

Non-compliance

The implementation of a change from the awarding of a public contract to the introduction into operation is a long-term process, during which the following situations may occur (we are considering the transition period): - Issuance of the specification for the given device during implementation - Failure to certify the supplier by the end of the transition period - Reluctance of the contracted supplier to certify. We consider it appropriate to agree with the procedure of the provider/regulator for these cases. Does EASA work on something as a guidelines in this matter?

Answer

The new regulatory framework consisting of 5 regulations has been published on 15 September 2023 and will be applicable as from beginning of October 2023. Any DS/AMC/GM will be associated to facilitate the implementation of the ATM/ANS ground equipment conformity assessment. If a regulated party is not in a position to apply any of the requirements, the *Flexibility* provisions under Article 71 of EASA BR could be applied for a certain period of time.

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04/01/2024

Link:

<https://www.easa.europa.eu/nl/faq/139179>

For a system subject to SoC: If there is a documented non-compliance with some detailed specification, does that automatically mean, it must not be put into operation, or can it be put into operation based on some evaluation criteria? If yes, which are these criteria?

Answer

Considering that the detailed specifications are “soft law”, deviations to the detailed specifications (i.e., non-compliances) can be declared within the statement of compliance. Please refer to the associated AMC/GM Article 6 of the Delegated Act.

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