



# Notice of Proposed Amendment 2019-10(A)

## Measurement of the safety key performance indicator and safety performance indicators in the SES Performance and Charging Scheme

**Material for the implementation and measurement of the safety key performance indicator (SKPI) and safety performance indicators (SPIs) for the Third Reference Period (RP3) of the SES Performance and Charging Scheme (Commission Implementing Regulation (EU) 2019/317)**  
RMT.0723

### EXECUTIVE SUMMARY

The objective of this Notice of Proposed Amendment (NPA) is to provide technical material regarding the implementation and measurement of the SKPI at the level of air navigation service providers (ANSPs) and the SPIs at both the State and ANSP level.

The NPA and the indicators referred to above are linked to Commission Implementing Regulation (EU) 2019/317 laying down a performance and charging scheme in the single European sky and repealing Implementing Regulations (EU) Nos 390/2013 and 391/2013, being the Third Reference Period (RP3) of the SES Performance and Charging Scheme.

This NPA proposes AMC and GM appropriate to the requirements of the SKPI of RP3 of the SES Performance and Charging Scheme as provided for under Commission Implementing Regulation (EU) 2019/317.

The proposed amendments are expected to decrease the safety-reporting burden and reduce regulatory burden when compared with the AMC and GM for RP2 of the SES Performance and Charging Scheme as provided for under Commission Implementing Regulation (EU) No 390/2013. Further, the amendments are expected to facilitate stakeholders in complying with the safety performance requirements of the above-mentioned Commission Implementing Regulation. The SKPI reporting is restricted to ANSPs and, wherever possible, the SPIs will be calculated using occurrence data that has been reported to the European Central Repository under Regulation (EU) No 376/2014.

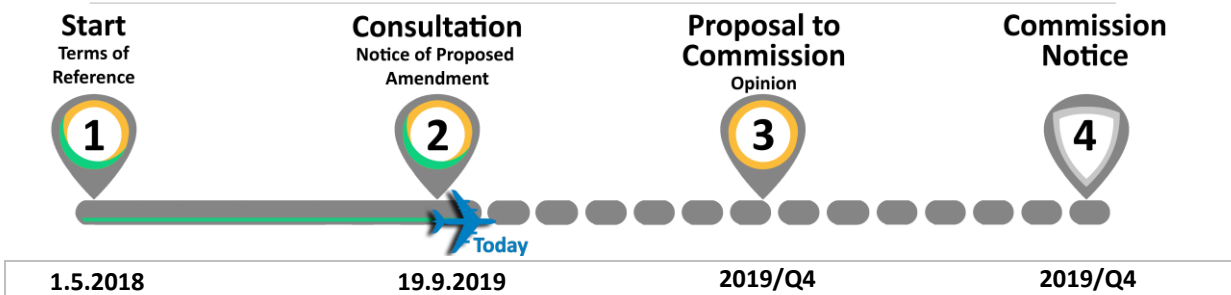
Once consulted upon, the final material will be provided to the European Commission, whereupon it will be incorporated into a Commission Notice in relation to the SES Performance and Charging Scheme Regulation. As such, it will not be published as AMC and GM through an EASA ED Decision nor as an Opinion.

Please note that the material is presented in three sub-NPAs:

- **NPA 2019-10(A)**: the Explanatory Note;
- **NPA 2019-10(B)**: the Annex to the Explanatory Note, containing the material that is proposed to be adopted into a Commission Notice, which further describes the SKPI and SPIs, as defined in Commission Implementing Regulation (EU) 2019/317;
- **NPA 2019-10(C)**: the Appendix to the Annex, providing the questionnaire and associated verification guidance for the Effectiveness of Safety Management (EoS) SKPI. This will also be adopted into the Commission Notice.

<b>Action area:</b>	Safety; systemic enablers; safety management		
<b>Related rules:</b>	Commission Implementing Regulation (EU) 2019/317		
<b>Affected stakeholders:</b>	ANSPs; Member States (MSs)		
<b>Driver:</b>	Efficiency/proportionality	<b>Rulemaking group:</b>	Yes
<b>Impact assessment:</b>	None	<b>Rulemaking Procedure:</b>	Standard

• EASA special rulemaking procedure milestones



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## 1. About this NPA

### 1.1. How this NPA was developed

The purpose of this NPA is to provide technical material to support compliance with Commission Implementing Regulation (EU) 2019/317<sup>1</sup> (the ‘performance scheme Regulation’) as applicable to RP3 of the SES Performance and Charging Scheme (2020–2024).

The European Commission tasked EASA per Article 75(2)(h) of the EASA Basic Regulation (Regulation (EU) 2018/1139)<sup>2</sup>:

‘2. For the purposes of ensuring the proper functioning and development of civil aviation in the Union in accordance with the objectives set out in Article 1, the Agency shall:

(h) contribute, for matters covered by this Regulation, upon request by the Commission, to the establishment, measurement, reporting and analysis of performance indicators, where Union law establishes performance schemes relating to civil aviation;’

and

as per Article 93 ‘Implementation of Single European Sky’

‘The Agency shall, where it has the relevant expertise and upon request, provide technical assistance to the Commission, in the implementation of the Single European Sky, in particular by:

(b) contributing, in matters covered by this Regulation, in cooperation with the Performance Review Body provided for in Article 11 of Regulation (EC) No 549/2004, to the implementation of a performance scheme for air navigation services and network functions;’

The European Union Aviation Safety Agency (EASA) developed this NPA in line with the Basic Regulation and the Rulemaking Procedure<sup>3</sup>. This rulemaking activity is included in the latest European Plan for Aviation Safety (EPAS)<sup>4</sup> under rulemaking task (RMT).0723. The text of this NPA has been developed by EASA based on the input of the RMT.0723 Rulemaking Group (RMG).

Subsequent to this tasking, upon advice given to DG MOVE by the European Commission’s Legal Service, the Commission advised EASA not to issue an ED Decision. While the NPA should be publicly consulted and EASA shall per the Rulemaking Process produce a comment-response document (CRD),

<sup>1</sup> Commission Implementing Regulation (EU) 2019/317 of 11 February 2019 laying down a performance and charging scheme in the single European sky and repealing Implementing Regulations (EU) No 390/2013 and (EU) No 391/2013 (OJ L 56, 25.2.2019, p. 1) (<https://eur-lex.europa.eu/legal-content/EN/TXT/?qid=1566568320291&uri=CELEX:32019R0317>).

<sup>2</sup> 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 (OJ L 212, 22.8.2018, p. 1) (<https://eur-lex.europa.eu/legal-content/EN/TXT/?qid=1535612134845&uri=CELEX:32018R1139>).

<sup>3</sup> EASA is bound to follow a structured rulemaking process as required by Article 115(1) of Regulation (EU) 2018/1139. Such a process has been adopted by the EASA Management Board (MB) and is referred to as the ‘Rulemaking Procedure’. See MB Decision No 18-2015 of 15 December 2015 replacing Decision 01/2012 concerning the procedure to be applied by EASA for the issuing of opinions, certification specifications and guidance material (<http://www.easa.europa.eu/the-agency/management-board/decisions/easa-mb-decision-18-2015-rulemaking-procedure>).

<sup>4</sup> [https://www.easa.europa.eu/document-library/general-publications?publication\\_type%5B%5D=2467](https://www.easa.europa.eu/document-library/general-publications?publication_type%5B%5D=2467)



the finalised output shall be forwarded directly to DG MOVE for inclusion in a Commission Notice covering RP3 of the SES Performance and Charging Scheme.

It is hereby submitted to all interested parties<sup>5</sup> for consultation.

## 1.2. How to comment on this NPA

Please submit your comments using the automated **Comment-Response Tool (CRT)** available at <http://hub.easa.europa.eu/crt/><sup>6</sup>.

The deadline for submission of comments is **22 October 2019**.

## 1.3. The next steps

Following the closing of the public commenting period, EASA will review all the comments received. The comments received on this NPA and the EASA responses to them will be reflected in a CRD. The proposed AMC and GM will be amended where necessary on the basis of this consultation.

The final AMC and GM will be submitted to the European Commission, which will use it as a technical basis in order to prepare a Commission Notice supporting RP3 of the SES Performance and Charging Scheme.

As such, EASA will not issue an Opinion following the conclusion of this NPA. However, it will publish the CRD and an Explanatory Note, reflecting on the inputs and amendments to the material proposed in this NPA.

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<sup>5</sup> In accordance with Article 115 of Regulation (EU) 2018/1139, and Articles 6(3) and 7 of the Rulemaking Procedure.

<sup>6</sup> In case of technical problems, please contact the CRT webmaster ([crt@easa.europa.eu](mailto:crt@easa.europa.eu)).



## 2. In summary — why and what

### 2.1. Why we need to change the rules — issue/rationale

Commission Implementing Regulation (EU) No 390/2013<sup>7</sup> laying down a performance scheme for air navigation services and network functions (the performance scheme Regulation) is in the process of being recast in preparation for RP3 of the SES Performance and Charging Scheme, which shall commence in 2020 and end in 2024.

As a result of the Commission letter of 20 March 2018, EASA is tasked with preparing the necessary acceptable means of compliance (AMC) and, where necessary, the appropriate guidance material (GM) for the implementation and measurement of the safety key performance indicator (SKPI) and other safety performance indicators (SPIs) that will be applicable to the Safety Key Performance Area during RP3 in accordance with the provisions of the recast Implementing Regulation (EU) 2019/317 on the SES Performance and Charging Scheme. Having in mind that technical input from EASA stakeholders were needed for the task, it was decided that a rulemaking group would be established for the purposes of this task.

The AMC and GM proposed have been developed under RMT.0723 and are based upon the outputs of the RP3 Development Working Group, which in 2016 was led by EASA to create a proposal for the S(K)PIs to be used in RP3.

### 2.2. What we want to achieve — objectives

- To maintain, update and develop, as necessary, the technical material for the implementation and measurement of the SKPI that will be applicable to the Safety Key Performance Area in RP3.
- To maintain, update and develop, as necessary, the technical material for the implementation and measurement of the SPIs that will be applicable to the RP3 Safety Key Performance Area.

### 2.3. How we want to achieve it — overview of the proposals

In 2016, at the request of the European Commission, EASA, supported by a working group of experts drawn from Member States' national aviation authorities (NAAs) and industry, developed the RP3 SKPI WG Report, 'Indicator Proposals for RP3' for application in the Safety Key Performance Area (hereinafter referred to as the 'Report'). The contents of this Report, together with inputs from other stakeholders, have been used by the European Commission in drafting the legislative proposal for RP3.

The proposals in this NPA follow the conclusions of the Report, as far as they covered the S(K)PIs as required by the performance scheme Regulation.

As a result, the Effectiveness of Safety Management SKPI, applied at ANSP level only, has been developed based on the CANSO Standard of Excellence (hereinafter referred to as 'the SoE') measurement tool. Although it has been adapted to meet the needs of the performance and charging scheme Regulation, modifications have been minimised, in order to deviate as little as possible from the CANSO SoE questionnaire. Nonetheless, some differences have been introduced. The main deviations with respect to the CANSO SoE are as follows:

<sup>7</sup> Commission Implementing Regulation (EU) No 390/2013 of 3 May 2013 laying down a performance scheme for air navigation services and network functions (OJ L 128, 9.5.2013, p. 1) (<https://eur-lex.europa.eu/legal-content/EN/TXT/?qid=1566570852688&uri=CELEX:32013R0390>).



- Study areas 6, 8, 9, and 10 of the SoE have been removed, as there are no corresponding requirements in the SMS components required by Commission Implementing Regulation (EU) 2017/373<sup>8</sup>;
- Maturity level E (Optimised) is not used, because this level is intended to set international best practices. Achieving level E in every ANSP or across every study area is unrealistic, and therefore is not targeted;
- Study area 18 has been added as an optional component to capture how the ANSP deals with safety interdependencies, and trade-offs, serving as a proxy of the system resilience of the organisation;
- Study area 1, safety culture, has been completely redrafted to be fit for purpose.

In addition, the Report proposed the reduction of the number of SPIs. These proposed SPIs are separation minima infringements and runway incursions, and they shall be defined as rates normalised by the appropriate exposure data. They shall be defined in such way that their measurement will rely on the data that is collected under Regulation (EU) No 376/2014<sup>9</sup>, which is stored in the European Central Repository. The technical material should define the processes to collect the information that is required to populate the SPIs.

The SPIs, to be measured at Member State, aerodrome or ANSP level, are defined in the performance scheme Regulation. The technical material sets out the definitions of the data to be reported and the collection methods. The indicators have been designed to use the European Central Repository, established under Regulation (EU) No 376/2014, as the source of occurrence data. Data from the Network Manager and the ANSPs are proposed as the source of exposure data.

## 2.4. What are the expected benefits and drawbacks of the proposals

### SKPI — Effectiveness of safety management

It is expected that by aligning with the CANSO SoE, the efficiency of the performance scheme will be greatly improved. In addition, the CANSO SoE has been updated and improved during RP2, thus the proposed means of measuring the effectiveness of safety management reflects more recent experience and modern safety management approaches.

There is not complete alignment with the CANSO SoE, therefore some small additional work will be required for ANSPs in responding to questions on safety culture.

### SPIs — The rate of runway incursions and separation minima infringements with a safety impact

In defining the European Central Repository as the data source, the reporting and calculation of these performance indicators involves minimal additional effort on the part of the ANSPs and national supervisory authorities (NSAs). All the occurrence reports required for the performance scheme Regulation are already reportable under Regulation (EU) No 376/2014. Some additional data fields are

<sup>8</sup> Commission Implementing Regulation (EU) 2017/373 of 1 March 2017 laying down common requirements for providers of air traffic management/air navigation services and other air traffic management network functions and their oversight, repealing Regulation (EC) No 482/2008, Implementing Regulations (EU) No 1034/2011, (EU) No 1035/2011 and (EU) 2016/1377 and amending Regulation (EU) No 677/2011 (OJ L 62, 8.3.2017, p. 1) (<https://eur-lex.europa.eu/legal-content/EN/TXT/?qid=1566571320779&uri=CELEX:32017R0373>).

<sup>9</sup> Regulation (EU) No 376/2014 of the European Parliament and of the Council of 3 April 2014 on the reporting, analysis and follow-up of occurrences in civil aviation, amending Regulation (EU) No 996/2010 of the European Parliament and of the Council and repealing Directive 2003/42/EC of the European Parliament and of the Council and Commission Regulations (EC) No 1321/2007 and (EC) No 1330/2007 (OJ L 122, 24.4.2014, p. 18) (<https://eur-lex.europa.eu/legal-content/EN/TXT/?qid=1566573102633&uri=CELEX:32014R0376>).

needed to efficiently identify the occurrences applicable to the scheme; however, these have been minimised.

In defining safety impact as those occurrences with a high severity RAT-Ground score (ANSP level) or a medium/high risk ERCS score (Member State level), the safety impact will be assessed using a methodology that is already or shortly to be in use by EASA stakeholders. ANSPs have been using the severity classification of the RAT methodology throughout RP2 and Member States will soon be required to risk-classify occurrences using the European Risk Classification Scheme (ERCS) as per Regulation (EU) No 376/2014.



### **3. Proposed amendments and rationale in detail**

The proposed S(K)PIs are described in full in the Annex (please refer to **sub-NPA 2019-10(B)**).

### **4. Impact assessment (IA)**

No impact assessment has been conducted for this NPA. This is because the S(K)PIs are outlined in the performance scheme Regulation, which has been assessed and consulted on by the European Commission.

### **5. Proposed actions to support implementation**

Implementation support to ANSPs and Member States is proposed to be managed via the normal activities of the SES Performance and Charging Scheme.

Additional support on coding and analysis will be provided to Member States via the Network of Analysts.





## 6. References

### 6.1. Related regulations

- Commission Implementing Regulation (EU) No 390/2013 of 3 May 2013 laying down a performance scheme for air navigation services and network functions (OJ L 128, 9.5.2013, p. 1)
- Commission Implementing Regulation (EU) 2019/317 laying down a performance scheme for air navigation services and network functions (OJ L 56, 25.2.2019, p. 1)
- Regulation (EU) No 376/2014 of the European Parliament and of the Council on the reporting, analysis and follow-up of occurrences in civil aviation (OJ L 122, 24.4.2014, p. 18)

### 6.2. Related decisions

- ED Decision 2014/035/R of 16 December 2014 adopting Acceptable Means of Compliance and Guidance Material for point 1 of Section 2 of Annex I to Regulation (EU) No 390/2013 and repealing Decision 2011/017/R of the Executive Director of the Agency of 16 December 2011 — ‘AMC and GM for the implementation and measurement of safety (Key) Performance Indicators (S(K)PIs) — Issue 2’
- ED Decision 2015/028/R of 17 December 2015 amending acceptable means of compliance and guidance material for point 1 of section 2 of Annex I to Regulation (EU) No 390/2013 — ‘AMC/GM to SKPI — Issue 2, Amendment 1’

### 6.3. Other reference documents

- 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 (OJ L 212, 22.08.2018, p. 1)
- Regulation (EC) No 549/2004 of the European Parliament and of the Council of 10 March 2004 laying down the framework for the creation of the single European sky (the framework Regulation) (OJ L 096, 31.3.2004, p. 1)
- CANSO Standard of Excellence in Safety Management Systems v2.1, Civil Air Navigation Services Organisation, 2015
- EASA RP3 SKPI WG Report ‘Indicator Proposals for RP3’, European Aviation Safety Agency, 2016



## 7. Quality of the document

If you are not satisfied with the quality of this document, please indicate the areas which you believe could be improved and provide a short justification/explanation:

- technical **quality** of the draft proposed rules and/or regulations and/or the draft proposed amendments to them
- text clarity and readability
- quality of the impact assessment (IA)
- others (please specify)

Note: Your replies and/or comments to this section shall be considered for internal quality assurance and management purposes only and will not be published in the related CRD.

