

FAQs:

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Question:

ADR.5 What is the Deviation Acceptance and Action Document (DAAD) described in Art. 7 of Regulation 139/2014?

Answer:

The old and the new Basic Regulation (BR) tasked the Agency to provide solutions to measures at existing aerodromes, which Member States had already authorized on the basis of national law and which stem from notified deviations from Annex 14 filed by the Member States to International Civil Aviation Organization (ICAO). One of the tools that the Agency developed in order to meet this request is found in Art. 7 “Deviations from certification specifications” of the aerodrome implementing rules (Regulation (EU) No 139/2014). It says the following:

Article 7 Deviations from certification specifications

1) The Competent Authority may, until 31 December 2024, accept applications for a certificate including deviations from the certification specifications issued by the Agency, if the following conditions are met:

- a. the deviations do not qualify as an equivalent level of safety case under ADR.AR.C.020, nor qualify as a case of special condition under ADR.AR.C.025 of Annex II to this Regulation;*
- b. the deviations existed prior to the entry into force of this Regulation;*
- c. the essential requirements of Annex Va to Regulation (EC) No 216/2008 are respected by the deviations, supplemented by mitigating measures and corrective actions as appropriate;*
- d. a supporting safety assessment for each deviation has been completed.*

2) The Competent Authority shall compile the evidence supporting the fulfilment of the conditions referred to in paragraph 1 in a Deviation Acceptance and Action Document (DAAD). The DAAD shall be attached to the certificate. The Competent Authority shall specify the period of validity of the DAAD.

3) The aerodrome operator and the Competent Authority shall verify that the conditions referred to in paragraph 1 continue to be fulfilled.

This means that during the initial certification process all existing deviations at an aerodrome must undergo review. In a next step, all deviations which cannot be handled with the other flexibility tools provided (i.e. the Equivalent Level of Safety and Special Condition), and which pre-date 2014, can be accepted by the Competent Authority in a “Deviation Acceptance and Action Document” (DAAD), which would be attached to the certificate, but which does not form part of it.

Such a DAAD will have to describe the deviation, contain the outcomes of a safety assessment concerning the deviation and describe how the essential requirements of Annex VII of Regulation 2018/ 1139 are nevertheless respected by the deviation, when supplemented by mitigating measures and corrective actions as appropriate. It could also be that the Competent Authority includes an action plan for the removal of the deviation at some point in the future. Despite the issuance of a DAAD the deviation(s) should be regularly reviewed.

When a DAAD is issued, there is no pre-defined expiry date. While a “validity period” must be stated, it must not necessarily be a temporal period. It can also be a traffic volume threshold or in relation to a change in the traffic mix (aircraft type) or a condition whereby the rectification (the “fixing”) of a deviation is related to the next time when a piece of infrastructure is changed, renewed, re-furbished or maintained. It is up to the authority to decide. However, after 2024 this possibility to issue a DAAD for newly certified aerodromes will no longer be possible for the CAAs as this is a transitional measure only.

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Link:

<https://www.easa.europa.eu/pl/faq/19504>