives and the scope of the preplanned audits, including documentary reviews and additional audits, wherever that need arises.



- (c) The Agency shall decide which arrangements, elements, physical locations and activities are to be audited within a specified time frame.
- (d) Audit observations and findings issued in accordance with point ADR.EQMT.AR.D.015 shall be documented.
- (e) The findings shall be supported by evidence and identified in terms of applicable requirements and their implementation arrangements against which the audit has been conducted.
- (f) An audit report, including the details of findings and observations, shall be prepared and communicated to the organisation concerned.

ADR.EQMT.AR.D.015 Changes to the information security management system

- (a) For changes managed and notified to the Agency in accordance with the procedure set out in point IS.I.OR.255(a) of Annex II (Part-IS.I.OR) to Implementing Regulation (EU) 2023/203, the Agency shall include the review of such changes in its continuing oversight programme in accordance with the principles laid down in point ADR.EQMT.AR.D.010. If any non-compliance is found, the Agency shall notify the organisation thereof, request further changes and act in accordance with point ADR.EQMT.AR.D.020.
- (b) With regard to other changes requiring an application for approval in accordance with point IS.I.OR.255(b) of Annex II (Part-IS.I.OR) to Implementing Regulation (EU) 2023/203:
 - (1) upon receiving the application for the change, the Agency shall check the organisation's compliance with the applicable requirements before issuing the approval;
 - (2) the Agency shall establish the conditions under which the organisation may operate during the implementation of the change;
 - (3) if it is satisfied that the organisation complies with the applicable requirements, the Agency shall approve the change.

ADR.EQMT.AR.D.020 Findings, corrective actions and enforcement measures

- (a) When the Agency, during investigation, oversight or by any other means, identifies any non-compliance with the applicable requirements of Regulation (EU) 2018/1139 and the delegated and implementing acts adopted on the basis thereof, of a procedure or manual required by those Regulations, or of a certificate or declaration issued in accordance with those Regulations, it shall, without prejudice to any additional action required by those Regulations, raise a finding.
- (b) The Agency shall have a system to analyse findings for their safety and interoperability significance.



- (c) A level 1 finding shall be issued by the Agency when it identifies any significant non-compliance with the safety-related aerodrome equipment certification basis as per point ADR.EQMT.AR.C.010 that may lead to uncontrolled non-compliance and to a potential unwanted condition.

Level 1 findings shall include but are not limited to the following:

- (1) any failure to grant the Agency access to the organisation's or legal person's facilities during normal operating hours and after two written requests;
 - (2) providing wrong information or falsified documentary evidence;
 - (3) any evidence of malpractice or fraudulent use of a certificate or declaration issued in accordance with this Regulation;
 - (4) the lack of an accountable manager or head of the design and production organisation, as applicable.
- (d) A level 2 finding shall be issued by the Agency when any non-compliance is detected with the applicable requirements of Regulation (EU) 2018/1139 and the delegated and implementing acts adopted on the basis thereof, of a procedure or manual required by those Regulations, or of a declaration issued in accordance with those Regulations, and the non-compliance is not classified as a level 1 finding.
- (e) The Agency shall communicate the finding to the organisation or the natural or legal person concerned in writing, and require it to take corrective action to address the non-compliance(s) identified.
- (f) If there are any level 1 findings, the Agency shall immediately take appropriate enforcement measures and may, if appropriate, suspend or revoke the certificate or deregister the declaration until successful corrective action has been taken by the organisation or the natural or legal person.
- (g) For level 2 findings, the Agency shall grant the organisation or the natural or legal person a corrective action implementation period that is appropriate to the nature of the finding. The period shall commence from the date of the written communication of the finding to the organisation or the natural or legal person, requiring corrective action to address the non-compliance identified. At the end of this period, and subject to the nature of the finding, the Agency may extend the period, provided that a corrective action plan has been agreed by the Agency.

The Agency shall assess the corrective action and the implementation plan proposed by the organisation or the natural or legal person, and, if the assessment concludes that they are sufficient to address the non-compliance(s), accept these.

If an organisation or natural or legal person fails to submit an acceptable corrective action plan, or to perform the corrective action within the time period accepted or extended by the Agency, the finding shall be raised to a level 1 finding and action shall be taken as laid down in point (f).

- (h) For those cases where level 1 and level 2 findings are not required, the Agency may use observations.



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- (i) The Agency shall:
- (1) suspend a certificate if it considers that there are reasonable grounds that such action is necessary to prevent a credible threat to the safety, security, performance or interoperability of safety-related aerodrome equipment;
 - (2) issue a safety-related aerodrome equipment directive under the conditions of point ADR.EQMT.AR.A.025;
 - (3) suspend, revoke or limit a certificate if such action is required in accordance with point (c);
 - (4) take immediate and appropriate action that is necessary to limit or prohibit the activities of an organisation or a natural or legal person if it considers that there are reasonable grounds that such action is necessary to prevent a credible threat to safety-related aerodrome equipment;
 - (5) temporarily or permanently deregister a declaration of design compliance of safety-related aerodrome equipment if it considers that there are reasonable grounds that such action is necessary to prevent a credible threat to the safety, security, performance or interoperability of safety-related aerodrome equipment;
 - (6) take any further enforcement measures that are necessary to ensure that any non-compliance with the essential requirements of Annex VII and, if applicable, Annex VIII to Regulation (EU) 2018/1139 and with this Annex, is rectified and, where necessary, mitigate its consequences.
- (j) Upon taking enforcement measures in accordance with point (i), the Agency shall notify them to the addressee, state the reasons for them and inform the addressee of its right to appeal.



ANNEX II — CERTIFICATION OF SAFETY-RELATED AERODROME EQUIPMENT (Part-ADR.EQMT.CERT)

ADR.EQMT.CERT.001 Scope

This Annex establishes the procedures for the issue of certificates for safety-related aerodrome equipment, and the rights and obligations of the applicant for, and holder of, those certificates.

ADR.EQMT.CERT.005 Eligibility

Any natural or legal person that has demonstrated or is in the process of demonstrating, their design and production capability in accordance with ADR.EQMT.CERT.010, may apply for the issue of a safety-related aerodrome equipment certificate under the conditions laid down in this Annex.

ADR.EQMT.CERT.010 Demonstration of capability

An applicant for a safety-related aerodrome equipment certificate shall demonstrate their capability as follows:

- (a) for design by using procedures setting out the specific design practices, resources and sequence of activities, and for production by ensuring satisfactory coordination between design and production through appropriate procedures; or
- (b) by declaring to the Agency their design and production capability.

ADR.EQMT.CERT.015 Application for a safety-related aerodrome equipment certificate

- (a) An application for a safety-related aerodrome equipment certificate, or for changes to it, shall be made in a form and manner established by the Agency.
- (b) An application for a certificate shall include, as a minimum:
 - (1) preliminary descriptive data about the equipment and its intended use;
 - (2) a proposed certification basis, including means of compliance and any proposed deviations from the identified applicable specifications established by the Agency;
 - (3) a compliance demonstration plan detailing the means and methods of compliance that shall be updated by the applicant when there are changes to the certification project that affect point (2) or any changes to the means and methods of compliance.



- (c) An application for the issue of a safety-related aerodrome equipment certificate shall be valid for 3 years unless the applicant demonstrates at the time of application that they require a longer time to demonstrate compliance of their product and the Agency agrees to extend that time.
- (d) If a safety-related aerodrome equipment certificate has not been issued, or it is evident that it will not be issued, within the time limit provided for in point (c), the applicant may:
 - (1) submit a new application and comply with the certification basis, as established and notified by the Agency in accordance with point ADR.EQMT.AR.C.010 on the date of submission of the new application; or
 - (2) apply for an extension of the time limit provided for in point (c) and propose a new date for the issue of the certificate; in that case, the applicant shall comply with the certification basis, as established and notified by the Agency in accordance with point ADR.EQMT.AR.C.010 for a date to be selected by the applicant; however, that date shall not precede the new date proposed by the applicant for the issue of the certificate by more than 5 years for an application for the issue of a safety-related aerodrome equipment certificate.

ADR.EQMT.CERT.020 Changes that require the issue of a new safety-related aerodrome equipment certificate

An applicant that proposes changes to safety-related aerodrome equipment shall apply for the issue of a new certificate where the changes in the design or the functionality of that equipment are so extensive that a complete investigation of compliance with the applicable certification basis is required.

ADR.EQMT.CERT.025 Demonstration of compliance with the certification basis

- (a) An applicant for a certificate shall, following the acceptance of the compliance demonstration plan by the Agency and in accordance with its contents:
 - (1) demonstrate compliance with the applicable certification basis as established and notified to the applicant by the Agency in accordance with point ADR.EQMT.AR.C.010; and
 - (2) provide the Agency with the means by which such compliance has been demonstrated.
- (b) An applicant for a certificate shall record demonstrations of compliance within the compliance documents as referred to in the compliance demonstration plan.
- (c) An applicant for a safety-related aerodrome equipment certificate shall update the compliance demonstration plan with the updated certification basis in case the Agency identifies the need for the applicant to do so, following the initial submission established in accordance with point ADR.EQMT.CERT.010.



- (d) An applicant shall report to the Agency any difficulty or event encountered during the process of demonstration of compliance or in the compliance demonstration plan or any other circumstances that may require a change to the level of involvement of the Agency previously notified to the applicant in accordance with point ADR.EQMT.AR.C.020(b).
- (e) When carrying out testing and inspections to demonstrate compliance in accordance with point (a), the applicant shall have verified and documented this verification prior to carrying out any test:
- (1) for the test specimen, that:
 - (i) the materials and processes adequately conform to the specifications for the proposed design;
 - (ii) the constituent parts of the equipment adequately conform to the drawings in the proposed design;
 - (iii) the manufacturing processes, construction and assembly adequately conform to those specified in the proposed design; and
 - (2) that the test and measuring equipment used for the test were adequate for the test and appropriately calibrated.
- (f) The applicant shall allow the Agency to:
- (1) review any data and information related to the demonstration of compliance;
 - (2) witness or carry out any test or inspection conducted for the purpose of the demonstration of compliance.
- (g) Upon completion of the compliance demonstration, the applicant shall declare to the Agency that:
- (1) it has demonstrated compliance with the certification basis, as established and notified by the Agency, following the compliance demonstration plan; and
 - (2) no feature or characteristic has been identified that may render the safety-related aerodrome equipment unsafe for the uses for which demonstration is requested.

ADR.EQMT.CERT.030 Safety-related aerodrome equipment design

- (a) The safety-related aerodrome equipment design shall consist of:
- (1) the drawings and specifications, and a listing of those drawings and specifications, necessary to define the configuration and the design features shown to comply with the certification basis;
 - (2) information on the process and methods of manufacture and assembly of the product necessary to ensure the conformity of the safety-related aerodrome equipment;



- (3) an approved limitations section of the instructions for continued suitability as defined by the applicable detailed certification specifications;
 - (4) any other data that allows by comparison the determination of the suitability of the design.
- (b) Each design shall be adequately identified.

ADR.EQMT.CERT.040 Duration and continued validity of a certificate

- (a) A safety-related aerodrome equipment certificate shall be issued for an unlimited duration if the manufacturer of the safety-related aerodrome equipment has declared to the Agency its design and production capability. In all other cases, the certificate shall be issued for a duration of 8 years. It shall remain valid except where:
- (1) the safety-related aerodrome equipment no longer complies with its certification basis; or
 - (2) the certificate has expired, been surrendered by its holder or been revoked by the Agency.
- (b) Upon surrender or revocation of the certificate, if issued in a paper format, it shall be returned to the Agency without delay.

ADR.EQMT.CERT.045 Record-keeping

The applicant shall record and retain all relevant design information, drawings and test reports, including inspection records and tests, to ensure the availability of necessary information for continued compliance verification. This documentation shall be maintained in an accessible manner, facilitating the Agency's review and inspection process in accordance with point ADR.EQMT.CERT.070.

ADR.EQMT.CERT.050 Manuals

The holder of a safety-related aerodrome equipment certificate, where relevant, shall produce, maintain and update master copies of all manuals required by the applicable certification basis, and provide copies, on request, to the Agency.

ADR.EQMT.CERT.055 Maintenance instructions

- (a) The holder of a safety-related aerodrome equipment certificate shall, where relevant, furnish at least one set of complete maintenance instructions, comprising descriptive data and accomplishment instructions prepared in accordance with the applicable certification basis, to all known users and shall make them available on request to any other person that is required to comply with any of these maintenance instructions.
- (b) Changes to the maintenance instructions shall be made available to all known users and shall be made available on request to any person that is required to comply with any of these maintenance



instructions. A programme that shows how changes to the maintenance instructions are made available to all known users shall be submitted to the Agency.

ADR.EQMT.CERT.060 Changes to the safety-related aerodrome equipment certification basis

- (a) Any change to the safety-related aerodrome equipment shall require prior approval by the Agency.
- (b) The applicant shall demonstrate to the satisfaction of the Agency that the changes, and the areas affected by the changes, comply with the certification basis established by the Agency, in accordance with point ADR.EQMT.AR.C.010.
- (c) By way of derogation from point (a), if the applicant has declared its design capability to the Agency in accordance with Annex IV of this Regulation, the changes within the scope of the organisation privileges shall be managed following a management procedure accepted by the Agency and shall be limited to the specific configuration(s) of the safety-related aerodrome equipment to which the changes relate.
- (d) In application of point (c), the holder of a safety-related aerodrome equipment certificate shall have a system in place to identify the scope of the changes to the safety-related aerodrome equipment as 'minor' or 'major'.

ADR.EQMT.CERT.065 Safety-related aerodrome equipment directives

When a safety-related aerodrome equipment directive is issued to correct the condition referred to in point (a) of ADR.EQMT.AR.A.025, the holder of the safety-related aerodrome equipment certificate, unless otherwise determined by the Agency in case urgent action is needed, shall:

- (a) propose appropriate corrective action and submit details of that proposal to the Agency for approval;
- (b) following the approval by the Agency, make available to all known users of the safety-related aerodrome equipment, and, on request, to any person required to comply with the safety-related aerodrome equipment directive, appropriate descriptive data and accomplishment instructions.

ADR.EQMT.CERT.066 Partners, suppliers and subcontractors

The holder of a safety-related aerodrome equipment certificate shall:

- (a) conduct and regularly update a criticality assessment of its supply chain to categorise partners, suppliers and subcontractors based on the direct impact their products or services have on the safety and regulatory compliance of the safety-related aerodrome equipment;



- (b) ensure that critical entities identified in accordance with point (a) make available all relevant documentation, records and data and facilitate access to facilities, products and processes as deemed necessary by the Agency;
- (c) maintain the documentation of the criticality assessment and inform partners, suppliers and subcontractors about the requirements for compliance verification; this documentation shall be made available to the Agency on request.

ADR.EQMT.CERT.070 Inspections performed by the Agency

At the Agency's request, each organisation that holds a certificate issued by the Agency under this Annex shall:

- (a) grant the Agency access to any facility, product, part, document, record, data, process, procedure or any other material, and allow the Agency to review any report, make any inspection and perform or witness any test that is necessary to verify the compliance of the organisation with the applicable requirements of this Annex;
- (b) if the natural or legal person employs partners, suppliers or subcontractors, make arrangements with them to ensure that the Agency has access to those identified as critical in accordance with point ADR.EQMT.CERT.066 and may investigate as described in point (a).

ADR.EQMT.CERT.075 Transferability

A safety-related aerodrome equipment certificate may be transferred to a new holder, provided that the Agency has verified that the natural or legal person to whom or which the certificate is intended to be transferred is eligible in accordance with ADR.EQMT.CERT.005. The organisation to which the certificate is transferred shall apply to the Agency to verify whether these conditions are complied with, in a form and manner established by the Agency.



ANNEX III — DECLARATION OF DESIGN COMPLIANCE OF THE SAFETY-RELATED AERODROME EQUIPMENT (Part-ADR.EQMT.DEC)

ADR.EQMT.DEC.001 Scope

This Annex establishes the procedures for declaring compliance of the safety-related aerodrome equipment, and the rights and obligations of those submitting the declarations.

ADR.EQMT.DEC.005 Eligibility

Any natural or legal person that has demonstrated, or is in the process of demonstrating, their design and production capability in accordance with ADR.EQMT.DEC.010 may submit a declaration for safety-related aerodrome equipment, under the conditions laid down in this Annex.

ADR.EQMT.DEC.010 Demonstration of capability

An applicant intending to submit to the Agency a declaration of design compliance of safety-related aerodrome equipment shall demonstrate their capability as follows:

- (a) for design by using procedures setting out the specific design practices, resources and sequence of activities, and for production by ensuring satisfactory coordination between design and production through appropriate procedures; or
- (b) by declaring to the Agency their design and production capability in accordance with Annex IV.

ADR.EQMT.DEC.015 Declaration of design compliance of safety-related aerodrome equipment

An organisation shall submit to the Agency a dated and signed declaration of design compliance of certain safety-related aerodrome equipment. The declaration shall contain at least the following information:

- (a) a description of the design, including all configurations;
- (b) the rated performance of the equipment, where appropriate, either directly or by reference to supplementary documents;
- (c) a statement of compliance attesting that the equipment meets the applicable specifications, and a list of the specifications, including those for which an equivalent level of safety has been demonstrated, as applicable;
- (d) reference to relevant supporting evidence, including test reports;
- (e) reference to the appropriate operation, set-up and maintenance manuals;



- (f) the levels of compliance, where various levels of compliance are allowed by the specifications;
- (g) a list of deviations, as applicable; and
- (h) a statement attesting that for design the organisation uses procedures that set out the specific design practices, resources and sequence of activities and that for production there is adequate coordination between design and production through appropriate procedures if the organisation has not declared to the Agency its design and production capability.

ADR.EQMT.DEC.020 Continued validity of the declaration

A declaration of design compliance of safety-related aerodrome equipment shall remain valid unless it has been deregistered as a result of one of the following:

- (a) the equipment no longer complies with the detailed specifications that enabled the declaration to be issued;
- (b) the equipment has proved to give rise to unacceptable risk or unacceptable performance in service;
- (c) the organisation has withdrawn the declaration.

ADR.EQMT.DEC.025 Changes to the declaration of design compliance of safety-related aerodrome equipment

The declarant of the design compliance of the safety-related aerodrome equipment shall notify the Agency without undue delay of any changes in the content of the declaration specified in point ADR.EQMT.DEC.010 and, if necessary, submit an amended declaration.

ADR.EQMT.DEC.030 Record-keeping

The declarant of the design compliance of the safety-related aerodrome equipment shall record and retain all relevant design information, drawings and test reports, including inspection records and tests, to ensure the availability of necessary information for continued compliance verification. This documentation shall be maintained in an accessible manner, facilitating the Agency's review and inspection process in accordance with ADR.EQMT.DEC.050.

ADR.EQMT.DEC.035 Manuals

The declarant of the design compliance of the safety-related aerodrome equipment, where relevant, shall produce, maintain and update master copies of all manuals identified in the declaration, and provide copies, on request, to the Agency.



ADR.EQMT.DEC.040 Maintenance instructions

- (a) The organisation that has made the declaration shall, where relevant, furnish at least one set of complete maintenance instructions, comprising descriptive data and accomplishment instructions prepared in accordance with the specifications applicable to the safety-related aerodrome equipment covered by the declaration, to all known users and shall make them available on request to any other person that is required to comply with any of these maintenance instructions.
- (b) Changes to the maintenance instructions shall be made available to all known users and shall be made available on request to any person that is required to comply with any of these maintenance instructions. A programme that shows how changes to the maintenance instructions are made available to all known users shall be submitted to the Agency.

ADR.EQMT.DEC.045 Safety-related aerodrome equipment directives

When a safety-related aerodrome equipment directive is issued to correct the condition referred to in point (a) of ADR.EQMT.AR.A.025, the declarant of the design compliance of the safety-related aerodrome equipment, unless otherwise determined by the Agency in case urgent action is needed, shall:

- (a) propose appropriate corrective action and submit details of that proposal to the Agency for approval;
- (b) following the approval by the Agency, make available to all known users of the safety-related equipment and, on request, to any person required to comply with the safety-related aerodrome equipment directive, appropriate descriptive data and accomplishment instructions.

ADR.EQMT.DEC.046 Partners, suppliers and subcontractors

The declarant of the design compliance of the safety-related aerodrome equipment shall:

- (a) conduct and regularly update a criticality assessment of its supply chain to categorise partners, suppliers and subcontractors based on the direct impact their products or services have on the safety and regulatory compliance of the safety-related aerodrome equipment;
- (b) ensure that critical entities identified in accordance with point (a) make available all relevant documentation, records and data and facilitate access to facilities, products and processes as deemed necessary by the Agency;
- (c) maintain the documentation of the criticality assessment and inform partners, suppliers and subcontractors about the requirements for compliance verification; this documentation shall be made available to the Agency upon request.



ADR.EQMT.DEC.050 Inspections performed by the Agency

At the Agency's request, each organisation that has issued a declaration in accordance with this Regulation shall:

- (a) grant the Agency access to any facility, equipment, document, record, data, process, procedure or any other material, and allow the Agency to review any report, make any inspection and perform or witness any test that is necessary to verify the compliance and the continued compliance of the organisation with the applicable requirements of this Annex;
- (b) if the natural or legal person uses partners, suppliers or subcontractors, make arrangements with them to ensure that the Agency has access to those identified as critical in accordance with point ADR.EQMT.DEC.046 and may investigate as provided for in point (a).

ADR.EQMT.DEC.055 Transferability

A declaration of design compliance of safety-related aerodrome equipment is not transferable.



ANNEX IV — REQUIREMENTS FOR ORGANISATIONS INVOLVED IN THE DESIGN OR PRODUCTION OF SAFETY-RELATED AERODROME EQUIPMENT (Part-DPO.OR)

SUBPART A — GENERAL REQUIREMENTS (DPO.OR.A)

ADR.DPO.OR.A.001 Scope

This Annex establishes:

- (a) the procedures for declaring the design and production capability of an applicant that designs and produces safety-related aerodrome equipment;
- (b) the rights and obligations of the applicants making a declaration of design and production capability referred to in point (a).

ADR.DPO.OR.A.005 Eligibility

Any natural or legal person ('organisation') may declare their design and production capability under this Subpart, if that person:

- (a) has applied or intends to apply for a safety-related aerodrome equipment certificate in accordance with Annex II;
- (b) has declared or intends to declare the compliance of a safety-related aerodrome equipment design in accordance with Annex III.

ADR.DPO.OR.A.010 Declaration of design and production capability

- (a) The declaration, and any subsequent changes thereto, shall be made in a form and manner established by the Agency.
- (b) The declaration shall include the information necessary for the Agency to become familiar with the organisation and the intended scope of work, and shall include at least the following:
 - (1) the registered name of the organisation;
 - (2) the contact details of the organisation's registered address of the principal place of business and, where applicable, of the operating sites of the organisation;
 - (3) the name and contact details of an accountable manager responsible for design and production;
 - (4) the intended scope of work;
 - (5) a statement confirming that the organisation:



- (i) has a management system for design and production in accordance with ADR.DPO.OR.B.005;
 - (ii) will maintain the management system in compliance with this Subpart;
 - (6) a statement confirming that the organisation will adhere to the processes and procedures established in accordance with point ADR.DPO.OR.B.020.
- (c) The declaration of design and production capability shall be submitted to the Agency.

ADR.DPO.OR.A.015 Duration, continued validity and privileges of a declaration of design and production capability

- (a) A declaration of design and production capability shall remain valid for an unlimited period of time provided that:
- (1) the organisation remains compliant with Regulation (EU) 2018/1139 and the delegated and implementing acts adopted on its basis;
 - (2) the declaration has not been surrendered by the organisation or deregistered by the Agency.
- (b) Upon deregistration or surrender of the declaration, if issued in a paper format, it shall be returned to the Agency without delay.

ADR.DPO.OR.A.020 Facilitation and cooperation

An organisation involved in the design and production of safety-related aerodrome equipment shall facilitate the inspections and audits performed by the Agency or by a qualified entity that acts on its behalf, and it shall cooperate as necessary for the efficient and effective exercise of the powers of the Agency.

ADR.DPO.OR.A.025 Findings and corrective actions

Following the receipt of the notification of findings from the Agency, the organisation involved in the design and production of safety-related aerodrome equipment shall:

- (a) identify the root cause of the non-compliance;
- (b) define a corrective action plan;
- (c) demonstrate the implementation of the corrective action to the satisfaction of the Agency within the time period proposed and approved by the Agency, as defined in point (g) of point ADR.EQMT.AR.D.020.



ADR.DPO.OR.A.030 Immediate reaction to a safety, security or interoperability problem

An organisation involved in the design and production of safety-related aerodrome equipment shall implement any safety and security measures, including safety-related aerodrome equipment directives, taken by the Agency in accordance with points ADR.EQMT.AR.D.015 and ADR.EQMT.AR.D.020.

ADR.DPO.OR.A.035 Failures, malfunctions and defects

- (a) The organisation involved in the design and production of safety-related aerodrome equipment shall:
- (1) establish and maintain a system for collecting, investigating and analysing reports of and information on failures, malfunctions, defects or other occurrences that have caused or might cause adverse effects on the continuing compliance of the safety-related aerodrome equipment with the applicable requirements;
 - (2) inform all known users of the safety-related aerodrome equipment concerned and, on request, any person mandated under other associated regulations, about the system established in accordance with point (1) and about how to provide such reports of and information on failures, malfunctions, defects or other occurrences.
- (b) For organisations that have their principal place of business in a Member State, the system established in accordance with point (a)(1) shall include provisions for occurrence reporting and follow-up that meet the requirements of Regulations (EU) No 376/2014 and (EU) 2018/1139 and the delegated and implementing acts adopted on their basis.
- (c) The organisation shall report to the Agency any failure, malfunction, defect or other occurrence of which it is aware, and that has resulted or may result in an unsafe, insecure, underperforming or non-interoperable condition.
- (d) For organisations that do not have their principal place of business in a Member State, reports shall be made in a form and manner established by the Agency, as soon as practicable and in any case submitted not later than 72 hours after the person or organisation has become aware of the particular occurrence, unless exceptional circumstances prevent this.
- (e) The organisation shall investigate an occurrence that has been reported under point (c), including the deficiencies that have led to that occurrence, and report to the Agency the results of its investigation and any action it intends to take or proposes to take to correct these deficiencies.



SUBPART B — MANAGEMENT (ADR.DPO.OR.B)

ADR.DPO.OR.B.005 Management system

- (a) The organisation shall establish, implement and maintain a management system for design and production with clearly defined lines of responsibility and accountability throughout the organisation that:
- (1) corresponds to the nature and complexity of its activities and the size of the organisation;
 - (2) is established under the accountability of a single manager for design and production activities in accordance with point ADR.DPO.OR.B.020.
- (b) The organisation shall have, as part of its management system for design, a means to provide design assurance by establishing, implementing and maintaining a system for the control and supervision of the design, and of design changes of safety-related aerodrome equipment.

This system shall:

- (1) include a function responsible for ensuring that the designs of safety-related aerodrome equipment and the designs of changes thereto comply with the applicable certification basis;
 - (2) establish, implement and maintain an independent function to verify the demonstration of compliance on the basis of which the organisation declares compliance with the applicable type certification basis;
 - (3) specify the manner in which the design assurance system accounts for the acceptability of the parts that are designed or the tasks that are performed by partners or subcontractors according to methods which are the subjects of written procedures.
- (c) The management system for production shall include a means to manage quality by maintaining a quality assurance system that shall:
- (1) ensure that each equipment produced by the organisation or by its partners, or supplied from or subcontracted to outside parties, conforms to the applicable design data and is in a condition for safe operation;
 - (2) establish, implement and maintain, as appropriate, within the scope of their activities, control procedures for:
 - (i) document issue, approval or change;
 - (ii) vendor and subcontractor assessment, audit and control;
 - (iii) verification that incoming products, parts, materials and equipment, including items supplied new or used by buyers of products, are as specified in the applicable design data;
 - (iv) identification and traceability;



- (v) manufacturing processes;
 - (vi) inspection and testing, including production tests;
 - (vii) calibration of tools and test equipment;
 - (viii) non-conforming item control;
 - (ix) completion and retention of records;
 - (x) ensuring the competence and qualifications of personnel;
 - (xi) handling, storage and packing;
 - (xii) internal quality audits and the resulting corrective actions;
 - (xiii) work performed at any location other than the operating sites included in the declaration.
- (d) The organisation shall establish, as part of its management system, an independent function to monitor its compliance with the applicable requirements, and compliance with, and adequacy of, the management system. This monitoring shall include a system to provide feedback to the accountable manager referred to in point ADR.DPO.OR.B.020 to ensure the effective implementation of corrective actions, as necessary.
- (e) The organisation shall:
- (1) establish, maintain and keep up to date processes and procedures that ensure the design compliance of safety-related aerodrome equipment with the applicable certification basis and applicable detailed technical specifications;
 - (2) establish, maintain and keep up to date processes and procedures that ensure the compliance of products that are produced with the applicable data;
 - (3) make documentary evidence of these processes and procedures available to the Agency upon request.
- (f) Where any parts or any changes to the safety-related aerodrome equipment are designed by partner organisations or subcontractors, the processes and procedures in point (e)(1) shall include a description of how the design organisation is able to give, for all parts, the assurance of compliance required by point (e)(2) and shall contain, directly or by cross reference, descriptions of and information on the design activities and organisation of those partners or subcontractors.
- (g) If the organisation holds (an)other organisation certificate(s) issued on the basis of Regulation (EU) 2018/1139 and the delegated and implementing acts adopted on the basis thereof, the organisation may integrate the design and production management system with the management system that is required for the issuance of the other certificate(s).



ADR.DPO.OR.B.010 Notification of changes and cessation of activities

The organisation shall notify the Agency of the following without undue delay:

- (a) any changes to the information that has been declared in accordance with point (b) in ADR.DPO.OR.A.005;
- (b) any changes to the management system for design that are significant for the demonstration of compliance of the safety-related aerodrome equipment designed by the organisation;
- (c) any changes to the management system for production that are significant to the demonstration of conformity or to the operational characteristics of the safety-related aerodrome equipment;
- (d) the cessation of some of or all the activities covered by the declaration.

ADR.DPO.OR.B.010 Facility requirements

An organisation involved in the design or production of safety-related aerodrome equipment shall ensure that its facilities and equipment, including testing facilities and equipment, are adequate and suitable to perform and manage all its tasks and activities in accordance with the applicable requirements.

ADR.DPO.OR.B.015 Contracted activities

- (a) Contracted activities include all those activities within the scope of the organisation's activities, in accordance with its declaration, that are performed by other organisations. An organisation involved in the design or production of safety-related aerodrome equipment shall ensure that, when it contracts any part of its activities to, or when it purchases any part of its activities from, external organisations, the contracted or purchased activity, as applicable, conforms with the applicable requirements.
- (b) An organisation involved in the design and production of safety-related aerodrome equipment shall ensure that the Agency is given access to the contracted organisation(s) to determine its (their) continued compliance with the applicable requirements of this Regulation.

ADR.DPO.OR.B.020 Personnel requirements

- (a) An organisation involved in the design and production of safety-related aerodrome equipment shall appoint an accountable manager who has the authority to ensure that all activities may be financed and carried out in accordance with the applicable requirements of this Regulation. The accountable manager shall be responsible for establishing and maintaining an effective management system.
- (b) The authority, duties and responsibilities of the nominated postholders, in particular management personnel in charge of safety, quality, security, finance and human resources, shall also be defined.



ADR.DPO.OR.B.025 Record-keeping

- (a) An organisation involved in the design and production of safety-related aerodrome equipment shall establish a record-keeping system that allows for the adequate storage of records and the reliable traceability of all its activities, covering in particular all the elements indicated in point ADR.DPO.OR.B.005.
- (b) The format and the retention period of the records referred to in point (a) shall be specified in the organisation's management system procedures.
- (c) Records shall be stored in a manner that ensures their protection against damage, alteration and theft.
- (d) An organisation involved in the design and production of safety-related aerodrome equipment shall maintain a register of the safety-related aerodrome equipment deployed.

ADR.DPO.OR.B.030 Privileges of organisations involved in the design or production of safety-related aerodrome equipment

An organisation involved in the design and production of safety-related aerodrome equipment shall be entitled, as applicable, to do any of the following:

- (a) hold or apply to be issued a certificate of safety-related aerodrome equipment;
- (b) issue a declaration of design compliance of the safety-related aerodrome equipment;
- (c) issue data and information, including instructions, under its responsibility within the scope of its declaration as established by the Agency;
- (d) prepare and maintain, for each model of each piece of safety-related aerodrome equipment, an up-to-date file of complete technical data and records;
- (e) manufacture each article ensuring that the completed safety-related aerodrome equipment conforms to its design data and is safe for installation or use;
- (f) continue to comply with the applicable requirements laid down in this Regulation.

ADR.DPO.OR.B.035 Coordination

An organisation involved in the design and production of safety-related aerodrome equipment shall ensure:

- (a) satisfactory coordination, with the appropriate arrangements, between design and production activities, as appropriate;
- (b) satisfactory coordination with and proper support to the relevant aerodrome operators as regards the continued suitability of the safety-related aerodrome equipment, as applicable.



ADR.DPO.OR.B.040 Safety-related aerodrome equipment directives

When the Agency issues a safety-related aerodrome equipment directive, pursuant to point ADR.EQMT.AR.A.025, the organisation involved in the design or production of safety-related aerodrome equipment shall:

- (a) propose an appropriate corrective action and submit it together with details to the Agency for approval;
- (b) following the approval by the Agency of the proposal referred to in point (a), make appropriate descriptive data and accomplishment instructions available to all known users or owners of safety-related aerodrome equipment and, on request, to any person required to comply with the safety-related aerodrome equipment directive.



PROPOSED AMENDMENTS TO REGULATION (EU) No 139/2014

ADR.AR.C.035 Issuance of certificates

[...]

- (d) The certificate shall be considered to include the aerodrome's certification basis, its safety-related aerodrome equipment, unless that safety-related aerodrome equipment is covered by a declaration submitted or certificate issued in accordance with Commission Implementing Regulation (EU) 202X/XXX, the aerodrome manual, and, if relevant, any other operating conditions or limitations prescribed by the Competent Authority and any Deviation Acceptance and Action Documents (DAAD).

[...]

ADR.OR.B.025 Demonstration of compliance

[...]

- (c) Demonstration of compliance shall not be required for safety-related aerodrome equipment declared to or certified by the Agency in accordance with Commission Implementing Regulation (EU) 202X/XXX.

ADR.OR.B.040 Changes

- (a) Any change:
- (1) affecting the terms of the certificate, its certification basis and safety-critical safety-related aerodrome equipment; or

[...]

