

APPENDIX I

Draft Commission Regulation (EU) No .../... amending Commission Regulation (EU) No 691/2010 laying down a performance scheme for air navigation services and network functions

Please note that this appendix is provided for information only in order to support the understanding of the proposed AMCs and GM.

The draft regulation is the one voted positively by the Single Sky Committee during its 43rd meeting that took place on the 28th and 29th of September 2011.

It is important to highlight that this draft is still within the inter-services consultation of the European Commission and therefore it cannot be used as final regulation that will be adopted and finally published in the Official Journal of the European Union.

DRAFT-NOT FOR COMMENT

Draft

COMMISSION REGULATION (EU) No .../...

of [...]

amending Commission Regulation (EU) No 691/2010 laying down a performance scheme for air navigation services and network functions

THE EUROPEAN COMMISSION,

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

Having regard to 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) and in particular Article 11 thereof,

Whereas:

1. Regulation (EC) No 549/2004 requires that a performance scheme for air navigation services and network functions be set up by means of implementing rules. These performance scheme for air navigation services and network functions should provide for Key Performance Indicators (KPIs) and binding targets on the key performance areas of safety, environment, capacity and cost-efficiency;
2. Annex 1 to Commission Regulation (EU) No 691/2010 establishes the following Safety KPIs: the effectiveness of safety management as measured by a methodology based on the ATM Safety Framework Maturity Survey; the application of the severity classification of the Risk Analysis Tool to allow harmonised reporting of severity assessment of Separation Minima Infringement, Runway Incursions and ATM Specific Technical Events; and the reporting of just culture.
3. Annex 1 to Commission Regulation (EU) No 691/2010 foresees that these indicators – compatible with ICAO - would be further developed jointly by the Commission, the Member States, EASA and Eurocontrol and adopted by the Commission prior to the first reference period;
4. To this effect the Commission established a Working Group consisting of representatives from EASA, EUROCONTROL and the Commission (so-called E3-Task Force) in charge of producing the technical Report “Metrics for Safety Key Performance Indicators for the Performance Scheme”. As requested by the Commission Regulation (EU) No 691/2010, the report was further developed based on the comments received from Member States and industry and constitutes the basis for this Regulation and its associated measures (such as Acceptable Means of Compliance (AMC) and Guidance Material (GM));

5. Workshops have been held in order to obtain and integrate the opinion of Member States and Industry;
6. Work already done in respect of other initiatives such as the European Aviation Safety Plan, the Risk Analysis Tool and the Safety Framework Maturity Survey should be taken into account in the development of safety KPIs.
7. Experience gained from the gradual implementation of the performance scheme already allow drawing lessons, in particular on the time needed to adopt formal Commission decisions taking into account the workload generated by the detailed assessment of performance plans, the necessary dialogue with the national supervisory authorities and the need to ensure a strong justification of the results of this assessment. As a consequence, the time allocated to the Commission for the assessment of revised performance plans should be four months, like for the assessment of the initial plans as provided for in Article 13, rather than two months as provided for in the current drafting of Article 14.
8. This regulation should be reviewed before the end of the 1st reference period.
9. The measures provided for in this Regulation are in accordance with the opinion of the Single Sky Committee.

HAS ADOPTED THIS REGULATION:

Article 1

Point 1 of Section 2 of Annex I to Regulation (EU) No 691/2010 is replaced by the following:

1. SAFETY KEY PERFORMANCE INDICATORS

- (a) The first national/FAB safety KPI for the first reference period shall be the effectiveness of safety management as measured by a methodology based on the ATM Safety Framework Maturity Survey.

With regard to Member States and their national supervisory authorities and air navigation service providers, certified to provide air traffic services or communication, navigation and surveillance services, this KPI shall be measured by the level of implementation of the following Management Objectives:

- Safety policy and objectives
- Safety risk management
- Safety assurance
- Safety promotion
- Safety Culture

- (b) The second national/FAB safety KPI for the first reference period shall be the application of the below severity classification based on the Risk Analysis Tool methodology to the reporting of, as a minimum, Separation Minima Infringements, Runway Incursions and ATM-specific occurrences at all Air Traffic Control Centres and at airports. Member States may decide not to apply the method for airports with less than 50 000 commercial air transport movements per year.

When reporting the above occurrences Member States and air navigation service providers shall use the following severity classes:

- Serious incident
- Major incident
- Significant incident
- No safety effect
- Not determined; e.g. insufficient information available, or inconclusive or conflicting evidence precluded such determination.

Reporting on the application of the method shall be done for individual occurrences.

- (c) The third national/FAB safety KPI for the first reference period shall be the reporting by the Member States and their air navigation service providers through a questionnaire as referred to in paragraph (e), which measures the level of presence and corresponding level of absence of just culture.
- (d) During the first reference period, there will be no EU wide safety performance targets. However, Member States may set targets corresponding to these key performance indicators.
- (e) In order to facilitate the implementation and measurement of the safety KPIs, EASA – in consultation with the Performance Review Body - shall adopt before the start of the first reference period acceptable means of compliance and guidance material in accordance with the procedure adopted under Article 52 of Regulation (EC) No 216/2008.
- (f) EUROCONTROL shall timely provide the information needed for the development of the above measures, including at least the specification of the Risk Analysis Tool methodology and its further development and the details of the methodology of the Safety Framework Maturity Survey and its weighting factors.
- (g) The yearly measurement of the KPIs referred to in paragraphs (a) and (c) (questionnaires on effectiveness of safety management and just culture) by national supervisory authorities and air navigation service providers shall be reported to EASA for the previous year by the national supervisory authorities before 1st February of each year. These yearly measurements shall be used as input for the monitoring functions described in paragraphs (h) and (i) below. If any changes in the yearly measurement of KPI occur the NSA shall present these changes before the next yearly report is being due.

- (h) National supervisory authorities shall monitor the implementation and measurement of the safety KPIs by air navigation service providers, in accordance with the procedures for safety oversight established in Commission Implementing Regulation (EU) No .../...of ... on safety oversight in air traffic management and air navigation services, repealing Commission Regulation (EC) No 1315/2007 and amending Commission Regulation (EU) No 691/2010.
- (i) In the context of its standardisation inspections EASA shall monitor the implementation and measurement of the safety KPIs by national supervisory authorities, in accordance with the working methods adopted under article 24 of Regulation (EC) No 216/2008. EASA shall inform the Performance Review Body of the outcome of these inspections.'

Article 2

In paragraphs (1), (2) and (3) of Article 14 of Regulation (EU) No 691/2010, the words 'two months' are replaced by 'four months'.

Article 3

- 1) This regulation shall be reviewed before the end of the 1st reference period.
- 2) This Regulation shall enter into force on the 20th day following its publication in the *Official Journal of the European Union*.

This Regulation shall be binding in its entirety and directly applicable in all Member States.

Done at Brussels,