



# European Aviation Safety Agency — Rulemaking Directorate

## Comment-Response Document 2013-14

### Safety Key Performance Indicators (SKPIs) (ATM performance IR)

CRD TO NPA 2013-14 — RMT.0518 — 19.12.2013

Related Decision 2013/032/R

#### EXECUTIVE SUMMARY

This Comment-Response Document (CRD) contains the comments received on NPA 2013-14 (published on 25.07.2013) and the responses, or a summary thereof, provided thereto by the Agency.

Based on the comments and responses, Decision 2013/032/R was developed and is published together with this CRD.

In total, 304 comments were received by the end of the consultation period (15.09.2013) from interested parties including industry, national aviation authorities and staff representatives.

The majority of the comments have editorial nature aiming mainly at improvement of clarity of the text and use of commonly understood terms. About 44 % of the comments were either 'accepted' or 'partially accepted', and the text of the AMC/GM was amended accordingly. The resulting text introduces mainly editorial changes to the safety key performance indicators as defined by the performance scheme Regulation (Commission Regulation (EU) No 691/2010).

There was a question in the NPA about the applicability date of the amended safety key performance indicators and the majority of the answers indicated that the applicability shall cover not only the second reference period but also the third year (2014) of the first reference period.

Applicability		Process map	
Affected regulations and decisions:	Decision 2011/017/R	Concept Paper:	No
		Terms of Reference:	23.04.2013
		Rulemaking group:	Yes
Affected stakeholders:	Member States and ANSPs	RIA type:	None
		Technical consultation during NPA drafting:	No
		Publication date of the NPA:	25.07.2013
Driver/origin:	Commission Regulation (EU) No 691/2010 as amended by Commission Implementing Regulation (EU) 1216/2011 and Commission Regulation (EU) No 390/2013	Duration of NPA consultation:	months
		Review group:	Yes
		Focussed consultation:	No
Reference:			

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## **1. Procedural information**

### **1.1. The rule development procedure**

The European Aviation Safety Agency (hereinafter referred to as the 'Agency') developed this Comment-Response Document (CRD) in line with Regulation (EC) No 216/2008<sup>1</sup> (hereinafter referred to as the 'Basic Regulation') and the Rulemaking Procedure<sup>2</sup>.

This rulemaking activity is included in the Agency's Rulemaking Programme for 2013, under RMT.0518 'Development of AMC/GM for safety key performance indicators (ATM performance IR) for reference period 2'. The scope and timescale of the task were defined in the related Terms of Reference (see process map on the title page).

The draft amended AMC/GM have been developed by the Agency based on the input of the Rulemaking Group RMT.0518. All interested parties were consulted through NPA 2013-14, which was published on 25 July 2013. In total, 304 comments were received by the end of the consultation period (15 September 2013) from interested parties including industry, national aviation authorities and staff representatives.

The text of this CRD has been developed by the Agency based on the input of the Review Group RMT.0518.

The process map on the title page contains the major milestones of this rulemaking activity.

### **1.2. The structure of this CRD and related documents**

This CRD provides a summary of comments and responses as well as the full set of individual comments (and responses thereto) received to NPA 2013-14.

### **1.3. The next steps in the procedure**

The related Agency's Executive Director Decision 2013/032/R is published together with this CRD.

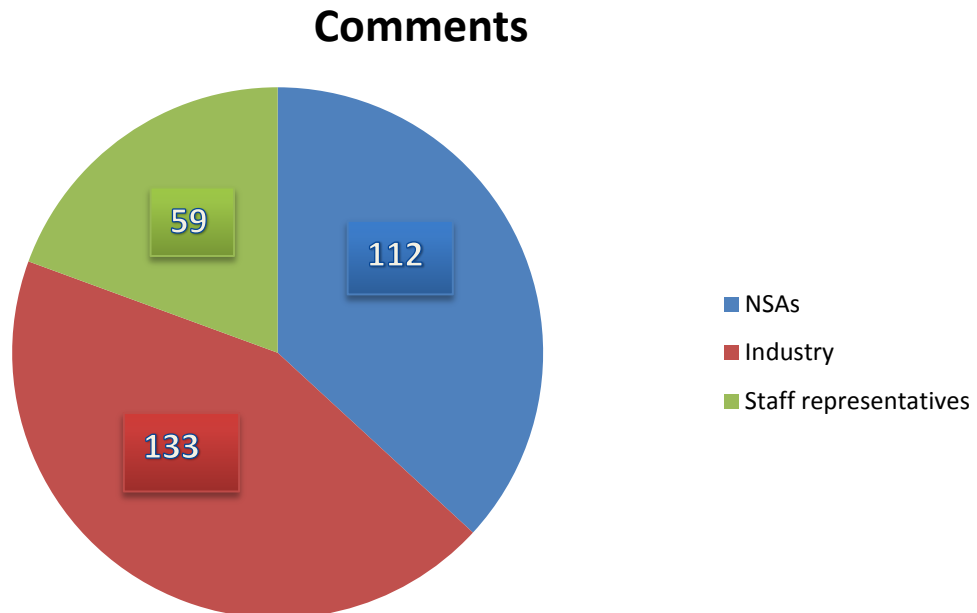
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<sup>1</sup> Regulation (EC) No 216/2008 of the European Parliament and the Council of 20 February 2008 on common rules in the field of civil aviation and establishing a European Aviation Safety Agency, and repealing Council Directive 91/670/EEC, Regulation (EC) No 1592/2002 and Directive 2004/36/EC (OJ L 79, 19.3.2008, p. 1), as last amended by Commission Regulation (EU) No 6/2013 of 8 January 2013 (OJ L 4, 9.1.2013, p. 34).

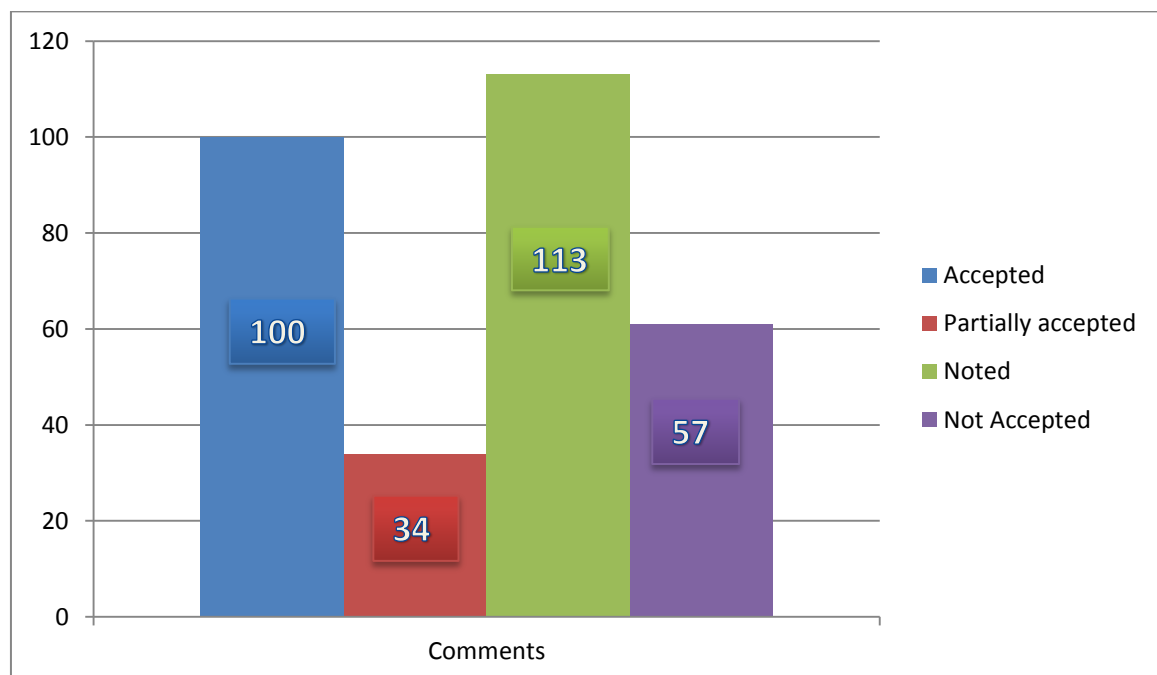
<sup>2</sup> The Agency is bound to follow a structured rulemaking process as required by Article 52(1) of the Basic Regulation. Such process has been adopted by the Agency's Management Board and is referred to as the 'Rulemaking Procedure'. See Management Board Decision concerning the procedure to be applied by the Agency for the issuing of Opinions, Certification Specifications and Guidance Material (Rulemaking Procedure), EASA MB Decision No 01-2012 of 13 March 2012.

## 2. Summary of comments and responses

During the consultation, comments were received by the national authorities, industry and staff representatives. The distribution of the comments is shown in the figure below.



The comments were answered using one of the following options: 'Accepted', 'Partially accepted', 'Noted' and 'Not accepted' with the following distribution:



Most of the stakeholders answered the question in the NPA about the applicability date of the amended Decision with the updated AMC/GM to be from the beginning of the third year of RP1 (i.e. 1<sup>st</sup> of January 2014).

The majority of the comments have editorial nature aiming mainly at improvement of clarity of the text and use of commonly understood terms. Below is a brief description of which parts of the AMC/GM were affected by the comments from the stakeholders.

The most commented items in the NPA were the questionnaires for the safety performance indicator of Just Culture (JC) and Effectiveness of Safety Management (EoSM). For the EoSM, the State level was the most commented and, for the JC, the emphasis was on the ANSP level.

### **GM 1 SKPI – General**

Some minor editorial changes were made to the text, and in order to avoid constantly referencing to the regulation, it was clarified that the term 'performance scheme Regulation' should be understood as Commission Regulation (EU) No 691/2010<sup>3</sup> as amended by Commission Implementing Regulation (EU) No 1216/2011 for the first reference period, and Commission Implementing Regulation (EU) No 390/2013<sup>4</sup> for the second reference period.

Additionally, some acronyms (i.e. ANS, IP) were added and the term 'Abbreviations' was changed with 'Acronyms' which was considered the correct term to be used.

### **AMC 1 SKPI – Measurement of Effectiveness of Safety Management KPI – General**

No changes were introduced.

### **GM 2 SKPI – Measurement of Effectiveness of Safety Management KPI – General**

Minor editorial changes were made, including changes of reference from Commission Regulation (EC) No 736/2006 to Commission Implementing Regulation (EU) No 628/2013.

### **AMC 2 SKPI – Measurement of Effectiveness of Safety Management KPI – State level**

Minor editorial change in 'C. Mechanism for Verification' by adding 'national ATM/ANS standardisation coordinator'.

### **Appendix 1 to AMC 2 SKPI – Questionnaire for Measurement of Effectiveness of Safety Management KPI – State Level**

The resulting changes in this Appendix have editorial nature aiming at better wording for improved uniform understanding. This is one of the most commented parts of the NPA (32 comments) affecting the questionnaire as follows:

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<sup>3</sup> Commission Regulation (EU) No 691/2010 of 29 July 2010 laying down a performance scheme for air navigation services and network functions and amending Regulation (EC) No 2096/2005 laying down common requirements for the provisions of air navigation services (OJ L 201, 3.8.2010, p. 1). Regulation as last amended by the Commission Implementing Regulation (EU) No 1216/2011 (OJ L 310, 25.11.2011, p. 3).

<sup>4</sup> OJ L121, 9.5.2013.

- the acronym ATM/ANS was replaced by ANS to reflect better the scope of the performance scheme Regulation;
- some editorial changes and alterations to questions and/or associated levels of implementation 1.1, 1.2, 1.3, 1.6, 1.7, 1.9, 1.10, 1.11, 1.13, 1.16, 1.17, 1.18, 3.1, 3.2, 3.4, 3.5, 3.7, 3.9, 4.4 and 5.2; and
- question 1.5 was deleted by the questionnaire since all EU regulations duly take account of the international obligations, in particular in relation to ICAO SARPs. Consequently, the commentator suggested that the questions are deleted entirely.

#### **Appendix 2 to AMC 2 SKPI — List of Weightings for Evaluation of Effectiveness of Safety Management Questionnaire — State level**

A small amendment was made to reflect the deletion of Question 1.5.

#### **GM 3 SKPI – Effectiveness of Safety Management – Justifications for selected levels of implementation**

Some minor editorial proposals were accepted for the new GM developed to provide some general principles in providing justifications for levels selected and an example.

#### **AMC 3 SKPI — Measurement of Effectiveness of Safety Management KPI — ANSP level**

No changes were made except a correction of typo in 'C. Scoring and Numerical Analysis'.

#### **Appendix 1 to AMC 3 SKPI — Questionnaire for Measurement of Effectiveness of Safety Management KPI — ANSP level**

The resulting changes in this Appendix have also mainly editorial nature aiming at better wording for improved uniform understanding affecting the questionnaire as follows:

Minor changes to the questions and/or associated levels of implementation SA1.1, SA1.3, SA2.3, SA3.1, SA4.2, SA6.1 and SA7.1.

#### **Appendix 2 to AMC 3 SKPI — List of Weightings for evaluation of Effectiveness of Safety Management Questionnaire — ANSP level**

No changes.

#### **GM 3 4 SKPI — Measurement of Effectiveness of Safety Management KPI — ANSP level — Scoring and numerical analysis**

No changes.

#### **GM 4 5 SKPI — Measurement of Effectiveness of Safety Management KPI — ANSP level — Verification Mechanism**

An editorial was made — replacement of 'proof' with 'evidence'.

**Appendix 1 to GM 4 5 SKPI Verification of ANSP EoSM by NSA/competent authority**

Editorial changes mainly to reflect the changes introduced to Appendix 1 to AMC 3 SKPI — Questionnaire for Measurement of Effectiveness of Safety Management KPI — ANSP level.

**AMC 4 SKPI — Severity Classification Based on the Risk Analysis Tool Methodology —General**

Minor editorial changes (e.g. replace 'incident' with 'occurrence', 'pilot' with 'airborne') were introduced.

Some of the comments in this section were more relevant to the scope of the performance scheme Regulation (severity of the occurrence to be evaluated by RAT) and were not considered relevant to the scope of the AMC/GM.

There were comments relevant to the target setting process which were also considered to be outside of the scope of the AMC/GM.

**GM 5 6 SKPI — Severity Classification Based on the Risk Analysis Tool Methodology for Separation Minima Infringements — General description**

One editorial change to reflect the fact that the term 'performance scheme Regulation' is used instead of referencing to either Commission Regulation (EU) No 691/2010 or Commission Implementing Regulation (EU) No 390/2013.

Some of the comments proposed elevation of this GM to an AMC. It was responded that the text of the GM proposed to be elevated as AMC is rather explanatory (as it should be) than prescriptive, and, as such, it supports the common understanding of the methodology. Moreover, it was considered that transforming this GM into AMC will not bring additional benefits and these comments were not accepted.

**GM 6 7 SKPI — Severity Classification Based on the Risk Analysis Tool Methodology — Methodology for Separation Minima Infringements — Risk of Collision — Score Determination**

No changes.

**GM 8 9 SKPI — Severity Classification Based on the Risk Analysis Tool Methodology — Methodology for Separation Minima Infringements — Final scores**

Minor editorial changes as the replacement of 'pilot' with 'airborne' for consistency.

**GM 9 10 SKPI — Severity Classification Based on the Risk Analysis Tool Methodology — Methodology for Separation Minima Infringements — Reliability Factor**

Two sentences were reedited in the given example to improve readability as commented.

**AMC 6 SKPI — Severity Classification Based on the Risk Analysis Tool Methodology — Methodology for Runway Incursions**

Some of the text was deleted since it was not valid for all types of occurrences.

**AMC 7 SKPI — Severity Classification Based on the Risk Analysis Tool Methodology — Methodology for ATM-specific occurrences**

Minor editorial proposals were accepted following comments for clarity.

**GM ~~10~~ 11 SKPI — Severity Classification Based on the Risk Analysis Tool Methodology — Methodology for ATM-specific occurrences**

One minor editorial change.

**Appendix 1 to GM ~~10~~ 11 SKPI — Look-up Table for Severity Classification of ATM-specific occurrences and retrieve the predetermined severity in column 'Severity'**

No changes.

**AMC 8 SKPI — RAT methodology — Verification mechanism**

Changed reference to the 'performance scheme Regulation'.

**GM ~~11~~ 12 SKPI — Just culture — General**

No changes.

Some comments questioned if the YES/NO values of the answers to the questionnaire could make the assessment of the answers conceivable, but it was answered that identifying areas for improvements in JC should also be one of the aims of this SKPI.

**AMC 9 SKPI — Just culture — Reporting at State level**

No changes.

**Appendix 1 to AMC 9 SKPI — Just Culture Questionnaire — State level**

Small editorial changes in two of the questions aiming at more clarity.

**GM ~~12~~ 13 SKPI — Just culture — Reporting and Verification at State level**

No changes.

**Appendix 1 to GM ~~12~~ 13 SKPI — Just Culture — State level — possible justification**

Only insignificant changes of editorial nature such as replacing 'justification' with 'evidence' in the heading in the Appendix and also reflecting the changes in Appendix 1 to AMC9.

**AMC 10 SKPI — Just culture — Reporting at ANSP level**

No changes.

**Appendix 1 to AMC 10 SKPI — Just Culture Questionnaire — ANSP level**

The majority of the comments were with editorial proposals most of which were accepted and resulted in reediting several questions without changing them substantially.



Some of the staff representatives' comments proposed that more emphasis, when formulating the relevant questions, should be put on the non-punitive nature of the actions taken after an occurrence. These comments were not accepted due to the fact that the RMG agreed that the focus should be on the preservation in full of pay and benefits.

#### **GM ~~13~~ 14 SKPI — Just culture — Reporting and Verification at ANSP level**

No changes.

#### **Appendix 1 to GM ~~13~~ 14 SKPI — Just Culture — ANSP level — possible justification**

This segment of the NPA received the biggest number of comments (47) also some of which related to Appendix 1 to AMC 10. The majority of the comments aimed at improving the clarity of the questions and the possible evidence (as in the GM for JC at State level, where the term 'justification' in the heading was replaced by 'evidence'). The descriptions of the possible evidence for justification of the answers to several questions were better worded.

#### **GM 15 SKPI — Interdependencies — evaluation of the impact on safety of the performance plan**

The consultation resulted in some editorial changes in this GM. It was also accepted to include into the GM that planned changes with no effect on safety should be referenced in the interdependencies analyses of the performance plan.

Some of the comments requested an extension of the GM to cover all interdependencies within the performance areas. The response to these was that such study is performed by the SESAR Joint Undertaking (SJU).

### 3. Draft AMC/GM

The Agency publishes amendments to AMC/GM on safety key performance indicators as consolidated documents.

Consequently, the consolidated text of AMC/GM does not allow readers to see the detailed changes introduced by the new amendment. To allow readers to also see these detailed changes, including changes resulting from the consultation process, this section of the CRD has been created. The same format as for publication of Notices of Proposed Amendments has been used to show the changes:

1. deleted text is shown with a strike through: ~~deleted~~
2. new or changed text is highlighted with grey shading: **new**
3. an ellipsis (...) indicates that the remaining text is unchanged in front of or following the reflected amendment.

#### 3.1. Changes in the Annex to ED Decision

#### Acceptable Means of Compliance and Guidance Material for the implementation and measurement of Safety Key Performance Indicators (SKPIs) (ATM performance IR)

##### I General

##### GM1 SKPI – General

##### A. Purpose

This Annex contains acceptable means of compliance (AMC) and guidance material (GM) for measuring the safety Key Performance Indicators (KPIs) and Performance Indicators (PIs) in accordance with the performance scheme Regulation which should be understood as Commission Regulation (EU) No 691/2010<sup>5</sup> as amended by Commission Implementing Regulation (EU) 1216/2011 for the first reference period and Commission Implementing Regulation (EU) No 390/2013<sup>6</sup> for the second reference period. ~~(hereafter referred to as the 'performance scheme Regulation').~~

AMCs are non-binding standards adopted by the European Aviation Safety Agency (hereafter referred to as the 'Agency') to illustrate means to establish compliance with the performance scheme Regulation. When this AMC is complied with, the obligations on measurement of the safety KPIs in the performance scheme Regulation are considered as met.

However, the AMC contained in this Annex provide means, ~~but not the only means of~~ for the measurement of the safety KPIs. ~~If the~~ Should a Member States or ~~the an~~ Air Navigation Service Providers (ANSPs) wish to use different means to measure the safety KPIs, they should:

- inform the Agency thereof, ~~and~~
- ~~Member States and ANSPs should~~ be able to demonstrate, by means of evidence, that the outcome of the application of any alternative means maintains the level of

<sup>5</sup> Commission Regulation (EU) No 691/2010 of 29 July 2010 laying down a performance scheme for air navigation services and network functions and amending Regulation (EC) No 2096/2005 laying down common requirements for the provisions of air navigation services (OJ L 201, 3.8.2010, p. 1). Regulation as last amended by the Commission Implementing Regulation (EU) No 1216/2011 (OJ L 310, 25.11.2011, p. 3).

<sup>6</sup> OJ L121, 9.5.2013.

compliance with the performance scheme regulation and reaches a result that is comparable with this Annex.

## B. Objective

The objective of this Annex is to establish the methodology for the measurement and verification of the following safety key performance indicators (safety KPIs) under the performance scheme Regulation:

- a) Effectiveness of Safety Management (EoSM) and Just Culture (JC), which should be measured through a periodic answering of the questionnaires the content of which is provided in Appendices 1 to AMC 2 SKPI, 1 to AMC 3 SKPI, 1 to AMC 9 SKPI and 1 to AMC 10 SKPI. The filled in questionnaires by the entity subject to evaluation, and distributed in accordance with performance scheme Regulation Regulation (EU) No 1216/2011, should be verified as guided in AMC 3 and 9 SKPI.

(...)

## C. Definitions and Abbreviations Acronyms

### Definitions

(...)

'Best (good) practice' is a method, initiative, process, approach, technique or activity that is believed to be more effective at delivering a particular outcome than other means. It implies accumulating and applying knowledge about what is working and what is not working, including lessons learned and the continuing process of learning, feedback, reflection and analysis.

(...)

'Not determined' means that insufficient information was available to determine the risk involved or inconclusive or conflicting evidence precluded such determination.

'Occurrence with no safety effect' is an incident occurrence which has no safety significance.

'Reliability factor' is the level of confidence in the assessment (scoring) undertaken, based on the data available.

(...)

### Abbreviations Acronyms

	(...)
ANS	Air Navigation Service
	(...)
CA	Competent Authority
	(...)
PI	Performance Indicator
	(...)

## II Effectiveness of Safety Management KPI

### AMC 1 SKPI — Measurement of Effectiveness of Safety Management KPI — General

(...)

### GM 2 SKPI — Measurement of Effectiveness of Safety Management KPI — General

A Management Objective (MO) has been derived and adapted for each of the elements of the ICAO State Safety Programme (SSP) and Safety Management System (SMS) as described in ICAO Annex 19 Document 9859 'Safety Management Manual', which is also suitable within the European regulatory framework.

For each Management Objective, a question (or questions) has been derived and the levels of effectiveness have been described.

For both State and ANSP levels, EASA and PRB will monitor the performance regarding this indicator based on the received answers and on the results of the verification process by the States/competent authority (CA) and by EASA as presented in Figure 2 in AMC 5 SKPI, section D.

The questionnaires' sole intent is to monitor the performance (effectiveness) of Member States/competent authorities and ANSPs regarding ATM/ANS safety management.

In order to facilitate this process for stakeholders, the Agency has developed an online tool which may be used by respondents, in place of the paper questionnaire, in order to complete and submit their responses to the questionnaires.

Member States/competent authorities and ANSPs are expected to provide honest evidence based answers to these questionnaires as far as is practicable. The indications provided response levels assessed in the completed EoSM questionnaires should be used with the sole purpose of generating recommendations and associated plans for improvement of the safety management. These indications-response levels are should not be used to generate findings in the context of standardisation or oversight inspections/oversights-audits.

In accordance with Commission Regulation (ECU) No 736/2006 628/2013<sup>7</sup>, if during the a standardisation inspection a finding is raised by the Standardisation Team, in relation to the NSA/CA responses to the EoSM questionnaire, corrective action by the NSA/CA is required. In case Further, that where a finding proves-identifies that any of the questions in the EoSM questionnaire is scored higher than it should be, the score should be corrected and lowered to the appropriate level of implementation. A similar approach should be applied when the NSA/competent authorities raise findings to the ANSPs.

The outcome of standardisation inspections/oversight is not supposed-designed to be used for corrections of the scores towards a higher level of implementation.

The safety key performance indicators for the Reference Period 1 (2012-2014) will be further validated and will be reviewed based on the experience with their use for the Reference Period 2.

## **AMC 2 SKPI — Measurement of Effectiveness of Safety Management KPI — State level**

The answers to the State-level questionnaire should be used to measure the level of effectiveness in achieving the Management Objectives defined in this Annex.

For each question, States should provide to the Agency information on the level of effectiveness (or level of implementation) and evidence to justify their answer.

The following Section A, below, defines which should be the corresponding Management Objectives for each component and element of the SSP framework.

The questionnaire which should be answered by the Member States/competent authority is in Appendix 1 to AMC 2 SKPI — Questionnaire for Measurement of Effectiveness of Safety Management KPI — State Level.

### **A. Components, Elements and Management Objectives**

(...)

<sup>7</sup> Commission Implementing Regulation (EU) No 628/2013 of 28 June 2013 on working methods of the European Aviation Safety Agency for conducting standardisation inspections and for monitoring the application of the rules of Regulation (EC) No 216/2008 of the European Parliament and of the Council and repealing Commission Regulation (EC) No 736/2006. (OJ L 179/46, 29.6.2013, p.46)

## B. Scoring and Numerical Analysis

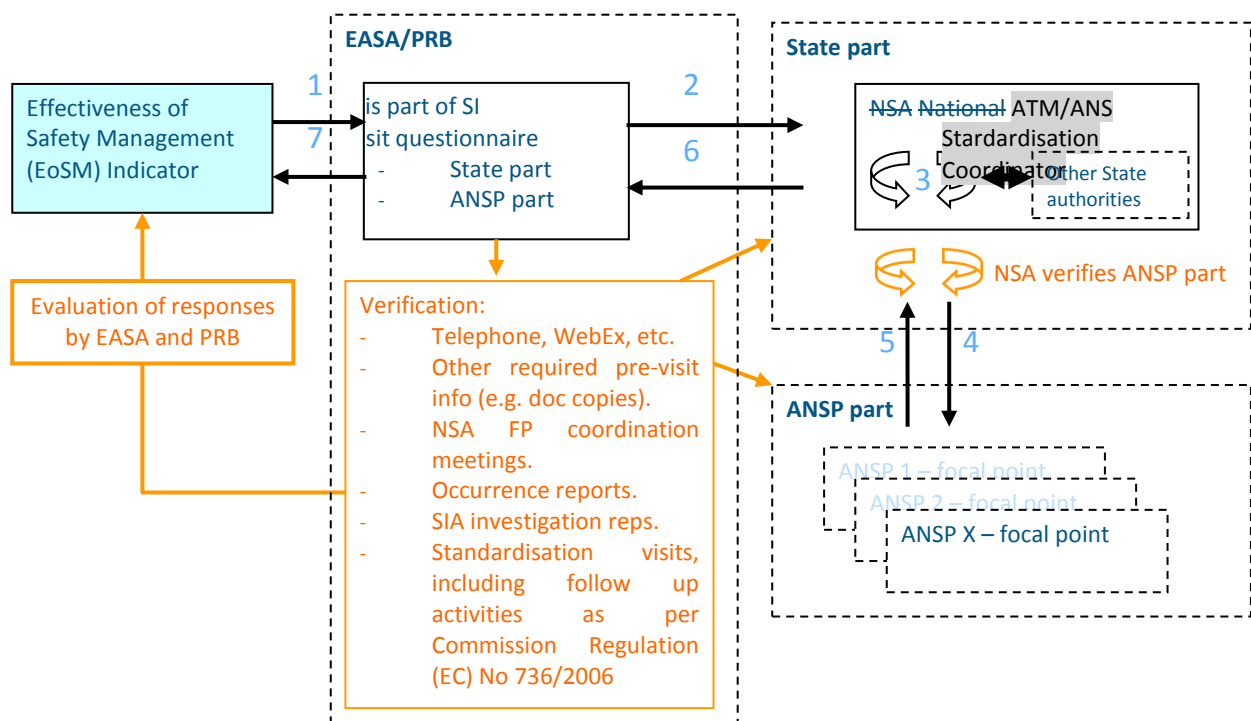
(...)

## C. Mechanism for Verification

The results of the States' filled-in questionnaires are to be verified by means of EASA standardisation inspections.

The coordination between EASA and the competent authority should be done through the national ATM/ANS standardisation coordinator appointed by the State in accordance with Article 6 of Commission Regulation (EC) No 736/2006. The process is described in Figure 1 below.

The national coordinator should be responsible for coordination within the State authorities and for coordination with the ANSPs to provide the Agency with the responses to the questionnaires (both competent authority and ANSP, aggregated where required).



**Figure 1** — Visualisation of the Mechanism for Verification at State level

## GM 3 SKPI – Effectiveness of Safety Management – Justifications for selected levels of implementation

This GM provides some general principles for providing justifications and a worked example for the levels selected.

### General Principles

It is anticipated that during a reference period there will be no changes other than clarifications, to the Effectiveness of Safety Management questionnaire. This not only enables the progress of States to be monitored during a reference period, it also means that States' responses to the questionnaire only need to be updated within a reference period, instead of being completely revised. It should, therefore, be anticipated that for some questions (but not the whole questionnaire), the response from a State will be the same as in previous years.

The verification process performed by the Agency uses the justifications and evidence provided in the answers to the questionnaire, alongside pre-audit questionnaires, standardisation visits and information from the State NPP and USOP audits. Where insufficient justification has been provided, the verification relies on alternative information such as additional requests for clarification from the NSA point of contact. Therefore, in the interest of efficiency, States are encouraged to provide the necessary justifications in the first instance.

Extensive justification, when levels of implementation A or B are selected, is not necessary. A simple statement of the fact or of when the work was, or will be, initiated is sufficient. Justifications for levels C, D, and E are required and the general principles of what formulates a good answer from the perspective of verification are shown below.

- (a) Justifications should be inclusive and explanatory, they should cover all relevant information and explain how the State achieved the level selected. Answers should not simply re-state the question.
- (b) Answers should clearly explain why a State is *at the level selected* and should avoid explaining why they are not at the level above the one selected.
- (c) In many of the questions, if the State selects level D or above, it must meet the requirements of both the level selected and the levels below. Where this is the case, the justification should cover all applicable levels, although a degree of consolidation is both acceptable and advisable.
- (d) The questionnaire often refers to 'a mechanism', however, it should be recognised that the differing organisational structures and project management styles between NSAs may mean that, instead of a single mechanism, there could be a series of processes, projects or initiatives that deliver the desired end results. Such a description of the processes, projects or initiatives and their interaction, provided that they are coordinated, is equally acceptable.
- (e) Justifications should contain specific information such as:
  - (1) names or titles of the processes, documents, legislation or entities being described,
  - (2) the job roles of the people responsible for the development, implementation or review of the item being described,
  - (3) the intended purpose of the item being described,
  - (4) when it was developed and implemented and how often it is reviewed,
  - (5) an outline of the means or method used for development, implementation or review (such as meetings, project teams, etc.), and
  - (6) the applicability of the item, for example whether it currently includes all the aspects intended or whether there are exceptions.
- (f) Where evidence can be easily provided, such as links to documents that are published online, these should have been provided, regardless of the language in use.
- (g) Where references are made to evidence in published documents, the reference should describe where the evidence can be found in the document and where the document itself can be found. For example, hyperlinks may be provided to documents published online, but where the document is very long, a reference to the chapter or page number would be helpful.
- (h) Where reference is made to internal documents, these should be cross-referenced with evidence from previous standardisation visits (if applicable). The reference should include

sufficient details for the verification team to be able to ask for the document, or the section of the document referred to, in a follow-up question to the State.

**Example Response**

An example of a well-structured answer is shown below, and the principles shown are applicable to any question at any level. In the example provided, the response shows that the State has achieved all the requirements of levels C and D, and even some of level E, but because it has not achieved *all* of level E, it must select level D. In the answer it can be seen that the information provided is concise but describes the processes by providing references, naming the entities or job functions responsible for the work (but not naming individuals), and by providing additional information that allows the verification team to understand the quality of the work being done.

By providing more information regarding the policy, more confidence can be placed in the answer and the verification team has a better idea of the way in which the NSA manages the policy in question. The extra information also indicates that the NSA is already moving towards achieving level E, although not all of the level E requirements are met.

## Element 2.2 Agreement on the service provider's safety performance

### MO2.2: Agree on safety performance of an individual, national or FAB service provider.

NSA has agreed with individual air navigation service providers on the safety performance (containing the ones contained in the national performance plans).

The justification describes the way in which the requirements at level C are met, providing a reference and, because in this case it is available, a hyperlink to the document online. States should ensure that referenced documents really do contain the information described and that hyperlinks are correct.

A	Initiating	Acceptable safety levels are established through the ATM safety regulatory framework in a limited number of areas and in an ad hoc manner.	<input type="radio"/> A
B	Planning/ Initial Implementation	There is a plan in place to establish and formalise acceptable safety levels for the ATM system through the ATM safety regulatory framework. Implementation activities have commenced.	<input type="radio"/> B
C	Implementing	Formalised acceptable safety levels have been established for the ATM system through the implementation of the State Safety Programme.	<input type="radio"/> C
D	Managing & Measuring	<b>All of Implementing plus:</b> An evaluation of the acceptable safety levels is carried out on a regular basis and changes are introduced when necessary.	<input checked="" type="radio"/> D
E	Continuous Improvement	<b>All of Managing &amp; Measuring plus:</b> The acceptable safety level review process is proactively incorporated within the overall aviation safety system. Based on proactive recommendations, acceptable safety levels are linked to potential safety-critical hazards and events through the State Safety Programme.	<input type="radio"/> E

#### Please provide justification for selected answer

D: The national competent authority has developed an acceptable level of safety policy document (ref ALS2, first published in July 2011) which has been promulgated externally via an ANS NOTICE (available from the NSA website at [www.NSA.gov.xx/ANSNOTICE7-2011](http://www.NSA.gov.xx/ANSNOTICE7-2011)). The policy identifies a number of national level ANS safety targets. Further work is currently being undertaken by the NSA to broaden this activity to derive individual unit level safety targets for those units where the level of activity makes this approach practicable. An evaluation of safety performance is undertaken by the ANS and Safety Analysis Departments on a 6 monthly basis. In addition, prior to conducting on-site audits of major units, safety performance trends for a selected number of safety indicators is reviewed. In addition, a summary of annual national ANS safety performance is reported upon formally in the Annual Safety Oversight Report, which can be found online at [www.NSA.gov.xx/AnnualSafetyOversightReport2012](http://www.NSA.gov.xx/AnnualSafetyOversightReport2012)

By providing an example via the hyperlink, the verification team can check the quality of the work to understand how well the requirements are being met.

By providing the timescales (every six months) and the names of the departments involved, the justification describes succinctly that the evaluation is carried out on a regular basis. By describing the review process prior to major audits, the justification shows that the criteria are met in more than one way, providing more confidence in the answer.



**AMC 3 SKPI — Measurement of Effectiveness of Safety Management KPI — ANSP level**

(...)

**A. Components, Elements and Management Objectives**

(...)

**B. Mapping between Management Objectives, Study Areas and Questions**

(...)

**C. Scoring and Numerical Analysis**

(...)

Where:

- $S_j$  is the effectiveness score for ANSP in Study Area/Management Objective  $j$ ;
- $r_{kj}$  is the numeric value of the response of ANSP to question  $k$  in Study Area/Management Objective  $j$ ;
- $w_{kj}$  is the weight factor of question  $k$  to Study Area/Management Objective  $j$ ; and
- $n_{ji}$  is the number of questions in Study Area/Management Objective  $j$  for which non-null responses were provided by the ANSP.

(...)

**D. Mechanism for Verification**

(...)

**GM 3 4 SKPI — Measurement of Effectiveness of Safety Management KPI — ANSP level — Scoring and numerical analysis**

~~HOW THE SAFETY PERFORMANCE INDICATORS CAN BE APPLIED WITHIN A FAB OR WITHIN MEMBER STATES WHEN THERE IS MORE THAN ONE ANSP TO BE MONITORED FOR THE PURPOSE OF PERFORMANCE SCHEME IN ATM~~

~~It is important to clarify the way the safety performance indicators can be applied in an environment where there is more than one ANSP at national level (certified for ATS and/or CNS provision) and for the FAB context. As required by Commission Regulation (EU) No 691/2010 for Reference Period 1 (RP1), the safety performance indicators are to be applied for each State, competent authority and ANSP within each Member State. But there is nothing preventing Member States and ANSPs to aggregate the results for the different national ANSPs or to apply them within the FAB.~~

~~As each State and each ANSP in a FAB have different contributions to the service provided within the FAB, and therefore it is expected that they have different contributions to the respective combined KPI, weighting factors could be applied to reflect their respective contribution to the KPI. It should also be noted that States involved in a FAB may designate only one competent authority responsible for the safety oversight of all the ANSPs involved in that FAB and also that all the ANSPs involved in a FAB may decide to have a combined SMS. The safety performance indicators should take into account these arrangements.~~

~~Different approaches could be applied towards aggregation and weighting of results for the EoSM indicator both at State and ANSP level within a FAB or between ANSPs providing services in the same State. The following may be possible options:~~

- ~~• The use of weighted averages based on traffic size;~~
- ~~• Use of average scores together with an assessment of the lowest and highest score;~~

- ~~Applying the lowest score for each management objective (so far this option is considered as the best practice).~~

(...)

#### **GM 4 5 SKPI — Measurement of Effectiveness of Safety Management KPI — ANSP level — Verification Mechanism**

(...)

### **III Severity Classification Based on the Risk Analysis Tool Methodology**

#### **AMC 4 SKPI — Severity Classification Based on the Risk Analysis Tool Methodology — General**

##### GENERAL DESCRIPTION

The severity part of the risk analysis tool methodology dedicated to operational occurrences should follow the principle of evaluating several criteria and allocating a certain score to each criterion, depending on how severe each criterion is evaluated to be.

(...)

The overall score for the severity of an occurrence should be built from the sum of the score allocated to the risk of collision/proximity (itself a sum of the score allocated to the separation and the score allocated to the rate of closure) and the degree of controllability over the incident occurrence.

The severity of the ~~For ATM-specific occurrences (i.e. technical occurrences affecting the capability to provide safe ATM/ANS services)~~ should refer to the service provider's capability to provide safe ATM/CNS services. ~~the~~ The criteria which should be considered are: the service affected, service/function provided, operational function, type of failure, extension of the failure and its scope and duration.

The severity of occurrences reported by Member States should be the ATM Overall severity. For ATM-specific occurrences, the ATM Overall coincides with ATM Ground severity.

Member States should ensure that arrangements are in place for the reporting of the ATM Overall severity score to be reported.

#### **AMC 5 SKPI — Severity Classification Based on the Risk Analysis Tool Methodology — Methodology for Separation Minima Infringements**

(...)

##### **A. Risk of collision**

The risk of collision should be determined by the sum of the scores for the following sub-criteria:

1. Separation — based solely on the minimum distance achieved between aircraft or aircraft and obstacles. The greatest value between the horizontal and vertical in percentage of the applicable separation should be considered.
2. Rate of closure — ~~based on the vertical and horizontal speed,~~ based on the relative relevant (horizontal/vertical) speed measured at the moment the separation is infringed. The greatest of the predefined intervals for each of the horizontal and vertical speeds should be considered for the evaluation, if the separation is lost after the crossing point (i.e. if the aircraft are on diverging headings when the separation is lost, then the rate of closure is considered 'none').

(...)

**B. Controllability**

(...)

The controllability score should be defined by the following sub-criteria:

1. Conflict detection,
2. Planning,
3. Execution,
4. Ground safety nets (e.g. STCA),
5. Recovery,
6. Airborne safety nets (e.g. TCAS),
7. Airborne Pilot execution of TCAS RA.

**Conflict detection**

(...)

**Planning** refers to the ATM Ground plan and, therefore, the ATM Overall score should have the same score as ATM Ground. ATM Airborne should not be scored here. The performance, the timing and efficiency of the ATM Ground planning should be assessed. The plan refers to the first plan developed by ATC to solve the potentially hazardous/conflict situation detected in the previous step. This plan should be referred to in the subsequent execution steps but not necessarily in the recovery step.

- When the planning is either late or does not lead to a timely and effective resolution of the conflict, then 'Plan INADEQUATE' should be scored.
- When 'Conflict NOT detected' is scored, then also 'NO Plan' and 'NO Execution' should also be scored.

(...)

**Execution** refers in general to ATM Ground execution in accordance with the developed plan but it should have ATM Ground and ATM Airborne components. Execution refers to the execution of the first plan developed by ATC to solve the detected hazardous/conflict situation. When assessing the execution, the time and efficiency of that execution should be assessed. ~~Pilot~~ Airborne execution of the received instructions/clearances should be scored as ATM Airborne.

- ATM Ground execution should be scored as 'Execution INADEQUATE' when it is not timely or not effective. It refers to the same plan developed in the planning criterion, prior to the separation infringement. It includes the cases when it is contrary to any prior good planning. The ~~pilot~~ airborne execution should be scored separately as ATM Airborne.
- ~~If the previous step was scored as 'Plan INADEQUATE', then the execution should be also scored as 'Execution INADEQUATE', unless there is no execution at all, in which case it is scored as 'No Execution'. In other words, the execution cannot be CORRECT if the plan is INADEQUATE.~~

(...)

**Ground Safety Nets (STCA)**

(...)

		ATM ground	ATM airborne	ATM overall	RF weight
STCA ATM ground	Current STCA triggered	0		0 or 5	
	±No current STCA	5			

**Recovery** from the actual incident is the phase requiring immediate action to restore the safety margins (e.g. separation) or at least to confine the hazard. Recovery starts from the moment the safety margins have been breached (potentially due to an inadequate or missing initial plan to solve the hazardous situation). This sub-criterion applies to both ATM Ground and ATM Airborne. Therefore, ATM Overall should be **the sum** of the ATM Ground and ATM Airborne values.

(...)

### Airborne Safety Nets (TCAS)

(...)

**Pilot Airborne execution of TCAS RA** (or application of see-and-avoid in cases where TCAS is not applicable) and recovery is a criterion to gather the complementary performance to ATM ground.

- 'Pilot(s) Airborne INSUFFICIENTLY followed RA' should apply when pilot action is not reacting fully in accordance with the TCAS RA.
- 'Pilot(s) Airborne INCORRECTLY followed RA (or, in the absence of RA, took other inadequate action)' should be scored whenever the pilot actions were either missing or contradictory (e.g. did not follow the RA). A contradictory reaction or non-reaction to a TCAS RA should be considered as the worst possible case.

		ATM ground	ATM airborne	ATM overall	RF weight
Pilot execution of TCAS RA	Pilot(s) Airborne followed RA (or, in absence of RA, took other effective action, as a result of see-and-avoid decision)		0	0 to 15 ATM airborne	10
	Pilot(s) Airborne INSUFFICIENTLY followed RA		10		
	Pilot(s) Airborne INCORRECTLY followed RA (or, in the absence of RA, took other inadequate action)		15		

### C. Final scores

(...)

### D. Reliability Factor

(...)

If during the evaluation of two different occurrences a certain criterion is scored in the first case as zero (0) and in the second case as 'blank', the ATM overall severity score in both cases should have the same value but the RF should be lower in the second case.

If a score is recorded for a specific criterion, then its RF weight should be added to the overall RF value as follows:

- For the Separation, Rate of closure, Conflict detection, Planning, Ground safety nets (STCA) criteria, which have only ATM Ground component, full RF value should be added if the ATM Ground value is recorded (except for Separation and Rate of closure where the ATM Ground value could be replaced by ATM Airborne).
- For the Execution, Recovery and Airborne Safety Nets (TCAS) criteria, which have both ground and airborne components, half of the RF value should be added if the ATM Ground value is recorded and half of the weight if the ATM Airborne value is recorded.
- For the Pilot airborne execution of TCAS RA criterion, which has only an airborne component, full RF value should be added if the ATM airborne is recorded.

(...)

#### **GM 5 6 SKPI – Severity Classification Based on the Risk Analysis Tool Methodology for Separation Minima Infringements – General description**

(...)

Scenario	Description
1. More than one aircraft	When two or more aircraft are involved in the occurrence and a standard separation is defined – usually for incidents with airborne aircraft, e.g. usually involving separation minima infringements.
2. Aircraft – aircraft tower	When the occurrence is an encounter between two aircraft under tower ATC. This includes situations where a) both aircraft are airborne; b) both aircraft are on the ground; c) one aircraft is airborne and one is on the ground.  In addition, this should be used for occurrences involving one aircraft and a vehicle that, at the time of occurrence, was occupying/intersecting an active runway.
(...)	

The following link may be made between the occurrences scenarios as in RAT and the occurrence types referred to in ~~Commission Regulation (EU) No 691/2010~~ the (performance scheme Regulation):

- Separation minima infringements: scenario 1;
- Runway incursions: scenarios 2, and 3 and 4;
- ATM-specific occurrences: scenario 5.

#### **GM 6 7 SKPI – Severity Classification Based on the Risk Analysis Tool Methodology – Methodology for Separation Minima Infringements – Risk of Collision – Score Determination**

(...)

#### **GM 7 8 SKPI – Severity Classification Based on the Risk Analysis Tool Methodology – Methodology for Separation Minima Infringements – Controllability score determination**

(...)

- Predictive STCA is meant to be an STCA that triggers an alarm with sufficient time in advance of an infringement of the separation minima allowing air traffic controllers enough time to react;
- Current STCA is meant to be an STCA that ~~triggers an alarm not before the separation minima is being infringed~~ (or triggers at the time when the separation minima starts to be infringed).

(...)

**Example of controllability score determination:**

Conflict detected, planning inadequate, execution inadequate by ATC, correct by pilot, STCA not applicable, recovery correct by ATC and pilot, TCAS RA needed but not triggered, pilot response not applicable:

	Conflict detection	Planning	Execution	Ground Safety Nets (STCA)	Recovery	Airborne Safety Nets (TCAS)	Pilot Airborne execution of TCAS RA	Total score
Ground	Yes	Inadequate	Inadequate	N/A	Correct	N/A		6
	0	3	3	0	0	0		
Airborne			Correct		Correct	No	N/A	10
			0		0	10	0	
RF	10	10	5+5	10	5+5	5+5	10	70

**ATM Overall Controllability**

= Conflict detection + Planning + Execution + Ground Safety Nets (STCA) + Recovery + Airborne Safety Nets (TCAS) + Pilot Airborne Execution of TCAS RA

= 0+3+3+0+0+10+0

= 16

**GM 8 9SKPI – Severity Classification Based on the Risk Analysis Tool Methodology – Methodology for Separation Minima Infringements – Final scores**

(...)

**GM 9 10 SKPI – Severity Classification Based on the Risk Analysis Tool Methodology – Methodology for Separation Minima Infringements – Reliability Factor**

*Example:* When scoring 'Not Applicable' as in GM 7 for the Pilot Airborne Execution of TCAS RA (because there was no TCAS RA in the example provided), the value of the score is 0. Nevertheless, the relevant value of the RF is added to the RF Overall.

*Example:* In the examples of GM 6 and GM 7 the RF for each criterion is also recorded. The overall RF based on these examples is calculated to be 100, which means that the severity in this example is evaluated with all necessary data available. In this case, and in other cases where the overall RF is calculated to be 70 or more, the resulting severity may be considered as valid.

The same example as in GM 7 may be presented with some data missing (value 'blank') as follows:

	Conflict detection	Planning	Execution	Ground Safety Nets (STCA)	Recovery	Airborne Safety Nets (TCAS)	Pilot Airborne execution of TCAS RA	Total score
Ground	No data	Inadequate	Inadequate	N/A	Correct	No data		6
	blank	3	3	0	0	Blank		
Airborne			No data		No data	No data	No data	10
			blank		blank	Blank	blank	
RF	0	10	5+0	10	5+0	0+0	0	30

If In order to evaluate the Overall RF of this example, we need to add to the RF of Controllability in this example the RF of Risk of Collision. If we use the value of RF of Risk of

Collision from as calculated in GM 6 7 is added (30), the Overall RF has will have a value of 60. Since the Overall RF < 70, the occurrence should be categorised as 'Not determined' (D).

#### **AMC 6 SKPI — Severity Classification Based on the Risk Analysis Tool Methodology — Methodology for Runway Incursions**

(...)

##### **A. Risk of collision**

(...)

For the risk of collision, *either* ATM Ground *or* ATM Airborne severity should be scored and not both ATM Ground and ATM Airborne. The ATM Airborne severity should be used only in cases where ATC is not responsible for providing separation (i.e. ~~certain classes of airspace, e.g. close encounter between IFR and VFR flights in Class E airspace~~).

##### **B. Controllability**

(...)

#### **AMC 7 SKPI — Severity Classification Based on the Risk Analysis Tool Methodology — Methodology for ATM-specific occurrences.**

(...)

##### **B. Options for ATM-specific occurrences**

(...)

2. Criterion 'Service/Function provided' — the following options should be available for the Service/Function criterion:

- a. Communication — aeronautical fixed and mobile services to enable ground-to-ground, air-to-ground ~~and air-to-air~~ communications for ATC purposes;
- b. Corruption of supervision — undetected corruption of supervision. It has no impact unless a second action takes place. If left alone there will be no impact. If an operator does something in response to an incorrect indication then a different type of failure could occur.

(...)

7. Criterion 'Duration' — T1 is the time interval between the initiation of the technical event and the moment when it triggers actual or potential operational consequences either for the air traffic controller (ATCO) or the pilot.

- a. Duration less than T1 — this option should be chosen when the technical failure did not last long enough to trigger actual or potential operational consequences on the air traffic controller or the pilot. In such a case the severity of the ATM-specific occurrence should have no impact on the **safe provision of** air traffic services and should be classified with severity E. Consequently, there is no need for the user to further apply the RAT methodology for this technical failure (just record the severity E);

(...)

#### **GM 10 11 SKPI — Severity Classification Based on the Risk Analysis Tool Methodology — Methodology for ATM-specific occurrences**

(...)

**Criterion 'Duration'**

When criterion 'Duration' is evaluated, T1 should be used for separating technical glitches with no operational consequences from failures that impact the ANSP's ability to provide safe ATM services.

(...)

**B. Look-up table**

Following the selection of criteria options described in this AMC 9 SKPI, the severity for an ATM-specific occurrence may be determined by identifying the appropriate combination in the look-up table presented in Appendix 1 to GM 10 11 SKPI — Look-up Table for Severity Classification of ATM-specific occurrences and retrieve the predetermined severity in column 'Severity'.

The look-up table contains all the realistic combination of the criteria described in this GM. An occurrence code is uniquely assigned to each combination.

It is to be noted that in case of combination of criteria that are not realistic the severity is marked 'X' in the look-up table. In such case the severity ~~can not~~ cannot be determined (category D). Therefore, the user should try to map a given failure to the credible combination available in the look-up table.

(...)

**C. Examples for ATM-specific occurrences****Example 1**

*All communications with aircraft were lost in the sector South in the ACC X. The failure lasted 1 min 12 sec.*

The service provided was 'Communication'. As the communication was lost with the aircraft, the operational function affected is 'Air-Ground Communication'.

No communication with the aircraft in the sector was possible during that time; therefore the type of failure is 'Total ~~lost~~ loss of function'. Service affected is 'Area Control Centre'.

(...)

**AMC 8 SKPI — RAT methodology — ~~Verification~~ Monitoring mechanism**

The Member States' points of contact, established in accordance with Directive 2003/42/EC and Commission Regulation (EC) No 1330/2007, should collect verified information regarding the application of severity classification using the Risk Analysis Tool (RAT) methodology for the reported occurrences within the scope of the performance scheme Regulation ~~Commission Regulation (EU) No 691/2010 as amended by Regulation (EU) No 1216/2011.~~

~~The collection of information relevant to the use of the RAT methodology should make use of existing safety data reporting mechanisms, with enhancements where needed.~~

When the Member States report on the monitoring of the performance plans and targets in accordance with the performance scheme Regulation ~~Article 18 and Annex V 17 of Commission Regulation (EU) No 691/2010.~~ They should report the percentage of occurrences that have been evaluated by the use of the severity classification using the RAT methodology.

For the application of the severity classification on an individual basis for all occurrences within the scope of the Regulation, Member States should provide the data by ~~The collection of information relevant to the use of the RAT methodology should make~~ use of existing safety data reporting mechanisms, that is, either the European Central Repository and/or the Annual Summary Template Mechanism, with enhancements where needed.



## IV Just culture

### **GM ~~11~~ 12 SKPI — Just culture — General.**

(...)

### **AMC 9 SKPI — Just culture — Reporting at State level**

(...)

### **GM ~~12~~ 13 SKPI — Just culture — Reporting and Verification at State level**

Some examples of the possible justification material which support the verification of completed JC questionnaire at State level are provided in Appendix 1 to GM ~~12~~13 SKPI — Just Culture — State level — possible justification. This appendix consists of the State-level JC questions with an additional column providing possible evidence and some explanatory notes where considered necessary.

(...)

### **AMC 10 SKPI — Just culture — Reporting at ANSP level.**

(...)

### **GM~~13~~ 14 SKPI — Just culture — Reporting and Verification at ANSP level**

Some examples of the possible justification material which support the verification of completed JC questionnaire at ANSP level are provided in Appendix 1 to GM ~~13~~14 SKPI — Just Culture — ANSP level — possible justification. This appendix consists of the ANSP-level JC questions with an additional column providing possible evidence and some explanatory notes where considered necessary.

## **GM15 SKPI — Interdependencies — evaluation of the impact on safety of the performance plan**

### **Purpose**

The purpose of this guidance material is to describe a possible process to be applied when describing consideration of the interdependencies between key performance areas in the performance plan, including an evaluation of the impact on safety in the performance plan when complying with the performance scheme Regulation.

### **Description of a possible process to be applied when identifying interdependencies and impact on safety**

The ATM performance plan includes identifying interdependencies between cost, environment, capacity and safety. The competent authority should be considered as an integral part of the interdependencies because of the competent authorities' responsibilities in relation to certification and oversight. Planned actions to achieve the targets in the performance areas of environment, capacity and cost-efficiency most likely will bring changes in the functional systems, as defined in Commission Implementing Regulation (EU) No 1035/2011<sup>8</sup> (the common requirements Regulation), of the ANS providers and their competent authorities (NSAs).

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<sup>8</sup> Article 2 (3) of Commission Implementing Regulation (EU) No 1035/2011 - 'functional system' means a combination of systems, procedures and human resources organised to perform a function within the context of ATM.

The performance scheme Regulation establishes provisions<sup>9</sup> for an evaluation of the impact on safety of the performance plan. This is valid for all entities which contribute to the performance plans, including the competent authorities (NSAs).

All entities contributing to the improvement of the performance at local level should make an analysis of impact on their functional systems by the changes which will be introduced by the improvements in the other performance areas foreseen to be implemented within the reference period. Assessment of the identified changes to the functional systems should be done at the time of performance planning and the relevant possible mitigating actions should be identified. Description of the changes with potential effect on safety and the mitigations identified should be included in the interdependencies analyses of the performance plan.

In instances where changes to functional systems are scheduled for medium to long-term future implementation, safety mitigations for safety assurance should be included in the performance plan as far as practicable. If the assessment of planned changes (e.g. by using Safety scanning) shows no effect on safety, they should be referenced in the interdependencies analyses of the performance plan as having no safety impact. However, the Member States may also include a high level description of some changes in the other performance areas which will not affect their functional systems. The process for the assessment of changes and their insertion in the performance plan are provided in the diagram (Figure 7).

When describing the consideration of the interdependencies between safety performance area and the rest of the performance areas in the performance plan, Member States should, at a minimum, include in the performance plan:

- performance area and the target which' achievement will introduce the change to the functional system;
- functional systems affected; and
- description of:
  - affected elements of the functional system and the changes introduced in each of them; and
  - general description of planned mitigations and activities for safety assurance and other relevant information.

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<sup>9</sup> Article 11, 3 (e) and Annex II, 3.3 of Commission Implementing Regulation (EU) No 390/2013 (the performance scheme Regulation).

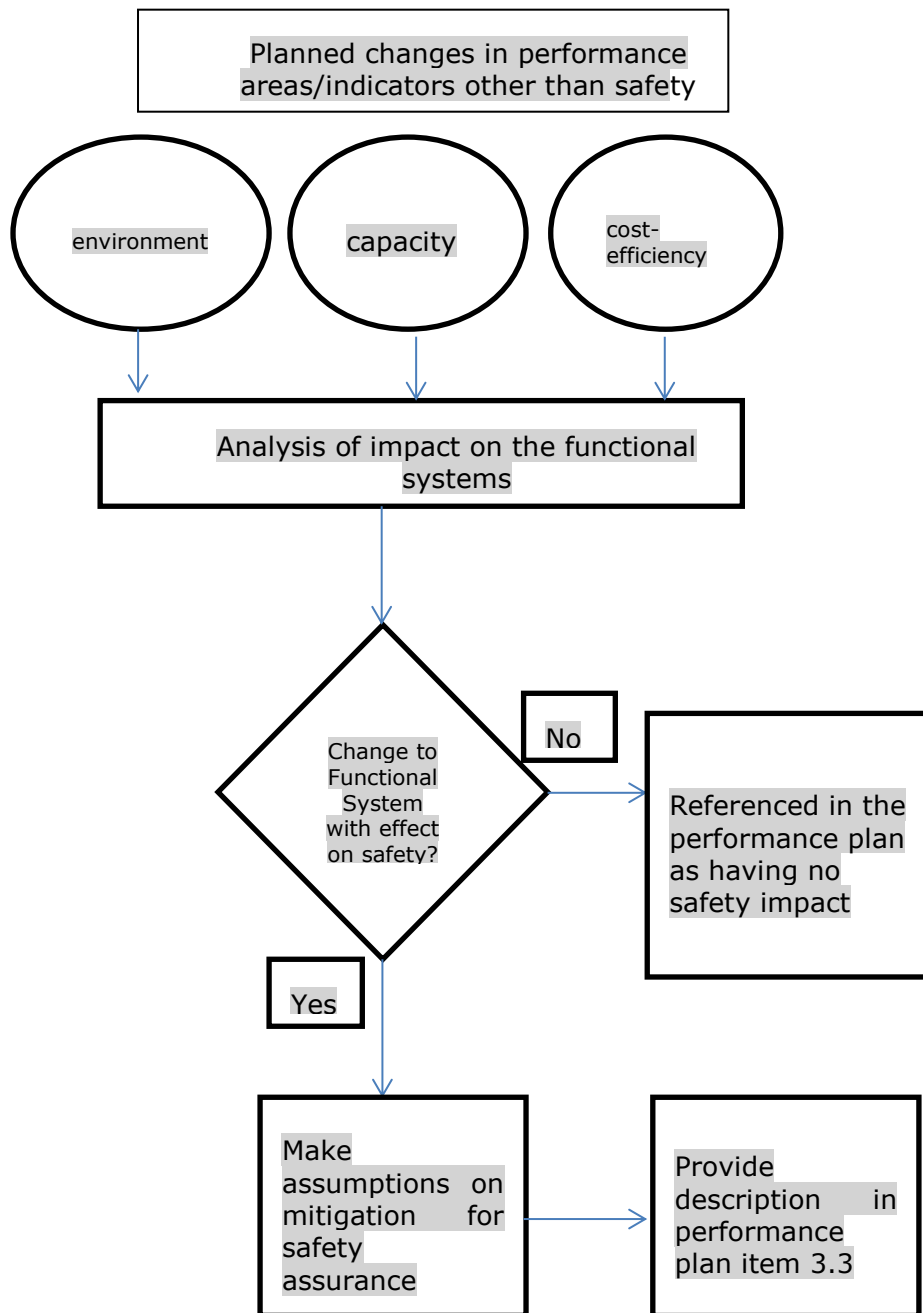


Figure 7 Interdependencies evaluation

Examples of changes that may have an effect on safety and how the relevant interdependencies may be described in the performance plan item 3.3 Examples of changes for ANS providers driven by improvement in performance areas which have effect on safety				
Performance area/reason for change	Functional system affected/ Change description	Potential changes to the elements of functional system and possible mitigation measures		Remarks
Cost-efficiency driven change (reduce cost for personnel)	ANSP xxx, ACCs yyy, zzz etc. Removal of assistant position (tasks go to ATCO and/or automation)	Human resources	Reduction in operational personnel; ATCO additional training for new role; Training for technical personnel.	The change is planned for the beginning of 2019 and will support achieving the cost-efficiency target by reducing the unit rate with 1.06 %. In order for the ATCO to take over the role of the assistant then, it is likely that the information used by the assistant will have to be presented to the ATCO. Moreover, in order to avoid overload, the information used by the assistant and the information used by the ATCO will have to be presented in a different, more user friendly, form. It may also be necessary to provide additional automation to perform some assistant's tasks. This certainly implies changes to the equipment at the ATCO's working position and very probably implies changes to the functions providing information to those working positions.
		Procedures	Change to operational and maintenance procedures.	
		Systems	Change to operator interface likely change to functions for the manipulation and visibility of surveillance and flight data information and management; Possibly the addition of new flight lists in CWP of planning and executive controllers.	
		Architecture	Removal of assistant position and likely changes to the way information is managed and distributed within the system; Redistribution of function/responsibility between	

			human – automation.	
		Environment	Possible change to sector shape/organisation to limit ATCO workload.	
Capacity driven change - increase in traffic in airspace	ANSP A and B Change the organisation of the upper airspace and introduction of new technology	Human resources	Training for new procedures, airspace organisation and equipment; Possible increase in personnel ; Working hours/shift patterns (fatigue and the associated increased risk of human errors).	<p>The change is a deliberate attempt by the provider of ATS to increase the capacity as indicated in the performance plan from 2017. Daily and seasonal fluctuations in traffic are not considered to be a change.</p> <p>The change is actually a change in the environment of operation that would require a change in the functional system in order to make the operation acceptably safe.</p> <p>Changes are required to the surveillance or communications systems already present. The changes may involve the operational use of new or modified information that is already within the current system. Such use could involve an architectural change to make the information available to the changed components.</p>
		Procedures	New or changed procedures (including contingency measures) to handle new services and increased traffic; Changes to the ANSP organisation for delivering services.	

		System/ constituents	Possibly improved surveillance, communications and/or other systems e.g. ATCO decision support tools; Changes to the display of operational data to controllers at the point of service delivery; Changes to communications systems (architecture etc.) used for the delivery of an ATS service.	
		Architecture	Possibly if the surveillance and communications system changes require changes in the interfaces with equipment already present	
		Environment	Increase in traffic; Airspace change.	

### **3.2. Changes in the Appendices to the Annex**

The below appendices can be seen via hyperlinks due to their big volume. It should be noted that hyperlinks are available only for appendices with introduced changes. It should be noted that in order to reduce the volume of the published information, the repetition is avoided by providing hyperlinks in some cases for the GM only. For example, the questions contained in Appendix 1 to AMC 9 SKPI — Just Culture Questionnaire — State level and Appendix 1 to AMC 10 SKPI — Just Culture Questionnaire — ANSP level are also available in Appendix 1 to GM 12 SKPI — Just Culture — State level — possible evidence Appendix 1 to GM 13 SKPI — Just Culture — ANSP level — possible evidence. That is why only hyperlinks to the GMs are available.

- Appendix 1 to AMC 2 SKPI — Questionnaire for Measurement of Effectiveness of Safety Management KPI — State level
- Appendix 2 to AMC 2 SKPI — List of Weightings for Evaluation of Effectiveness of Safety Management Questionnaire — State level
- Appendix 1 to AMC 3 SKPI — Questionnaire for Measurement of Effectiveness of Safety Management KPI — ANSP level
- Appendix 1 to GM 5 SKPI Verification of ANSP EoSM by NSA/competent authority
- Appendix 1 to GM 11 SKPI — Look-up Table for Severity Classification of ATM-specific occurrences
- Appendix 1 to GM 12 SKPI — Just Culture — State level — possible evidence
- Appendix 1 to GM 13 SKPI — Just Culture — ANSP level — possible evidence

## 4. References

### 4.1. Affected AMC and GM

Decision 2011/017/R of the Executive Director of the European Aviation Safety Agency of 16th December 2011 on acceptable means of compliance and guidance material to Section 2 of Annex I to Commission Regulation (EU) No 691/2010<sup>10</sup> laying down a performance scheme for air navigation services and network functions as amended by Commission Implementing Regulation (EU) No 1216/2011 'Acceptable Means of Compliance and Guidance Material for the implementation and measurement of safety KPIs (ATM performance IR)'.

### 4.2. Reference documents

No

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<sup>10</sup> Commission Regulation (EU) No 691/2010 of 29 July 2010 laying down a performance scheme for air navigation services and network functions and amending Regulation (EC) No 2096/2005 laying down common requirements for the provisions of air navigation services (OJ L 201, 3.8.2010, p. 1). Regulation as last amended by the Commission Implementing Regulation (EU) No 1216/2011 (OJ L310, 25.11.2011, p. 3).



## 5. Individual comments (and responses)

In responding to comments, a standard terminology has been applied to attest the Agency's position. This terminology is as follows:

- (a) **Accepted** — The Agency agrees with the comment and any proposed amendment is wholly transferred to the revised text.
- (b) **Partially accepted** — The Agency either agrees partially with the comment, or agrees with it but the proposed amendment is only partially transferred to the revised text.
- (c) **Noted** — The Agency acknowledges the comment but no change to the existing text is considered necessary.
- (d) **Not accepted** — The comment or proposed amendment is not shared by the Agency.

### (General Comments)

-

comment	30	comment by: <i>Naviar Safety &amp; Quality</i>
	We believe that all KPI's should be stated in one document. The present document regulates only Safety Key Performance Indicators (SKPI's). SKPI's includes Economi and therefore we propose this to be reflected.	
response	<b>Noted</b> According to Commission Regulation (EU) No 691/2010 as amended by Commission Implementing Regulation (EU) No 1216/2011 and according to Commission Implementing Regulation (EU) No 390/2013, the Agency is mandated to develop AMC and GM for the Safety KPIs and PIs only.	
comment	31	comment by: <i>Naviar Safety &amp; Quality</i>
	We are not sure that the proposed SKPI's will provide a higher Safety for us. Therefore we believe that ressources are not well spend.	
response	<b>Noted</b> This NPA does not propose SKPIs, but only means to comply and relevant guidance materials where deemed necessary. The SKPIs are defined in the performance scheme Regulation (Commission Regulation (EU) No 691/2010 and Commission Implementing Regulation (EU) No 390/2013). This NPA proposes only amendment to the existing AMC/GM to SKPIs.	
comment	32	comment by: <i>UK CAA</i>
	Please be advised that the page numbers referenced against the UK CAA comments reflect the page numbers printed at the bottom of the page in the NPA published on the EASA website.	
response	<b>Noted</b>	
comment	102	comment by: <i>French DGCA</i>
response	<b>Noted</b>	

comment	169	comment by: AIRBUS
	<p><b><u>General comment</u></b></p> <p>In order to take into account the improved TCAS capability (AP/FD TCAS) of some aircraft, this NPA should be more generic in this area, e.g. not distinguishing between human contribution and system contribution.</p> <p>For example (the following list is not exhaustive):</p> <ul style="list-style-type: none"> <li>- Page 36: "pilot execution of TCAS RA" should be replaced by "Airborne execution of TCAS RA",</li> <li>- Page 36: "Pilot(s) INSUFFICIENTLY followed RA" should be replaced by "Airborne INSUFFICIENTLY followed RA"</li> <li>- Page 37: "Pilot(s) INCORRECTLY followed RA" should be replaced by "Airborne INCORRECTLY followed RA"</li> </ul>	
response	<p><i>Accepted</i></p> <p>'Pilot' will be replaced in the proposed text with 'Airborne'.</p>	
comment	223	comment by: CANSO Civil Air Navigation Services Organization
	<p>Comment:</p> <p>Given that Section 2 of Annex II to the performance scheme regulation specifies that 'For the purpose of these indicators, local means at functional airspace block level with an indication for monitoring purposes of the contribution at national level.' and that the EoSM KPI applies equally to MS (their NSAs) and air navigation providers the EoSM Questionnaires do not appear to support measurement at the FAB level.</p> <p>By way of example for states:</p> <p>Q.1.1 There is a well-established primary aviation legislation that contains provisions enabling the government and its administration to proactively supervise oversee the civil aviation activities and implements the EU safety regulatory framework in relation to ATM/ANS.</p> <p>This is evidently aimed at individual state level and not at the FAB level.</p> <p>Impact:</p> <p>How does EoSM work in a FAB at State and ANSP level?</p>	
response	<p><i>Noted</i></p> <p>Indeed, the AMC/GM do not tackle the targeting and evaluation of SKPIs at FAB level. PRB will provide template for FAB Performance plans in RP2 supporting the Member States in their Performance Plans preparation and the target setting process at local (FAB) level will be addressed there as well.</p>	
comment	237	comment by: CANSO Civil Air Navigation Services Organization
	<p><u>With regards to the Just Culture questionnaire ANSP P.5 Page 140</u></p> <p>We welcome the fact that the wording of question ANSP P.5 for the Just culture has been amended.</p> <p>The wording of the ANSP P.10 should reflect this amendment. For that purpose, we would suggest the following text:</p> <p>"Does the ANSP ensure that persons providing stress management system such as critical incident stress management are clearly nominated and adequately trained?"</p>	
response	<p><i>Accepted</i></p>	

With the following editorial change :

'Does the ANSP ensure that ~~Are the staff~~ **persons** involved in **stress management systems, such as** Critical Incident Stress Management, are clearly nominated and adequately trained? '

comment

239

comment by: *Federal Office of Civil Aviation FOCA*

As a general remark, the Swiss Federal Office of Civil Aviation welcomes the changes and amendments introduced by the present NPA. However, we would like to express our concern on the shortened consultation period (even though it has been extended insignificantly until 15 September). As there are some amendments which touch on FAB issues, it would have been advisable to provide the standard three months of consultation time in order for Member States associated in respective FAB initiatives to consult with each other and – where appropriate – to provide a common statement. This, however has been made substantially more difficult by the shortened consultation period.

response

*Noted*

As it is stated into the NPA it is aiming at adoption of an amended EASA ED Decision by the end of this year. It would not be possible if the consultation period was 'standard' 3 months. Please, also note that one of the reasons for that is the aim of the Agency to improve the quality of the AMC/GM even during the third year of RP1.

comment

249

comment by: *CAA-NL***General**

Eliminating inconsistencies and improve the guidance material and AMC's due to lessons learnt, helps to score the answers closer to the actual situations and the staff / management involved will relate to and accept the outcome of the questionnaires.

We support an early applicability, especially during the third year of RP1.

Caution shall be taken on the non-applicability of any other additional indicators derived from the EU 390/2013 regulation.

response

*Accepted*

The Agency is aiming at the adoption of the amended ED Decision prior to the third year of RP1. The AMC/GM to the new PIs introduced with Commission Implementing Regulation (EU) No 390/2013 will be proposed for consultation with another NPA.

comment

309

comment by: *ATCEUC*

Some acronyms are not defined in the text (ATS, ANS, ATM, etc). Include meaning or refer to other documents. These are used across all documents and a common understanding on them should be set.

response

*Partially accepted*

The acronyms ATS and ATM are defined in 'GM1 SKPI — General', C. Acronym 'ANS' will be added.

comment	<p>183</p> <p>comment by: <i>NATS National Air Traffic Services Limited</i></p> <p>General comment</p> <p>Given that Section 2 of Annex II to the performance scheme regulation specifies that 'For the purpose of these indicators, local means at functional airspace block level with an indication for monitoring purposes of the contribution at national level.' and that the EoSM KPI applies equally to MS (their NSAs) and air navigation providers the EoSM Questionnaires do not appear to support measurement at the FAB level.</p> <p>By way of example for states:</p> <p>Q.1.1 There is a well-established primary aviation legislation that contains provisions enabling the government and its administration to proactively supervise oversee the civil aviation activities and implements the EU safety regulatory framework in relation to ATM/ANS.</p> <p>This is evidently aimed at individual state level and not at the FAB level.</p>
response	<p><i>Noted</i></p> <p>See the response to comment 223.</p>
comment	<p>184</p> <p>comment by: <i>NATS National Air Traffic Services Limited</i></p> <p>General comment</p> <p>Please can this document not be written in American English. Change cognizant to cognisant, recognize to recognise, organization to organisation throughout.</p>
response	<p><i>Accepted</i></p> <p>UK English is used in AMC/GM.</p>
comment	<p>187</p> <p>comment by: <i>Antonio Palmiotto ATMP</i></p> <p>If the following has been covered in any previous documents, disregard or consider it as a support/comment to the line of action, if applicable. This is my first revision on EASA matters.</p> <p>This comment is made at the end of the study of the document.</p> <p>I know that those comments are not requested to change the point of view on the theme of safety in air transportation, but i still want to say that in my opinion safety cannot be treated just like any other aspect of air transportation system, through the verification of the implementation of performance schemes by means of questionnaires; on this respect Europe should act as it was a national authority, and enforce compliance to the various ANSP's .</p> <p>I think that there should be one european safety institution which is entitled to issue regulations to be ratified as <b>laws</b> from any member state, and technical specifications for the national air transportation systems. An independent european bureau should enforce those regulations, actively test and certify the level of compliance, and issue sanctions for non compliant member states,as well as care for incident and accident investigation. I don't believe in the effectiveness of a method for the rooting of a high level of safety based on questionnaires and random controls. It's not how it works in any other aspect of aviation.</p>
response	<p><i>Noted</i></p>

With regard to safety, the Basic Regulation establishes EASA as EU safety Agency. The Agency is entitled to provide its Opinions to the European Commission and based on that the Commission adopts Implementing Rules (IR) to the Basic Regulation and where necessary the Agency adopts Acceptable Means of Compliance (AMC) and Guidance Material (GM) to those IRs. The Basic Regulation and its IRs are directly applicable in all EU Member States.

The Agency is also entitled to perform Standardisation Inspections to harmonise the implementation.

comment 270 comment by: *FABEC NSA Committee - Safety Performance TF*  
Attachment [#1](#)

response *Partially accepted*

Thank you for answering the question for the applicability of the ED Decision that will be based on this NPA.

Your comment on AMC 4 about ATM overall and not determined severity is noted since the comment is more relevant to the targeting process. The same applies to with your comment on AMC8 SKPI.

Your comment on GM15 SKPI — Interdependencies is partially accepted. The pure purpose of the proposed GM is to give to the Member States some guidance on how to evaluate the interdependencies between safety performance area and the other performance areas. The suggestion to include any method would mean that the GM complexity will increase without clear benefits. However, the example of using 'Safety scanning' is given. Nothing prevents in these AMC/GM the Member States to make use of any other method.

See also the response to comment 255.

Your comment on Appendix 1 to AMC 2 Q4.4 is accepted and 'education/training' is replaced with 'promote awareness and disseminate safety information'.

comment 325 comment by: *SINCTA - Portuguese Air Traffic Controllers' Union*

The European Commission set the Safety enhancement as one of the SES initiative objectives in 2004 and established a factor of 10 improvement until 2020, as a High Level Goal in 2005. Afterwards, the SES II also brought regulatory developments like the Performance Scheme and the extension of the EASA scope.

Almost a decade after the creation of the SES and a few months after the second Performance Regulation was published, there are no concrete Safety KPIs. If during the first Reference Period none European Union-wide targets for the Safety Key Performance Area were set, the second RP has two Union-wide targets: the level of EoSM and the percentage of application of severity classification based on the RAT methodology. Simultaneously the level of presence and corresponding level of absence of Just Culture will only be measured at FAB level.

This means the Commission is still trying to find out methods to measure safety. So, in the most optimistic scenario we will have concrete safety targets in the third RP, which starts at 2020. So far, Safety has been dealt with questionnaires while Cost, Capacity and Environment (mainly the first two) already have strict and over ambitious targets.

response

The ANSPs are facing a huge pressure on the reduction of costs and on capacity improvement but the Commission still doesn't enforce any interdependency study between the different KPAs. Although the Reg 691/2010 stated that the interdependencies between performance targets should be duly taken into account in the preparation and monitoring of the performance scheme (recital 6), the European Aviation Safety Agency didn't followed this guidance in the ED Decision 2011/017/R and the NPA 2013-08 only mentions interdependencies as a soft GM.

*Noted*

In response to a request for assistance by the Commission, the SJU has launched a study aimed at 'development of a model for interdependencies between 4 key performance areas (i.e. safety, cost-efficiency, environmental flight efficiency and capacity) of Commission Regulation (EU) No 691/2010 and for the preparation of the 2nd Reference Period 2015-2019.' Progress of the study was reported during 51st SSC in October.

The study 'Study on an ATM Performance Model and supporting Methodology - Deliverable D2d: Final ATM Performance Model' can be provided by the SJU upon request.

The proposed GM on interdependencies provide guidance on how to assess and describe the possible effect of the improvements in other performance areas on safety. The interdependencies among the other performance areas are not within the scope of this NPA.

**1. Procedural information**

p. 3-4

comment

326

comment by: *SINCTA - Portuguese Air Traffic Controllers' Union*

EASA is going to publish another NPA on the Safety Performance Indicators for the RP2 but in our opinion it could have been important to analyse both at the same time in order to achieve a global understanding of the entire system.

Although there are not so many new features regarding the previous version (ED Decision 2011/017/R) we consider the 6 weeks, extended by 10 days, a very short period to comment this NPA.

response

*Noted*

The safety KPIs update and PIs development, having in mind that Commission Implementing Regulation (EU) No 390/2013 was adopted in March, need to be developed in very tight time frame. In addition, some experience on the implementation of SKPIs during RP1 was needed to make the necessary amendments, but the responses for the first year of RP1 were received at the end of January 2013.

The reduced consultation period is both due to the fact that the amended part is quite limited and not substantial, and aims at updating the KPIs before the end of 2013 and, thus, allowing the Member States to develop their performance plans for RP2.

**2. Explanatory Note**

p. 5

comment	21	comment by: <i>DSNA/MSQS</i>
	<p><u>Answer to the open question page 5/65:</u></p> <p>DSNA sees a benefit and agrees to apply this Executive Director Decision from the beginning of the third year of RP-1.  Meanwhile this arrangement should clearly apply for the three SKPIs (EoSM, RAT usage and Just Culture) only.  Furthermore this situation should be duly taken under consideration by the NSA to avoid related findings.</p>	
response	<p><i>Accepted</i></p> <p>Thank you for answering this question in the NPA.</p>	
comment	27	comment by: <i>de Causemacker eric</i>
	<p>We support an early applicability, especially during the third year of RP1.  Caution shall be taken on the non-applicability of any other additional indicators derived from the EU 390/2013 regulation.</p>	
response	<p><i>Accepted</i></p> <p>Thank you for answering this question in the NPA.</p> <p>The new PIs for RP2 will be developed and proposed for consultation in another NPA.</p>	
comment	33	comment by: <i>UK CAA</i>
	<p><b>Page No:</b> 5 of 65  <b>Paragraph No:</b> 2  <b>Comment:</b> UK CAA supports the implementation of the revised Executive Director's Decision from 1 January 2015 (RP2 commencement). This would allow time to substitute the SMICG tool for the EoSM product facilitating the introduction of a cross domain SMS evaluation tool underpinning a total system approach to SMS.</p>	
response	<p><i>Noted</i></p> <p>Thank you for answering this question in the NPA. Your position for implementing the updated SKPI in RP2 is noted.</p> <p>The SMICG use should be discussed by EASA consultancy group RAG.</p>	
comment	154	comment by: <i>NATS National Air Traffic Services Limited</i>
	<p>Section 2 Page 5</p> <p>NATS supports an application date of 1st January 2014. The changes largely improve interpretation and the sooner they are introduced the better. It also provides a years practice before the RP2 target may come into force.</p>	
response	<p><i>Accepted</i></p>	

Thank you for answering this question in the NPA.

comment 212 comment by: *CANSO Civil Air Navigation Services Organization*

Section 2 Page 5	We would support an application date of 1st January 2014. The changes largely improve interpretation and the sooner they are introduced the better. It also provides a years practice before the RP2 target may come into force.
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response *Accepted*

Thank you for answering this question in the NPA.

comment 240 comment by: *AvinorANSP*

*This NPA should also facilitate the target setting process at local level...*

There is no text related to the local target setting process, all emphasis is on the need for clarity on the SPI themselves, a valuable necessity for deciding if the target is met, but it does not help in the process of setting a target. When setting a local target there should be a process which include stakeholders consultation, to ensure that all aspects and possible consequences as seen from all parties are well known and we would like to see this stated in this NPA.

response *Noted*

See the response to comment 223.

comment 260 comment by: *French DGCA*

Eliminating inconsistencies and incorporate corrective measures due to lessons learnt is a good way to get better Guidance Material and AMC's. By this way the score of the given answers will move direction reality and so more recognised by the staff / management involved. We support an early applicability, especially during the third year of RP1. Caution shall be taken on the non-applicability of any other additional indicators derived from the EU 390/2013 regulation.

response *Accepted*

Thank you for answering this question in the NPA.

Newly introduced PIs will be dealt in another NPA.

comment 315 comment by: *Finnish Transport Safety Agency*

Finnish Transport Safety Agency considers that the EASA Executive Decision should be applicable from the beginning of the third year of the first reference period.



response	Accepted Thank you for answering this question in the NPA.
comment	327 comment by: <i>SINCTA - Portuguese Air Traffic Controllers' Union</i> If EASA has the flexibility to change the applicability date of EASA ED Decision and this NPA is not so different from the previous one, it would be positive if some flexibility was in place to start the SPIs work.
response	Noted See the response to comment 326.

**2. Explanatory Note - 2.1. Overview of the issues to be addressed**

p. 5-6

comment	1 comment by: <i>Antonio Palmiotto ATMP</i> The concept that EoSM and Severity Classification as European wide SKPI's is understandable. I think that JC has to be widespread at European level as well, since wherever in Europe it's vital to have all the parties concerned in a safety issue, fully cooperating in the achievement of the complete understanding of all the features of the issue, including human factors. This, in turn, may be vital to the correct reconstruction of the events, to learn and teach lessons, and ultimately lead to enhancement of the levels of EoSM and RAT methodology application.
response	Noted The Agency shares your view for the importance of JC for safety.
comment	166 comment by: <i>Civil Aviation Authority Norway</i> CAA-N consider that the applicability date of EASA Executive Director Decision should be the beginning of the third year of the first reference period (1st January 2014). This would provide updated SKPIs for the last year of RP1 and the clarifications and improvements in the AMC/GM would become helpful for the stakeholders. The NPA also facilitates the target setting process at local level and is providing new guidance material for description of interdependencies of the other performance areas with safety which is an important topic.
response	Accepted Thank you for answering this question in the NPA.

**2. Explanatory Note - 2.3. Overview of the proposed amendments**

p. 6-12

comment	29 comment by: <i>Naviar Safety &amp; Quality</i> It is not correct to state that this amendment reflects better Articles 3 of Regulation No 1034/2011 and Regulation No 1035/2011 due to the fact that NPA 2013-08 is to replace Regulation No 1034/2011 and Regulation No 1035/2011.
response	Noted

For the time being, we are referencing the existing Regulation in force. When the common requirements Regulation will be amended as a result of NPA 2013-08, and the following EASA Opinion will be adopted, the reference will be changed accordingly.

comment

34

comment by: UK CAA

**Page No:** 6 of 65

**Paragraph No:** 2.3 GM1 SKPI – General (and throughout where applicable)

**Comment:** The use of the term 'Best (Good) Practice' is unwieldy and should revert to 'Best Practice'.

However, it should be recognised that claiming 'best practice' should demonstrate evidence to suggest that the practice is indeed of a superior nature compared to norms.

**Justification:** To improve clarity.

**Proposed Text:** Change the term to 'Best Practice', throughout where applicable, with additional descriptive element based on the comment above included under Definitions (page 14 para 2).

response

*Not accepted*

The proposal was broadly discussed and agreed by the rulemaking group. Finally, the decision was based, as you rightly mentioned in your comment, on the fact that 'the best practice' implies only one practice and also on the experience that we could evaluate which WAS the best practice only when it became a standard.

comment

198

comment by: de Causemacker eric

For GM5, State should also be provided with a GM for the verification by EASA process. States also need a list of proposed evidences supporting the compliance with the regulation(s).

response

*Noted*

EASA verification process is in the context of the standardisation inspections, which are conducted in accordance with Commission Implementing Regulation (EU) No 628/2013. It is not considered necessary for the Agency to provide GM for its own activities.

comment

300

comment by: ATCEUC

We agree on the approach to include for every system change an assessment on safety impact. Examples included in the text should be expanded and more examples/explanatory material included. From a formal perspective, every change should show its impact on safety.

When a change is deemed not having an impact on safety, there must be a formal demonstration by the ANSP/NSA. A simple declaration of "no safety impact" is not considered sufficient as a safety assessment (since it should be the result of such assessment), and should be required formally to ANSP/NSAs. The GM should include that wording. We propose: "Formal evidences will be required and collected by NSAs that a safety assessment has been performed for system changes, and those resulting on a "no safety impact" situation will be demonstrated.

response

*Noted*

The relevant GM provides only high level description of interdependencies of other performance areas with safety and how they should be possibly described in the performance plan. You should note that the Agency is currently working on the IR for Safety Assessment of Changes and the relevant NPA should be published soon.

**3. Proposed amendments - GM1 SKPI - General**

p. 13-15

comment	2	comment by: Antonio Palmiotto ATMPP
	"ATM/ANS system security occurrence" instead of "ATM/ANS system security" to refer to the loss of atm/ans services following a security breach. Page 14, row1.	
response	<p><i>Noted</i></p> <p>The term 'ATM/ANS system security' is used in the AMC/GM only in the RAT look-up table in which different occurrences are described.</p>	
comment	3	comment by: Antonio Palmiotto ATMPP
	" Risk undetermined" instead of Not determined, row10.	
response	<p><i>Not accepted</i></p> <p>'Not determined' is the formal term used in the Risk classification in ICAO PANS-ATM.</p>	
comment	4	comment by: Antonio Palmiotto ATMPP
	"Runway incursion". What about dogs, rabbits or other unwanted animals on the runways?	
response	<p><i>Noted</i></p> <p>The AMC/GM is based on 'Runway Incursion' definition in Commission Implementing Regulation (EU) No 390/2013 which is also transposition of ICAO definition.</p>	
comment	5	comment by: Antonio Palmiotto ATMPP
	"safety culture" means the shared beliefs (...)RELATED TO THE SAFETY.	
response	<p><i>Not accepted</i></p> <p>In 'Safety culture' the emphasis is on safety, and all other aspects which support safety are implicit.</p>	
comment	6	comment by: Antonio Palmiotto ATMPP
	"safety programme" is an integrated(...) aimed at MANTAINING and improving safety	
response	<i>Not accepted</i>	

	We consider that maintaining is part of improving. This definition comes from ICAO Doc 9859. It is also consistent with ICAO Annex 19.	
comment	7	comment by: <i>Antonio Palmiotto ATMPP</i>
	"separation minima infringement" has to be just related to the separation between aircraft, or also to the infringement of the proper minimum altitudes for separation from terrain/obstacles?	
response	<p><i>Noted</i></p> <p>See the relevant definition in GM SKPI 1 - General, Definitions and Acronyms.</p>	
comment	22	comment by: <i>DSNA/MSQS</i>
	<p>Part B. Objectives - sub paragraph b)</p> <p>DSNA wanted to stress that in this sub-paragraph the wording might need a clarification. As such Safety related occurrences are occurrences with an impact on safety. Therefore a runway incursion without conflict or a technical failure when there is no aircraft has to be considered with no impact on safety and as such be excluded from the safety related occurrences category. DSNA would like this point to be clarified.</p> <p>Part C. Definitions and Abbreviations - "ATM-specific occurrences"</p> <p>ATM services are more and more technical dependent, but the given definition scales down the number of occurrences to be considered. As a result it doesn't paved the way for potential enhancement of the technical systems. DSNA would like that definition to be enlarged to encompass the technical occurrences whenever it happens (with or without air traffic) this imply to consider the potential effects, and doing so open the door preventive actions.</p> <p>In this section, DSNA would like to see the definition to be considered for the airspace infringement (introduce by EU 390/2013).</p> <p>The following definition from EAPPAIR could be add:</p> <p>Airspace infringement (also referred to as 'unauthorised penetration of airspace') is generally defined as a flight into notified airspace without previously requesting and obtaining approval from the controlling authority of that airspace in accordance with international and national regulations. Notified airspace includes controlled airspace (ICAO airspace classes A to E, such as TMAs, and CTRs), restricted airspaces (e.g. Prohibited, Restricted and Danger Areas, Temporary Reserved</p> <p>Airspace or airspace notified by a restriction of flying in accordance with national requirements) and aerodrome traffic information zones or areas (ATZ, TIZ, TMZ or RMZ)</p> <p>implemented by a number of European states.</p>	
response	<p><i>Partially accepted</i></p> <p>'Runway Incursion' is defined in Commission Implementing Regulation (EU) No 390/2013. This AMC/GM only adds definitions to terms which are used in the material and are not defined in the relevant Regulation.</p> <p>The current definition for 'ATM specific occurrences' refers to the technical ability</p>	

to provide services independently of any traffic.

A definition for 'Airspace infringement' will be proposed in the second NPA since it concerns only the SPIs for RP2.

comment 159 comment by: *NATS National Air Traffic Services Limited*

GM1 SKPI — General C. Definitions and Abbreviations

With regard to: "ATM-specific occurrences' are events or situations where a providers ability to provide ATM, ATS, ASM or ATFM services is diminished or ceases", it is confusing because, whilst the abbreviations are not defined, it is generally accepted that ATS, ASM and ATFM are a part of ATM (see 549/2004).

With regard to "ATM/ANS system security' is a situation in which the ATM/ANS services are lost or disrupted as a result of breach of system security", what is meant by "ATM/ANS" as it is an undefined term?

response *Noted*

ATM/ANS is defined in Article 3(q) of the Basic Regulation (as amended by Regulation (EC) No 1108/2009).

comment 186 comment by: *NATS National Air Traffic Services Limited*

GM1 SKPI — General A

The possibility for a Member State or an Air Navigation Service Providers (ANSPs) to use different means to measure the safety KPIs is not foreseen in the performance scheme regulation. Rather EASA are tasked with producing acceptable means of compliance (see 390/2013 Article 9 7.).

response *Noted*

As you properly mention, Article 9, 7 of Commission Implementing Regulation (EU) No 390/2013 tasks the Agency to develop AMC and GM in accordance with Article 52 of the Basic Regulation in order to facilitate implementation and measurement of safety (key) performance indicators. It should be noted that the intent of the Commission is to have 'soft law' technical requirements for measurement of the safety (K)PIs, otherwise, these requirements would have been a part of the IR.

However, the measurement of the safety (K)PIs should be comparable for the stakeholders within the scope of the rule. Therefore, while the 'soft law' nature of AMC implies using alternatives, the demonstration of compliance and reaching the same result as when using EASA AMC would be very difficult for the stakeholders making use of alternatives, in particular, when they will need to meet the targets established by the Commission.

comment 199 comment by: *de Causemacker eric*

The term Air Traffic Controller Officer should be verified to be compliant with the regulation(s) like the 805 or the current NPA on licences. Forthe time being, the 805 only mentions "Air Traffic Controller"

response *Accepted*

comment 214 comment by: *CANSO Civil Air Navigation Services Organization*

GM1 SKPI — General A	<p>Comment:</p> <p>The possibility for a Member State or an Air Navigation Service Providers (ANSPs) to use different means to measure the safety KPIs is not foreseen in the performance scheme regulation. Rather EASA are tasked with producing acceptable means of compliance (see 390/2013 Article 9 7.).</p> <p>Impact:</p> <p>It appears to assume that AltMC can be used but no apparent legal basis. Should we suggest that if AltMC are possible the CA can propose for itself and the ANSP for itself but that the state cannot propose for the ANSPO?</p>		
GM1 SKPI — General C. Definitions and Abbreviations	<p>Comment:</p> <p>With regard to “‘ATM-specific occurrences’ are events or situations where a providers ability to provide ATM, ATS, ASM or ATFM services is diminished or ceases”, it is confusing because, whilst the abbreviations are not defined, it is generally accepted that ATS, ASM and ATFM are a part of ATM (see 549/2004).</p> <p>With regard to “‘ATM/ANS system security’ is a situation in which the ATM/ANS services are lost or disrupted as a result of breach of system security”, what is meant by “ATM/ANS” as it is an undefined term?</p> <p>Impact:</p> <p>Complete lack of definitions makes this a recipe for disaster. Do not believe that knowing that definitions exist in other rules has any legal certainty unless those rules are referred to.</p>		
response	<p><i>Noted</i></p> <p>See the responses to comments 159 and 186.</p>		
comment	<p>233      comment by: <i>CANSO Civil Air Navigation Services Organization</i></p> <table border="1" data-bbox="363 1541 1476 1742"> <tr> <td data-bbox="363 1541 612 1742">Part B. Objectives - sub paragraph b) Page 13</td><td data-bbox="612 1541 1476 1742"> <p>The wording needs clarification. As such Safety related occurrences are occurrences with an impact on safety. Therefore a runway incursion without conflict or a technical failure when there is no aircraft has be considered with no impact on safety and as such be excluded from the safety related occurrences category.</p> </td></tr> </table>	Part B. Objectives - sub paragraph b) Page 13	<p>The wording needs clarification. As such Safety related occurrences are occurrences with an impact on safety. Therefore a runway incursion without conflict or a technical failure when there is no aircraft has be considered with no impact on safety and as such be excluded from the safety related occurrences category.</p>
Part B. Objectives - sub paragraph b) Page 13	<p>The wording needs clarification. As such Safety related occurrences are occurrences with an impact on safety. Therefore a runway incursion without conflict or a technical failure when there is no aircraft has be considered with no impact on safety and as such be excluded from the safety related occurrences category.</p>		

	Part C. Definitions and Abbreviations Page 13	<p>In this section, we would like to see the definition to be considered for the airspace infringement (introduce by EU 390/2013).</p> <p>Definition from EAPPAIR could be added:          Airspace infringement (also referred to as 'unauthorised penetration of airspace') is generally defined as a flight into notified airspace without previously requesting and obtaining approval from the controlling authority of that airspace in accordance with international and national regulations. Notified airspace includes controlled airspace (ICAO airspace classes A to E, such as TMAs, and CTRs), restricted airspaces (e.g. Prohibited, Restricted and Danger Areas, Temporary Reserved Airspace or airspace notified by a restriction of flying in accordance with national requirements) and aerodrome traffic information zones or areas (ATZ, TIZ, TMZ or RMZ) Implemented by a number of European states.</p>
response	Partially accepted	<p>Regarding 'Runway incursion', it is defined in Commission Implementing Regulation (EU) No 390/2013 and that definition is a transposition of the ICAO definition.</p> <p>For Airspace infringement, see the response to comment 22.</p>
comment	250	<p>comment by: CAA-NL</p> <p>GMI SKPI – General, Definitions, page 14</p> <ul style="list-style-type: none"> <li>- Comment: the definition of safety culture is rather poor</li> <li>- Suggestion: <i>Safety Culture is the way safety is perceived, valued and prioritised in an organisation. It reflects the real commitment to safety at all levels in the organisation. It has also been described as "how an organisation behaves when no one is watching" or "A safety culture in the workplace involves everyone to create attitudes, practices and policies that incorporate safety for awareness, prevention and education"</i></li> </ul> <p>GM1 SKPI – General, Abbreviations, page 14 &amp; 15</p> <ul style="list-style-type: none"> <li>- Comment: <i>Air Traffic Controller Officer</i> not known in EU 805/2011.</li> <li>- Suggestion: stick to the well know term: <i>Air Traffic Controller</i>.</li> <li>- Comment: SIA → civil aviation Safety Investigation Authority.</li> <li>- Suggestion: use the more general used term AIB [Accident Investigation Board].</li> </ul>
response	Partially accepted	<p>The 'safety culture' proposed definition is noted. The proposal is rather complex and may not bring additional clarity.</p> <p>ATCO abbreviation - accepted.</p> <p>Using AIB instead of SIA - not accepted. Nevertheless, AIB is a well-known term and acronym, Safety investigation authority is defined in Article 4 of Regulation (EU) No 996/2010 and the Agency sticks with the definitions in EU legislation.</p>

comment	261	comment by: French DGCA
	<p>ATM services are more and more technical dependent, but the given definition scales down the number of occurrences to be considered. As a result it doesn't paved the way for potential enhancement of the technical systems. It is then suggested to enlarge this definition to encompass the technical occurrences whenever it happens (with or without air traffic) this imply to consider the potential effects, and doing so open the door preventive actions.</p>	
response	<p><i>Noted</i></p> <p>If we correctly interpreted your comment, the current definition of 'ATM-specific occurrences' is not limited to the level of traffic.</p>	

### 3. Proposed amendments - GM 2 SKPI Measurement of Effectiveness of Safety Management KPI - General

p. 16

comment	24	comment by: DSNA/MSQS
	<p>Page 16/65</p> <p>GM 2 - SHPI - Measurement of Effectiveness of safety management KPI - General</p> <p>« In accordance with Commission Regulation (EC) No 736/2006, if during the a standardisation inspection a finding is raised by the Standardisation Team, in relation to the NSA/CA responses to the EoSM questionnaire, corrective action by the NSA/CA is required. In case Further, that where a finding proves identifies that any of the questions in the EoSM questionnaire is scored higher than it should be, the score should be corrected and lowered to the appropriate level of implementation. A similar approach should be applied when the NSA/competent authorities raise findings to the ANSPs. »</p> <p>It is proposed to delete the last sentence.</p> <p>The verification process should not be confusing with the continuous oversight process. The first aims to improve the global safety level of ATM/ANS environment, while the second is applied to check the compliance to mandatory requirements, even if, through the oversight process, it is clear that the NSAs get knowledge about the verified ANSPs and should use it for the verification process. By example, if a NSA raises a minor finding against one ATC unit out of 80 of a national ANSP, this should not be taken into account to consider that the whole ANSP process is not applied and for the NSA to change the ANSP score.</p>	
response	<p><i>Noted</i></p> <p>We do not consider that the verification process is confused with the oversight. In fact these two processes are complementary. The suggested approach in this GM proposes the possibility to use the outcome of oversight activities also for verification and thus to reduce the burden for the NSAs.</p> <p>Nothing prevents the Competent Authority from ignoring this GM when performing the verification process.</p>	
comment	28	comment by: de Causemacker eric
	<p>It's important to clearly separate the (continuous) oversight process and the safety maturity measurement.</p> <p>The EoSM was based on a self-assessment questionnaire aimed at improving the safety management processes with a goal to excellence, which by essence is</p>	



	<p>unreachable.</p> <p>By changing this self-assessment questionnaire into a key performance indicator implied drastic changes in the review of the evidences proposed for the answers. This shall nevertheless NOT be compared nor used as a regulatory compliance tool.</p> <p>Findings shall not be raised on the basis of such questionnaire.</p>
response	<p><i>Noted</i></p> <p>The suggested approach in this GM proposes the possibility to use the outcome of oversight activities also for verification and thus to reduce the burden for the NSAs.</p> <p>Findings should be based on evidence of noncompliance or lack of demonstration of compliance.</p> <p>See also the answer to comment 24.</p>
comment	<p>35</p> <p>comment by: UK CAA</p> <p><b>Page No:</b> 16 of 65</p> <p><b>Paragraph No:</b> GM2 SKPI - Measurement of Effectiveness of Safety Management KPI - General</p> <p><b>Comment:</b> The UK CAA suggests the following text is amended as proposed below:</p> <p>'... the agency has developed an online tool which <b>may</b> be used by respondents in order to complete and submit their responses to the questionnaire'.</p> <p>The word '<i>may</i>' suggests that the use of the EOSM is not mandatory and as such could be replaced by another tool. However, in this instance the tool is an online tool which is additional to the paper questionnaire.</p> <p>The ability to adopt a different tool for EoSM could further permit the proposed work to align the EoSM and SMICG tools within RP2.</p> <p><b>Justification:</b> To improve clarity.</p> <p><b>Proposed Text:</b> '...the agency has developed an online tool which may be used by respondents, <b>in place of the paper questionnaire</b>, in order to complete and submit their responses to the questionnaire.'</p>
response	<p><i>Accepted</i></p>
comment	<p>36</p> <p>comment by: UK CAA</p> <p><b>Page No:</b> 16 of 65</p> <p><b>Paragraph No:</b> GM2 SKPI - Measurement of Effectiveness of Safety Management KPI — General</p> <p><b>Comment:</b> The following text appears to be contradictory:</p> <p>"These response levels should not be used to generate findings in the context of standardisation or oversight inspections/audits.</p> <p>In accordance with Commission Regulation (EC) No 736/2006, if during a standardisation inspection a finding is raised by the Standardisation Team, in relation to the NSA/CA responses to the EoSM questionnaire, corrective action by the NSA/CA is required. Further, where a finding identifies that any of the questions in the EoSM questionnaire is scored higher than it should be, the score should be corrected and lowered to the appropriate level of implementation. A similar approach should be applied when the NSA/competent authorities raise findings to the ANSPs."</p> <p>The UK CAA suggests that the questionnaire should not just be used for reference but should also be used as part of ongoing oversight.</p>

response	<p><b>Justification:</b> The SMSICG/Phase 2 tool is used by the other domains as part of the ongoing assessment and if the SMS is not declared effective, then the organisation could have their operation curtailed.</p> <p><i>Noted</i></p> <p>The intent of this GM is to support the fair initial self-assessment of the ANSPs when completing the questionnaires and submitting them to the NSAs for verification. It's true that some of the questions imply regulatory compliance, but it is not the case for all of the questions and some of them may go a bit beyond that compliance.</p> <p>The approach SMSICG is slightly different and it refers mainly to the compliance with Annex 19.</p> <p>See also the response to comment 24.</p>
comment	<p>37 <span style="float: right;">comment by: UK CAA</span></p> <p><b>Page No:</b> 16 of 65  <b>Paragraph No:</b> GM2 SKPI - Measurement of Effectiveness of Safety Management KPI — General  <b>Comment:</b> UK CAA suggests that reference to 'Commission Regulation (EC) No 736/2006' should be changed to 'Commission Regulation (EC) 628/2013'.  <b>Justification:</b> Correction of cross reference.  <b>Proposed Text:</b> Amend to read:          '... In accordance with <b>Commission Regulation (EC) No. 628/2003</b>'.</p>
response	<p><i>Accepted</i></p>
comment	<p>189 <span style="float: right;">comment by: MOT Austria</span></p> <p><b>Comment:</b> Austria suggests adding '<i>as far as practicable</i>' to the following sentence - 'Member States/competent authorities and ANSPs are expected to provide evidence based answers to these questionnaires <i>as far as practicable</i>.'  <b>Justification:</b> To increase efficiency while answering the questionnaires since evidence collection in some areas would cause a significant increase regarding the resource effort.</p>
response	<p><i>Accepted</i></p> <p>The phrase 'as far as is practicable' has been added.</p>
comment	<p>190 <span style="float: right;">comment by: MOT Austria</span></p> <p><b>Comment:</b> Austria suggests including 'formal questionnaire criteria' into the following sentence - 'In accordance with Commission Regulation (EC) No 736/2006, if during a standardisation inspection a finding is raised by the Standardisation Team, in relation to the <i>formal questionnaire criteria</i> of the NSA/CA responses to the EoSM questionnaire, corrective action by the NSA/CA is required.'  <b>Justification:</b> To ensure/establish conformity with the following sentences within the same paragraph. – 'The response levels assessed in the complete EoSM questionnaires should be used with the sole purpose of generating <u>recommendations</u> and associated plans for improvement of the safety management. These response levels <u>should not be used to generate findings</u> in the context of standardisation or oversight inspections/audits.'</p>
response	<p><i>Not accepted</i></p>

The proposed insertion changes the meaning of the text.  
See response to comment 24.

comment 235 comment by: *CANSO Civil Air Navigation Services Organization*

GM 2 - SKPI - Measurement of Effectiveness of safety management KPI - General  
Page 16  
« In accordance with Commission Regulation (EC) No 736/2006, if during the a standardisation inspection a finding is raised by the Standardisation Team, in relation to the NSA/CA responses to the EoSM questionnaire, corrective action by the NSA/CA is required. In case Further, that where a finding proves identifies that any of the questions in the EoSM questionnaire is scored higher than it should be, the score should be corrected and lowered to the appropriate level of implementation. A similar approach should be applied when the NSA/competent authorities raise findings to the ANSPs. »

It is proposed to delete the last sentence.  
The verification process should not be confusing with the continuous oversight process. The first aims to improve the global safety level of ATM/ANS environment, while the second is applied to check the compliance to mandatory requirements, even if, through the oversight process, it is clear that the NSAs get knowledge about the verified ANSPs and should use it for the verification process.  
By example, if a NSA raises a minor finding against one ATC unit out of 80 of a national ANSP, this should not be taken into account to consider that the whole ANSP process is not applied and for the NSA to change the ANSP score.

response *Noted*

See the response to comment 24.

comment 262 comment by: *French DGCA*

In accordance with Commission Regulation (EC) No 736/2006, if during the a standardisation inspection a finding is raised by the Standardisation Team, in relation to the NSA/CA responses to the EoSM questionnaire, corrective action by the NSA/CA is required. In case Further, that where a finding proves identifies that any of the questions in the EoSM questionnaire is scored higher than it should be, the score should be corrected and lowered to the appropriate level of implementation. **A similar approach should be applied when the NSA/competent authorities raise findings to the ANSPs.**  
It is proposed to delete the last sentence.

As it has been already discussed during previous EASA standardisation meeting, the verification process should not be confused with the continuous oversight process. The first aims to improve the global safety level of ATM/ANS environment, while the second is applied to check the compliance to mandatory requirements, even if, through the oversight process, it is clear that the NSAs get knowledge about the verified ANSPs and should use it for the verification process. By example, if a NSA raises a minor finding against one ATC unit out of 80 of a

response	<p>national ANSP, this should not be taken into account to consider that the whole ANSP process is not applied and for the NSA to change the ANSP score.</p> <p><i>Noted</i></p> <p>See the response to comment 24.</p>
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### 3. Proposed amendments - AMC 2 SKPI Measurement of Effectiveness of Safety Management KPI - State level

p. 17-20

comment	<p>8 <span style="float: right;">comment by: Antonio Palmiotto ATMPP</span></p>
	<p>Management objective 1.2 State safety responsibilities should include an overview of the harmonization between the technical regulations as stated by ANSP's and applied by the atco's, and the national laws enforced. A breach of the national law cannot result from the correct application of a technical regulation as adopted from ANSP's. (cfr Cagliari accident and the matter over authorisation of visual approach in Italy, for example).</p>
response	<p><i>Noted</i></p> <p>If the Agency correctly understood your comment (i.e. 'technical regulation' is equal to 'local procedures'), the statement that coherence should be ensured between EU legislation and national legislation, including ANSP's internal procedures, is fully shared by the Agency.</p> <p>State safety responsibilities and accountabilities is one of the elements of the SSP as required by ICAO.</p>
comment	<p>9 <span style="float: right;">comment by: Antonio Palmiotto ATMPP</span></p>
	<p>1.3c) Subject matter expertise from atm domain should consist in individuals independently selected and formed by the NSA, and not retired atcos formerly employed by possibly one of the parties involved in the investigation, since that circumstance could bias their judgement.</p>
response	<p><i>Noted</i></p> <p>The Agency takes note of the comment. However, it should be considered that the proposal may result in burden for some of the Member States with only one ANSP.</p>
comment	<p>10 <span style="float: right;">comment by: Antonio Palmiotto ATMPP</span></p>
	<p>Element 3.1) In my opinion a national air transportation authority, in which one of the branches, among the others, features ANSP's safety performance oversight, would deliver more effectively than a standalone NSA solely responsible for the ANSP's safety performance. Higher standards of safety can be accomplished if Air transportation safety is referred to as the safety of a system, rather than consider separately any feature of the air transportation.</p>
response	<p><i>Noted</i></p> <p>See the response to comment 187.</p>
comment	<p>11 <span style="float: right;">comment by: Antonio Palmiotto ATMPP</span></p>

response	<p>In the formula, the sum index varying between 1 and nj is "kj" and not just k.</p> <p><i>Not accepted</i></p> <p>The variable 'k' in this case is used to indicate the number of questions in the relevant Management Objective. Use of 'kj' may lead to confusion.</p>
comment	<p>38 <span style="float: right;">comment by: UK CAA</span></p> <p><b>Page No:</b> 17 of 65  <b>Paragraph No:</b> AMC 2 SKPI — Measurement of Effectiveness of Safety Management KPI — State level  <b>Comment:</b> UK CAA suggests that the text should be amended as proposed below.  <b>Justification:</b> To improve clarity.  <b>Proposed Text:</b> Change text as follows:          '... Section A ,below, <del>defines which should be</del> identifies the corresponding Management Objectives for each component and element of the SSP framework.'</p>
response	<p><i>Accepted</i></p>
comment	<p>39 <span style="float: right;">comment by: UK CAA</span></p> <p><b>Page No:</b> 19 of 65  <b>Paragraph No:</b> 4.2a  <b>Comment:</b> UK CAA suggests that the text should be amended as proposed below.  <b>Justification:</b> To improve clarity.  <b>Proposed Text:</b> Change text as follows:          "4.2a — Education/training of ANSP personnel and air traffic controllers-officer (ATCO) training organisations on applicable legislative and regulatory framework.'</p>
response	<p><i>Not accepted</i></p> <p>See response to comment 250.</p>
comment	<p>42 <span style="float: right;">comment by: UK CAA</span></p> <p><b>Page No:</b> 20 of 65  <b>Paragraph No:</b> B. Scoring and Numerical Analysis – 1<sup>st</sup> Bullet  <b>Comment:</b> UK CAA recommends that the explanation of the following formula which is also on page 28 should be expanded upon          'Where: · S<sub>j</sub> is the effectiveness score for the State in management objective j;'          If 'j' is referring to any one of the management objectives, then this should be explained. Further, if the formula is embedded in the questionnaire Xcel spreadsheet, then this should also be explained. The scoring processed through application of the formula should be displayed on the spreadsheet.          The following changes are recommended:</p> <ul style="list-style-type: none"> <li>• Scores to be processed and inserted automatically on the Questionnaire (Xcel document)</li> <li>• Explain all of the formula e.g. 'j' and 'k'</li> </ul> <p><b>Justification:</b> To provide clarity and display results. Improved understanding of the complex formula.</p>
response	<p><i>Accepted</i></p>

comment	43	comment by: UK CAA
	<p><b>Page No:</b> 20 of 65  <b>Paragraph No:</b> B. Scoring and Numerical Analysis – 4<sup>th</sup> Bullet  <b>Comment:</b> UK CAA suggests the text against the 4<sup>th</sup> bullet should be amended as proposed below.  <b>Justification:</b> To provide clarity.  <b>Proposed Text:</b> Change text if the 'non-nil' means 'no', as follows:  '<math>n_j</math> is the number of questions in management objective j for which <del>non-nil</del> <b>no</b> responses were provided by the State.'</p>	
response	<p><i>Not accepted</i></p> <p>'Non nil' is used in the context that the question was not answered. We believe that 'nil' is commonly used to mean nothing or zero. The proposed text changes the substance of the sentence.</p> <p>New text is '<math>n_j</math> is the number of questions in management objective j for which <del>non-nil</del> responses were provided by the State.'</p>	
comment	205	comment by: CANSO Civil Air Navigation Services Organization
	<p>Comment :No need to check blood pressure in both arms at each examination. This has never been required previously and unlikely to add any benefit  Impact:Time wasted during the medical which could be spent on other more useful things. Online systems are set up for 1 BP reading only not 2 so would need to be reconfigured.  Suggest wording:  'Blood pressure should be recorded at each examination'</p>	
response	<p><i>Noted</i></p> <p>We believe that this comment does not address the current NPA.</p>	
comment	251	comment by: CAA-NL
	<p><b>AMC2 SKPI – C. Mechanism for Verification; page 20</b>  - Comment: the text is not in line with figure 1. In NL there is a difference between the tasks of the national [standardisation] coordinator [736/2006 → 628/2013] and the NSA coordinator. The NSA coordinator coordinates more activities, however only in the NSA-domain.  - Suggestion: adjust the text to be in line with figure 1.</p>	
response	<p><i>Accepted</i></p> <p>The intent is the coordination between the Agency and the competent authority to be performed through the National Standardisation Coordinator (for the Standardisation inspections). Therefore the reference should be to the Commission Implementing Regulation (EU) No 628/2013.</p>	
comment	263	comment by: French DGCA
	<p>The French NSA supports the clarification and consistency brought thanks to the modification of the Appendix 1 by harmonisation of "competent authorities" instead of "NSA". However, this clarification is not done in the AMC 2. This is the reason why it is suggested to <u>replace "NSA" any time it is mentioned by "competent authority" in the different management objectives.</u> This modification</p>	

response	should be reflected also in the appendix 1.
	<i>Not accepted</i> Article 4 of the performance scheme Regulation (both Commission Regulation (EU) No 691/2010 and Commission Implementing Regulation (EU) No 390/2013) tasks the NSAs to execute tasks of performance monitoring. 'NSA/competent authority' is used within the text depending upon its context.
comment	317 <span style="float: right;">comment by: HungaroControl</span> On page 19 I would like to make the following comment on the formulas: I do not consider the no. 4 grouping to be sufficiently sophisticated. It is possible, that the data collection was already carried out, so my remark might not be relevant anymore.
response	<i>Noted</i>
comment	320 <span style="float: right;">comment by: HungaroControl</span> On page 20 the value of rkj is between 0-4.
response	<i>Noted</i> We confirm that on page 20 Rkj takes values from 0 to 4.

### 3. Proposed amendments - GM 3 SKPI Effectiveness of Safety Management - Justifications for selected levels of implementation

p. 21-22

comment	44 <span style="float: right;">comment by: UK CAA</span> <b>Page No:</b> 21 of 65 <b>Paragraph No:</b> GM 3 SKPI – Effectiveness of Safety Management – Justifications for selected levels of implementation <b>Comment:</b> UK CAA suggests the title of this paragraph should be changed as proposed below for clarity of purpose. <b>Justification:</b> A Competent Authority is responsible for safety oversight of ATM/ANS and as such does not provide services. Therefore the Competent Authority does not have direct sight of safety and would not therefore have a safety management system. The Competent Authority would instead have a safety regulatory management system. The EoSM at state level is therefore incorrectly titled in this application. <b>Proposed Text:</b> Change title to read: 'Effectiveness of Safety Regulatory Oversight System – Justifications for selected levels of implementation'.
response	<i>Not accepted</i> The title of the GM needs to reflect the title of the questionnaire that it refers to. In addition, consistency between the terms used in the Regulation (Commission Implementing Regulation (EU) No 1216/2011 and Commission Implementing Regulation (EU) No 390/2013) should be retained as much as possible. The comment is more relevant to the title of the SKPIs than to the title of this GM.
comment	45 <span style="float: right;">comment by: UK CAA</span>

	<p><b>Page No:</b> 21 of 65</p> <p><b>Paragraph No:</b> GM 3 SKPI – Effectiveness of Safety Management – Justifications for selected levels of implementation</p> <p><b>Comment:</b> UK CAA suggests the title and text in the 2<sup>nd</sup> paragraph under 'General Principles' should be amended as proposed below.</p> <p><b>Justification:</b> To provide clarity and remove superfluous text.</p> <p><b>Proposed Text:</b> Change as follows:</p> <p><b>'GM 3 SKPI – Effectiveness of Safety Management – Justifications for selected levels of implementation – State Level'</b></p> <p>The verification process performed by the Agency uses the justifications and evidence provided in the answers to the questionnaire, alongside pre-audit questionnaires, standardisation visits and information from the State NPP and USOAP audits. Where insufficient justification has been provided, the verification should rely on alternative information such as requests for clarification from the NSA point of contact. States are encouraged to provide the necessary justifications in the first instance <del>in order to avoid wasted time and effort in responding to requests for clarification that would otherwise have been unnecessary.</del></p>
response	<p><i>Partially accepted</i></p> <p>The point is being repeated within the paragraph because the Agency's experience during the verification process was that significant time was wasted on both the part of the States and the Agency, because the verification team needed to contact the States and ask for additional information. While this is a normal and valid part of the verification process, States could save effort on their part by ensuring that their responses contain sufficient evidence in the first place.</p> <p>It is proposed that the text is amended follows:</p> <p>The verification process performed by the Agency uses the justifications and evidence provided in the answers to the questionnaire, alongside pre-audit questionnaires, standardisation visits and information from the State NPP and USOAP audits. Where insufficient justification has been provided, <del>the verification</del> <b>relies</b> <del>should rely</del> on alternative information such as <b>additional</b> requests for clarification from the NSA point of contact. <b>Therefore in the interests of efficiency,</b> States are encouraged to provide the necessary justifications in the first instance. <del>in order to avoid wasted time and effort in responding to requests for clarification that would otherwise have been unnecessary</del></p>
comment	<p>46</p> <p>comment by: UK CAA</p> <p><b>Page No:</b> 21 of 65</p> <p><b>Paragraph No:</b> GM 3 SKPI – Effectiveness of Safety Management – Justifications for selected levels of implementation</p> <p><b>Comment:</b> UK CAA suggests the 1<sup>st</sup> paragraph under 'General Principles' be amended to include some additional text as proposed below.</p> <p><b>Justification:</b> To allow introduction of SMICG tool, if the introduction of the tool is delayed until after the commencement of RP2.</p> <p><b>Proposed Text:</b> Change to read:</p> <p>'General Principles</p> <p>It is anticipated that during a reference period there will be no changes other than clarifications, to the Effectiveness of Safety Management questionnaire. This not only enables the progress of States to be monitored during a reference period, it also means that state submissions only need to be updated within a reference period, instead of being completely revised. It should, therefore, be anticipated that for some questions (but not the whole questionnaire) the response from a</p>



response	<p>state will be the same as in previous years. Nothing in this section precludes the development of Safety Management assessment tools as an alternate means of compliance and their introduction during a Reference Period.'</p> <p><i>Noted</i></p> <p>Although the statement proposed is correct, it is not relevant to a paragraph explaining that States can re-use responses in subsequent years.</p> <p>See the response to comment 186.</p>
comment	<p><b>160</b> comment by: <i>NATS National Air Traffic Services Limited</i></p> <p>AMC 3 SKPI — Measurement of Effectiveness of Safety Management KPI — ANSP Level</p> <p>A. Components, Elements and Management Objectives</p> <p>It is claimed that "Section A defines for each component and element of the ICAO Safety Management Framework the corresponding Management Objectives", however Component 5 (safety culture) is not currently included in the ICAO Annex 19 SMS framework.</p> <ul style="list-style-type: none"> <li>• With regard to "Element 1.2 Safety accountabilities — Safety responsibilities" the equivalent ICAO SMS framework element does not include safety responsibilities.</li> <li>• With regard to "Element 1.4 Coordination of emergency response planning/contingency plan" the equivalent ICAO SMS framework element does not have contingency plan.</li> <li>• With regard to "Element 1.6 Management of related interfaces", this element does not exist in the ICAO SMS framework.</li> <li>• With regards to "Component 2 — Safety risk management", the ICAO SMS framework also includes Hazard Identification" which has been omitted.</li> <li>• With regard to "Element 3.4 Occurrence reporting, investigation and improvement", this element does not exist in the ICAO SMS framework.</li> </ul>
response	<p><i>Noted</i></p> <p>See the responses to comments 161 and 162.</p>
comment	<p><b>191</b> comment by: <i>MOT Austria</i></p> <p><b>Page:</b> 21</p> <p><b>Comment:</b> Austria suggests adding the word '<i>form</i>' to the end of the following sentence - 'It is anticipated that during a reference period there will be no changes other than clarifications, to the Effectiveness of Safety Management questionnaire <i>form</i>.'</p> <p><b>Justification:</b> To confirm that the questionnaire form is not altered while the response levels can be changed within a reference period.</p>
response	<p><i>Partially accepted</i></p> <p>A questionnaire is a type of form, so strictly speaking the use of the term 'questionnaire form' is a pleonasm (such as 'free gift' or 'PIN number'). To improve clarity, the text will be modified as follows:</p> <p>'It is anticipated that during a reference period there will be no changes other than clarifications, to the Effectiveness of Safety Management questionnaire. This not only enables the progress of States to be monitored during a reference period, it also means that state <del>submissions</del> responses to the questionnaire only need to</p>

be updated within a reference period, instead of being completely revised.'

comment 192

comment by: MOT Austria

**Page:** 22

**Comment:** Austria suggests removing '*regardless of the language in use*' from the following sentence - 'Where evidence can be easily provided, such as links to documents that are published online, these should have been provided, *regardless of the language in use.*'

**Justification:** In general usage of the national language should be accepted to any response. Furthermore Commission Implementation Regulation (EU) 628/2013 on the working methods of the EASA for conducting standardisation inspections, article 11, paragraph 3 states that 'Team leaders shall be personnel employed by the Agency. Their qualification criteria shall include in addition to those referred to in paragraph 2, team management and communication capabilities in an international environment and in sensitive situations.'

response Not accepted

The point of saying 'regardless of the language in use' is to emphasise that the States may provide evidence in their national language, or indeed in any European language, and that the States should not simply assume that because the evidence is not in English, it will not be accepted. Hence, the proposed amendment is not accepted because the Agency agrees with the point made in the justification to the proposed amendment. Indeed, this is why we have added those words.

### 3. Proposed amendments - AMC 3 SKPI Measurement of Effectiveness of Safety Management KPI - ANSP level

p. 24-29

comment 13

comment by: Antonio Palmiotto ATMP

See note 11

response Not accepted

See the response to comment 11.

comment 47

comment by: UK CAA

**Page No:** 28 of 65

**Paragraph No:** C. Scoring and Numerical Analysis

ni is the number of questions in Study Area/Management Objective j for which non-nil responses were provided by the ANSP.

**Comment:** UK CAA suggests the formula against the 4<sup>th</sup> bullet be amended as proposed below.

**Justification:** To provide clarity.

**Proposed Text:** Change text if the 'non-nil' means 'no' as follows:

'ni is the number of questions in Study Area/Management Objective j for which ~~non-nil~~ responses were provided by the ANSP.'

response Partially accepted

See the response to comment 43.

The text is changed. 'n<sub>i</sub>' is the number of questions in Study Area/Management

	Objective j for which <del>non-nil</del> no responses were provided by the ANSP.	
comment	161	comment by: <i>NATS National Air Traffic Services Limited</i>
	<p>Whilst it is understood that Europe may wish to go beyond the SARPS in Annex 19 it appears disingenuous to claim compliance with ICAO Annex 19 SMS framework when some of the elements have been omitted. It should be clearly stated that Europe requires an additional burden on ANSPs that goes beyond that which is necessary to satisfy ICAO Annex 19.</p>	
response	<p><i>Noted</i></p> <p>The legacy of these AMC/GM should be noted. They are based on Eurocontrol materials explicitly required by Commission Regulation (EU) No 691/2010. The relevant text in AMC 3 is amended and Management Objective(s) (MO) has/have been derived and adopted for each of the elements of the ICAO State Safety Programme (SSP) and Safety Management System (SMS) as described in ICAO Annex 19.</p>	
comment	162	comment by: <i>NATS National Air Traffic Services Limited</i>
	<p>AMC 3 SKPI — Measurement of Effectiveness of Safety Management KPI — ANSP Level</p> <p>B. Mapping between Management Objectives, Study Areas and Questions</p> <p>In the mapping between MO and SA, MO1.1 "1.1 — Define the ANSPs' safety policy in accordance with Regulation (EU) No 1035/2011 (Common Requirements)" is mapped to SA2-3. SA2-3 is "SA2-3 An integrated safety planning process is adopted by the organisation with published and measurable safety goals and objectives for which the executive is accountable". What is the link between safety policy and safety planning such that SA2-3 maps to MO1.1?</p>	
response	<p><i>Noted</i></p> <p>As responded to comment 161, the AMC/GM is based on Eurocontrol materials as required by Commission Regulation (EU) No 691/2010. During the consultations (formal and informal), the stakeholders requested to stick the AMC to the existing SA. In this respect, it is not an easy task to find full overlap in the mapping.</p>	
comment	216	comment by: <i>CANSO Civil Air Navigation Services Organization</i>

<p>AMC 3 SKPI — Measurement of Effectiveness of Safety Management KPI — ANSP Level</p> <p>A. Components, Elements and Management Objectives</p>	<p>Comment:</p> <p>It is claimed that "Section A defines for each component and element of the ICAO Safety Management Framework the corresponding Management Objectives", however Component 5 (safety culture) is not currently included in the ICAO Annex 19 SMS framework.</p> <p>With regard to "Element 1.2 Safety accountabilities — Safety responsibilities" the equivalent ICAO SMS framework element does not include safety responsibilities.</p> <p>With regard to "Element 1.4 Coordination of emergency response planning/contingency plan" the equivalent ICAO SMS framework element does not have contingency plan.</p> <p>With regard to "Element 1.6 Management of related interfaces", this element does not exist in the ICAO SMS framework.</p> <p>With regards to "Component 2 — Safety risk management", the ICAO SMS framework also includes Hazard Identification" which has been omitted.</p> <p>With regard to "Element 3.4 Occurrence reporting, investigation and improvement", this element does not exist in the ICAO SMS framework.</p> <p>Impact:</p> <p>EoSM not compliant with Annex 19 SMS framework and no recognition by EASA that they go beyond the ICAO SARPS.</p>
<p>AMC 3 SKPI — Measurement of Effectiveness of Safety Management KPI — ANSP Level</p> <p>A. Components, Elements and Management Objectives</p>	<p>Comment: Whilst it is understood that Europe may wish to go beyond the SARPS in Annex 19 it appears disingenuous to claim compliance with ICAO Annex 19 SMS framework when some of the elements have been omitted. It should be clearly stated that Europe requires an additional burden on ANSPs that goes beyond that which is necessary to satisfy ICAO Annex 19.</p> <p>Impact: Need to make the difference between what EASA propose and ICAO require explicit.</p>
<p>AMC 3 SKPI — Measurement of Effectiveness of Safety Management KPI — ANSP Level</p> <p>B. Mapping between Management Objectives, Study Areas and Questions</p>	<p>Comment: In the mapping between MO and SA, MO1.1 "1.1 — Define the ANSPs' safety policy in accordance with Regulation (EU) No 1035/2011 (Common Requirements)" is mapped to SA2-3. SA2-3 is "SA2-3 An integrated safety planning process is adopted by the organisation with published and measurable safety goals and objectives for which the executive is accountable". What is the link between safety policy and safety planning such that SA2-3 maps to MO1.1?</p> <p>Impact:</p> <p>How accurate/complete are the mappings? At the next level of detail below elements there does not appear to be much correlation.</p>
<p>response</p>	<p><i>Noted</i></p>

See the responses to comments 161 and 162.

Furthermore, it should be noted that during the drafting of the SKPIs for RP1, there were also informal consultations with the stakeholders. During these consultations the stakeholders (mainly ANSPs) considered that the EoS based on the Eurocontrol SMSF at ANSP level has been well validated during its implementation and requested no changes neither in the appearance nor in the content of the questionnaire at ANSP level. This is the reason why the questions for ANSP level are numbered as per study areas (SA) as they were in SMSF.

comment 318 comment by: HungaroControl

On page 28 I would like to make the following comment on the formulas: I do not consider the no. 4 grouping to be sufficiently sophisticated. It is possible, that the data collection was already carried out, so my remark might not be relevant anymore.

response Noted

comment 321 comment by: HungaroControl

On page 29 figure 2. shows the process of Mechanism for Verification. I think, for the big picture, we need the method of result feedback here, as this serves as the correction process. This, in itself, only shows a reporting flow.

response Accepted

The feedback should be provided in accordance with Chapter IV 'Monitoring and Reporting' of Commission Implementing Regulation (EU) No 390/2013. The arrows will be changed to multidirectional arrows within the diagram between NSAs and ANSPs.

### 3. Proposed amendments - GM 4 SKPI Measurement of Effectiveness of Safety Management KPI - ANSP level

p. 29-31

comment 319 comment by: HungaroControl

On page 31 I would like to make the following comment on the formulas: I do not consider the no. 4 grouping to be sufficiently sophisticated. It is possible, that the data collection was already carried out, so my remark might not be relevant anymore.

response Noted

See the response to comment 318.

comment 322 comment by: HungaroControl

On page 31, the representation of the SA1 calculation in this particular way is quite surprising to me.

response Noted

### 3. Proposed amendments - GM 5 SKPI Measurement of Effectiveness of Safety Management KPI - ANSP level

p. 31

comment

48

comment by: UK CAA

**Page No:** 31 of 65**Paragraph No:** GM 5 SKPI — Measurement of Effectiveness of Safety Management KPI — ANSP level — Verification Mechanism**Comment:** UK CAA suggests change the word 'proof' to 'evidence', as proposed below.**Justification:** To provide clarity.**Proposed Text:** Amend as follows:

'VERIFICATION OF ANSP EoSM BY THE NSA/COMPETENT AUTHORITY

When verifying the questionnaires completed by an ANSP for EoSM, the NSA may organise bilateral interview sessions. In these interview sessions the NSA coordinator may ask the ANSP focal point some additional questions and request some additional ~~proof~~ **evidence** in order.....'

response

Accepted

comment

49

comment by: UK CAA

**Page No:** 31 of 65**Paragraph No:** GM 5 SKPI — Measurement of Effectiveness of Safety Management KPI — ANSP level — Verification Mechanism**Comment:** UK CAA believes the following text is unnecessary and recommends that it should be deleted:

'COORDINATION BETWEEN THE NSAs FOR THE VERIFICATION OF THE ANSPs

The competent authorities/NSAs might need better coordination between them in the

verification process in order to achieve consistent and comparable results at European level. Such coordination could be coordinated and facilitated by EASA, supported by PRB and EUROCONTROL. One potential solution could be the extension of the terms of reference of the NSA Coordination Platform (NCP) in the field of harmonisation of the verification mechanism of the safety KPIs at ANSP level.

Notwithstanding the above and notwithstanding the fact that NSA may delegate the

verification task to another entity, the responsibility for verification of the safety KPI

measurement at ANSP level stays with the overseeing competent authority/NSA.'

**Justification:** The text does not add to clarity or to guidance and may confuse rather than inform.**Proposed Text:** Delete.

response

Not accepted

We consider that it is good to describe the possibility for exchange between NSAs in order to achieve uniform approach and possibly make better use of the available resources.

### 3. Proposed amendments - AMC 4 SKPI Severity Classification Based on the Risk Analysis Tool Methodology - General

p. 32

comment	25	comment by: DSNA/MSQS
	<p><u>Page 32/65</u></p> <p>The severity of the ATM-specific occurrences should refer to the service provider's capability to provide safe ATM/CNS services. The criteria which should be considered are: the service affected, service/function provided, operational function, type of failure, extension of the failure and its scope and duration. Technical occurrences with a safety impact on ATM services come also from third parties. Therefore DSNA would like the above criteria list to be open for external sources: (e.g. on board stuck mike =&gt; air operator, block stop bar =&gt; airport operator, jamming =&gt; telecom operator).</p>	
response	<p><i>Not accepted</i></p> <p>Causes of the ATM specific technical events are covered in the Repeatability part of the methodology which is not subject to this AMC.</p>	
comment	50	comment by: UK CAA
	<p><b>Page No:</b> 32 of 65  <b>Paragraph No:</b> III Severity Classification Based on the Risk Analysis Tool Methodology          AMC 4 SKPI — Severity Classification Based on the Risk Analysis Tool Methodology — General  <b>Comment:</b> UK CAA recommends the text in the 5<sup>th</sup> paragraph be amended as proposed below.  <b>Justification:</b> To correct a typo.  <b>Proposed Text:</b> Amend to read:          'The severity of the ATM-specific occurrences should refer to the service provider's capability to provide safe ATM/CNS services. The criteria which should be considered are: the service provided, operational function, type of failure, <b>extension</b> of the failure and duration.'</p>	
response	<i>Accepted</i>	
comment	103	comment by: DFS Deutsche Flugsicherung GmbH
	<p>The 5th paragraph, 2nd sentence, should remain unchanged to be fully in line with the identical part within AMC 7 SKPI — Severity Classification Based on the Risk Analysis Tool Methodology — Methodology for ATM-specific occurrences 'A. Overview'.</p>	
response	<i>Accepted</i>	
comment	193	comment by: MOT Austria
	<p><b>Comment:</b> Austria suggests replacing 'incident' by 'occurrence' in the following sentence - 'The overall score for the severity of an occurrence should be built from the sum of the score allocated to the risk of collision/proximity (itself a sum of the score allocated to the separation and the score allocated to the rate of closure) and the degree of controllability of the <del>incident</del> occurrence.'</p> <p><b>Justification:</b> To establish a common language the term occurrence should be used throughout the whole document in line with ICAO Annex 13 defining an occurrence either as an incident or an accident.</p>	
response	<i>Accepted</i>	

comment	200	comment by: <i>de Causemacker eric</i>
	<p>We need a clear scope of this requirement. Assessing severity "E" occurrences with the RAT is highly questionable and highly demanding in resources both at State and ANSP level. The added value should be evaluated. We propose to restrict the scope of this requirement to severity A to C (including AA for ATM-SE) only. This does not prevent any investigation or assessment actions to be done for some "E" type occurrences.</p> <p>Assessing ALL severity E occurrences with the RAT is clearly not feasible with the current resource, and there are not safety added value to use the RAT sheets for such types.</p>	
response	<p><i>Noted</i></p> <p>Your proposal is more relevant to the scope defined by the performance scheme Regulation which cannot be changed with this AMC/GM. Solution may be worked out by the RAT User Group to define which ATM Specific Occurrences are safety related (in the scope of RAT) and which are not.</p>	
comment	201	comment by: <i>de Causemacker eric</i>
	<p>The overall score is subject to the availability of data. Foreign states, ANSPs, airlines or airports are sometimes hard to collect or even impossible within a reasonable timeframe. Arrangement at national level, with national stakeholders could be conceivable but current regulation(s) or arrangements do not ensure the availability of all the required data leading to difficulties, even impossibilities to reach a highly set target on this KPI.</p>	
response	<p><i>Noted</i></p> <p>Your comment is more relevant to the target setting process.</p>	
comment	225	comment by: <i>CANSO Civil Air Navigation Services Organization</i>
	<p>The 5th paragraph, 2nd sentence, should remain unchanged to be fully in line with the identical part within            AMC 7 SKPI — Severity Classification Based on the Risk Analysis Tool Methodology — Methodology for ATM-specific occurrences            A. Overview</p>	
response	<p><i>Accepted</i></p> <p>See response to comment 103.</p>	
comment	252	comment by: <i>CAA-NL</i>
	<p><b>AMC4 SKPI — Severity Classification Based on the Risk Analysis Tool Methodology — General, page 32</b></p> <p>-</p> <p>- <i>Comment: " <b>The severity of occurrences reported by Member States should be the ATM Overall.</b> For ATM-specific occurrences, the ATM Overall coincides with ATM Ground severity.</i></p> <p><b>Member States should ensure that arrangements are in place for reporting of the ATM Overall severity score."</b></p> <p><i>What about SMI resulting from an Airspace Infringements with unidentified aircraft or RI with unidentified vehicles?</i></p>	



	<p><i>The fact is aircraft operators do not report automatically to the Member State where the event occurred. These occurrence reports are not exchanged amongst Member States and therefore valuable information to analyse and score the occurrence is lacking. It is time consuming and causing delay to receive this essential information to accurately complete the RAT airborne part and is therefore not included or valued as 'unknown/not determined' in the annual reports.</i></p> <p><i>The "Overall" score reporting for ALL individual occurrences requires data collection processes that are sometimes even outside of the managerial control of the States.</i></p> <p><i>Moreover, as stated in the regulation (EU) No 390/2013 §1.1 of Section 2 of Annex I, the States may report the following ATM Overall : "(v) Not determined; for example insufficient information available, or inconclusive or conflicting evidence precluded such determination."</i></p> <p><i>However, the current AMC does not reflect this regulatory possibility.</i></p> <p><i>- Suggestion: « The severity of occurrences reported by Member States should be the ATM Overall, <b>where applicable</b>. For ATM-specific occurrences, the ATM Overall coincides with ATM Ground severity.</i></p> <p><i>Member States should ensure that arrangements are in place for reporting of the ATM Overall severity score, <b>where applicable</b>.</i></p> <p><i><b>However, when insufficient information is available, or inconclusive or conflicting evidence precluded such determination, the Member States should report a severity of occurrences of "Not Determined (D)". »</b></i></p>
response	<p><i>Noted</i></p> <p>Your comment is more relevant to the target setting process.</p> <p>The RAT methodology already allows for severity class D when not sufficient information is available.</p> <p>See also the response to comment 200.</p>
comment	<p>258 <span style="float: right;">comment by: <i>Finavia</i></span></p> <p>AMC 4 SKPI - Severity Classification Based on the Risk Analysis Tool Methodology - general</p> <p>GENERAL DESCRIPTION</p> <p>The severity part of the risk analysis tool methodology dedicated to operational occurrences should follow the principle of evaluating several criteria and allocating a certain score to each criterion, depending on how severe each criterion is evaluated to be.</p> <p>COMMENT: As the term 'operational occurrence' has not been defined a better wording would be '...dedicated to occurrences with effect to operations..</p>
response	<p><i>Noted</i></p> <p>In the context of this AMC, the term 'operational occurrence' is used for occurrences in ATC operations (e.g. separation minima infringements, runway incursions).</p>
comment	<p>264 <span style="float: right;">comment by: <i>French DGCA</i></span></p> <p><b>The severity of occurrences reported by Member States should be the ATM Overall.</b> For ATM-specific occurrences, the ATM Overall coincides with ATM Ground severity.</p> <p><b>Member States should ensure that arrangements are in place</b> for reporting</p>

of the ATM Overall severity score.

Taking in account that, except for the ones based in the Member State, airlines are not reporting to the Member State where the SMI or RI took place and that Member States are not exchanging automatically between themselves airline's SMI or RI reports, the State will have the choice either to score the RAT airborne part with "unknown" values or wait for weeks/months to receive the occurrence reports and pilot declarations after formal request before completing accurately the RAT airborne part but probably missing each annual report due to the delays. What about SMI resulting from an Airspace Infringements with unidentified aircraft or RI with unidentified vehicles?

The "Overall" score reporting for ALL individual occurrences requires data collection processes that are sometimes even outside of the managerial control of the States.

Moreover, as stated in the regulation (EU) No 390/2013 §1.1 of Section 2 of Annex I, the States may report the following ATM Overall : "(v) Not determined; for example insufficient information available, or inconclusive or conflicting evidence precluded such determination."

However, the current AMC does not reflect this regulatory possibility.

This is the reason why it is suggested to modify the sentence:

« The severity of occurrences reported by Member States should be the ATM Overall, **where applicable**. For ATM-specific occurrences, the ATM Overall coincides with ATM Ground severity.

Member States should ensure that arrangements are in place for reporting of the ATM Overall severity score, **where applicable**.

**However, when insufficient information is available, or inconclusive or conflicting evidence precluded such determination, the Member States should report a severity of occurrences of "Not Determined (D)". »**

response

Noted

See response to comment 252.

### 3. Proposed amendments - AMC 5 SKPI Severity Classification Based on the Risk Analysis Tool Methodology for Separation Minima Infringements

p. 32-38

comment

15

comment by: Antonio Palmiotto ATMPP

A2. The score should be referred to intervals of the **relative** relevant(horizontal/vertical) speed at the moment the separation is infringed.

response

Accepted

comment

16

comment by: Antonio Palmiotto ATMPP

"potential conflict DETECTED" includes cases where the conflict is detected and ATC relied on a tactical solution.

I really think that the statement "ATC decided to accept the situation" should be rephrased

response

Noted

No better wording has been proposed for the time being.

comment	18	comment by: Antonio Palmiotto ATMP
	<p>All this section looks to me written as if only the two aircraft later conflicting are involved. Global picture as well as the workload and sector specific features have to be taken into account at this point, instead.</p> <p>A good planning, or timely conflict detection, can easily be performed if the traffic volume is medium to low. The same could not be easily performed if the traffic volume is high, or exceeding, or if consistent deviations due to bad weather are taking place. As well, accurate detection is easy if the scale you are working with is reasonable, but what about working at night with a 200+ miles scale? It's obviously not the same, and even if a sector specific feature has been approved by means of a safety assessment, this must be taken into account when properly scoring ATM ground controllability</p>	
response	<p><i>Not accepted</i></p> <p>This is covered in the Repeatability part of the methodology which is not subject to this AMC.</p>	
comment	51	comment by: UK CAA
	<p><b>Page No:</b> 33 of 65  <b>Paragraph No:</b> B. Controllability  <b>Comment:</b> UK CAA suggests amending the list of sub-criteria as proposed below.  <b>Justification:</b> STCA and TCAS are examples of Safety Nets but not the only example.  <b>Justification:</b> To provide clarity.  <b>Proposed Text:</b> Amend to read:          '...4. Ground safety nets (e.g. STCA),          5. Recovery,          6. Airborne safety nets (e.g. TCAS) ...,'</p>	
response	<p><i>Accepted</i></p>	
comment	104	comment by: DFS Deutsche Flugsicherung GmbH
	<p>B page 34/35 "Execution":          The 2nd bullet shall be deleted as this is a wrong statement and not in line with RAT practice.  <del>If the previous step was scored as 'Plan INADEQUATE', then the execution should be also scored as 'Execution INADEQUATE', unless there is no execution at all, in which case it is scored as 'No Execution'. In other words, the execution cannot be CORRECT if the plan is INADEQUATE.</del></p>	
response	<p><i>Accepted</i></p>	
comment	105	comment by: DFS Deutsche Flugsicherung GmbH
	<p>B "Ground Safety Nets (STCA)" table at bottom of page 35:          In second line of the table, second column:          Text is missing and a "5" to be moved to third column, and RF weight missing.</p>	
response	<p><i>Accepted</i></p>	
comment	155	comment by: NATS National Air Traffic Services Limited

response	<p>Page 34 Planning.</p> <p>This is an old definition and should be updated as per RAT GM V25 para 6.2.2.2 on page 20.</p> <p>In essence it is not the first plan. It is the plan to maintain separation/safety margins which may be amended tactically or by co-ordination</p> <p><i>Not accepted</i></p> <p>The RAT GM v0.25 is not yet adopted by the RAT User Group and endorsed by the EUROCONTROL Safety Team.</p>				
comment	<p>156 <span style="float: right;">comment by: <i>NATS National Air Traffic Services Limited</i></span></p> <p>Page 35 Recovery</p> <p>This is an old definition, which should reflect RAT GM V25 para 6.2.2.5 on page 26. Recovery is not pinned at the point of loss of separation, recovery commences at the point that ATC or pilot/driver becomes aware that separation has been or is about to be lost. So, in practice, avoiding action given before the loss is recovery.</p> <p><i>Not accepted</i></p> <p>See comment 155.</p>				
comment	<p>157 <span style="float: right;">comment by: <i>NATS National Air Traffic Services Limited</i></span></p> <p>Page 36 Recovery Inadequate.</p> <p>The definition of did not improve the situation is incorrect, that is actually "No Recovery". RAT GM V25 should be used " was not actioned in a timely manner or was not the most effective course of action".</p> <p><i>Not accepted</i></p> <p>See comment 155.</p>				
comment	<p>226 <span style="float: right;">comment by: <i>CANSO Civil Air Navigation Services Organization</i></span></p> <table border="1" data-bbox="363 1384 1481 1953"> <tr> <td data-bbox="363 1384 715 1686">           AMC 5 SKPI — Severity Classification Based on the Risk Analysis Tool Methodology — Methodology for Separation Minima Infringements Page 34-35         </td><td data-bbox="715 1384 1481 1686">           B "Execution": The 2nd bullet shall be deleted as this is a wrong statement and not in line with RAT practice. <del>If the previous step was scored as 'Plan INADEQUATE', then the execution should be also scored as 'Execution INADEQUATE', unless there is no execution at all, in which case it is scored as 'No Execution'. In other words, the execution cannot be CORRECT if the plan is INADEQUATE.</del> </td></tr> <tr> <td data-bbox="363 1686 715 1953">           AMC 5 SKPI — Severity Classification Based on the Risk Analysis Tool Methodology — Methodology for Separation Minima Infringements Page 35         </td><td data-bbox="715 1686 1481 1953">           B "Ground Safety Nets (STCA)": In second line of the table, second column: Text is missing and a "5" to be moved to third column, and RF weight missing.         </td></tr> </table>	AMC 5 SKPI — Severity Classification Based on the Risk Analysis Tool Methodology — Methodology for Separation Minima Infringements Page 34-35	B "Execution": The 2nd bullet shall be deleted as this is a wrong statement and not in line with RAT practice. <del>If the previous step was scored as 'Plan INADEQUATE', then the execution should be also scored as 'Execution INADEQUATE', unless there is no execution at all, in which case it is scored as 'No Execution'. In other words, the execution cannot be CORRECT if the plan is INADEQUATE.</del>	AMC 5 SKPI — Severity Classification Based on the Risk Analysis Tool Methodology — Methodology for Separation Minima Infringements Page 35	B "Ground Safety Nets (STCA)": In second line of the table, second column: Text is missing and a "5" to be moved to third column, and RF weight missing.
AMC 5 SKPI — Severity Classification Based on the Risk Analysis Tool Methodology — Methodology for Separation Minima Infringements Page 34-35	B "Execution": The 2nd bullet shall be deleted as this is a wrong statement and not in line with RAT practice. <del>If the previous step was scored as 'Plan INADEQUATE', then the execution should be also scored as 'Execution INADEQUATE', unless there is no execution at all, in which case it is scored as 'No Execution'. In other words, the execution cannot be CORRECT if the plan is INADEQUATE.</del>				
AMC 5 SKPI — Severity Classification Based on the Risk Analysis Tool Methodology — Methodology for Separation Minima Infringements Page 35	B "Ground Safety Nets (STCA)": In second line of the table, second column: Text is missing and a "5" to be moved to third column, and RF weight missing.				

response *Accepted*

See responses to comments 104 and 105.

comment 242

comment by: MUAC

Nr	1	DOC	NPA2013-14 3. proposed changes	Page	34	Article Nr	AMC 5 – SKPI severity classification based on the RAT methodology – methodology for SMI's	Title	Conflict detection

#### Regulatory text / AMC text

'Potential conflict detected LATE' when there is not enough time to make and/or execute the plan. It should not be scored whenever separation is lost; consideration should be taken with regard to the circumstances involved. In units with STCA with 'look-ahead' time (predictive STCA) the conflict could be detected due to the predictive STCA. If ATCO became aware of the conflict only through the predictive STCA, then it should be scored as 'Potential conflict detected LATE'.

#### Comments

This statement is very depending on the notion of "predictive STCA" for each ANSP. The timeframes set for a predictive STCA and its use is different in each ANSP.

Example: A predictive STCA of 2 minutes allows for sufficient time to form a plan and execute this plan.

Text from RAT Guidance Material reflex better this different application of predictive STCA and allows for more flexibility depending on the notion of predictive STCA: If a conflict is detected with the support of a predictive STCA that provides sufficient time for ATCO's to form a plan and execute it then score should be "potential conflict DETECTED".

#### Proposal

Align NPA 2013-14 with RAT guidance material on potential conflict DETECTED.

response *Not accepted*

This has already been considered in the controllability part of the methodology where the predicted STCA is equivalent to a 'warning from another colleague ATCO'.

comment

243

comment by: MUAC

Nr	2	DOC	NPA2013-14 3. proposed changes	Page	34-35	Article Nr	AMC 5 – SKPI severity classification based on the RAT methodology – methodology for SMI's	Title	Execution

**Regulatory text / AMC text**

If the previous step was scored as 'Plan INADEQUATE', then the execution should be also scored as 'Execution INADEQUATE', unless there is no execution at all, in which case it is scored as 'No Execution'. In other words, the execution cannot be CORRECT if the plan is INADEQUATE.

**Comments**

This is not in line with the RAT Guidance material.  
This was discussed in RAT UG 9 where it was decided that inadequate planning should not automatically assume that the execution was also inadequate. See RAT UG action 09/02: De-correlate the inadequate planning and execution from the RAT webtool.

**Proposal**

Align NPA 2013-14 with RAT guidance material: de-correlate inadequate plan and inadequate execution

response

Accepted

See comment 104.

comment

244

comment by: MUAC

Nr	3	DOC	NPA2013-14 3. proposed changes	Page	35	Article Nr	AMC 5 – SKPI severity classification based on the RAT methodology – methodology for SMI's	Title	Ground Safety Nets (STCA)

**Regulatory text / AMC text**

No current STCA alarm =10

**Comments**

As defined in RAT Tool (no current STCA = 5)

**Proposal**

Replace 10 by 5

response *Accepted*

comment 245

comment by: MUAC

Nr	4	DOC	NPA2013-14 3. proposed changes	Page	35	Article Nr	AMC 5 – SKPI severity classification based on the RAT methodology – methodology for SMI's	Title	Recovery

#### Regulatory text / AMC text

Recovery from the actual incident is the phase requiring immediate action to restore the safety margins (e.g. separation) or at least to confine the hazard.

#### Comments

This is not in line with the RAT Guidance material.  
 RAT Guidance material: Recovery starts when the ATCO or Pilot becomes aware that the separation/safety margins have been or are about to be breached. Recovery phase does not only start after separation is infringed (as defined in the NPA) but recovery phase starts when it is realised that separation will be infringed (which is often prior to the separation minima infringement when no action can avoid an SMI)

#### Proposal

Align NPA 2013-14 with RAT guidance material to reflect that recovery can start prior to a separation minima infringement.

response *Not accepted*

See comment 156.

comment 246

comment by: MUAC

Nr	5	DOC	NPA2013-14 3. proposed changes	Page	37	Article Nr	AMC 5 – SKPI severity classification based on the RAT methodology – methodology for SMI's	Title	F Final scores

#### Regulatory text / AMC text

No safety effect = score 0 -9

#### Comments

Classifying separation minima infringements as severity "E = no safety effect", sends out a message to the ATCO's that ANSP's generally accept these types of marginal infringements and that they are allowed in the Operations Room. This is

	conflicting with ANSP's policy / goal to have zero separation infringements.
	<b>Proposal</b>
response	<i>Noted</i>
comment	<p>265 <span style="float: right;">comment by: French DGCA</span></p> <p>For the same explanation as above for AMC 4, <u>it is suggested to modify the sentence:</u>  <i>"The severity of Separation Minima Infringements should be calculated, <b>where applicable</b>, as the sum of the scores totalled in each of the two main criteria:</i>  1. Risk of collision;  2. Controllability."</p>
response	<p><i>Not accepted</i></p> <p>The RAT methodology requires the calculation of both criteria for deriving the severity of the occurrence. In case not enough information is available to score all criteria, the 'Reliability Factor' is affected. For cases of Reliability Factor below 70 %, the severity is automatically set to D.</p>
comment	<p>323 <span style="float: right;">comment by: HungaroControl</span></p> <p>On page 37, the Overall Reliability Factor is marked RF. It is advised to be marked as ORF to show its summarising feature.</p>
response	<i>Noted</i>

### 3. Proposed amendments - GM 6 SKPI Severity Classification Based on the Risk Analysis Tool Methodology for Separation Minima Infringements - General description p. 38-40

comment	<p>106 <span style="float: right;">comment by: DFS Deutsche Flugsicherung GmbH</span></p> <p>GM 6 "Severity Classification Based on the Risk Analysis Tool Methodology for Separation Minima Infringements - General description" shall be changed to become new AMC 5 and put directly next after AMC 4 "Severity Classification Based on the Risk Analysis Tool Methodology - General".  Rationale:  The 'general description' is basic means for the common understanding of the use and application (for all scenarios).  As a consequence, the AMC 5, 6, 7 and 8 are to be renumbered to (new) AMC 6, 7, 8 and 9 (and in the further chapters accordingly).  As another consequence, the GM 7, 8, 9, 10 and 11 are to be renumbered to (new) GM 6, 7, 8, 9 and 10 (and in the further chapters accordingly).</p>
response	<p><i>Not accepted</i></p> <p>The text of the GM proposed to be elevated as AMC is rather explanatory (as it should be) than prescriptive and as such is supporting the common understanding of the methodology. We do not consider that transforming this GM as AMC will</p>



bring additional benefits.

comment 194

comment by: MOT Austria

**Page:** 40

**Comment:** Commission Regulation (EU) No 691/2010 should be replaced by '(EU) 390/2013' within the following sentence – 'The following link may be made between the occurrences scenarios as in RAT and the occurrence types referred to in Commission Regulation (EU) ~~691/2010~~ 390/2013 (the performance regulation).'

**Justification:** Commission Regulation (EU) No 691/2010 should be repealed by Commission Regulation (EU) 390/2013.

response *Partially accepted*

Commission Regulation (EU) No 691/2010 is still in force until the end of 2014. To reflect the fact that this AMC/GM will be valid during both RP1 and also during RP2 when Commission Regulation (EU) No 691/2010 will be replaced by Commission Implementing Regulation (EU) No 390/2013 the term 'performance scheme Regulation' is used in the text. The relevant clarification is provided in GM1 SKPI - General.

comment 227

comment by: CANSO Civil Air Navigation Services Organization

GM ~~5~~ 6 SKPI — Severity Classification Based on the Risk Analysis Tool Methodology for Separation Minima Infringements — General description  
Page 38

GM 6 "Severity Classification Based on the Risk Analysis Tool Methodology for Separation Minima Infringements - General description" shall be changed to become new AMC 5 and put directly next after AMC 4 "Severity Classification Based on the Risk Analysis Tool Methodology - General".

Rationale:

The 'general description' is basic means for the common understanding of the use and application (for all scenarios).

As a consequence, the AMC 5, 6, 7 and 8 are to be renumbered to (new) AMC 6, 7, 8 and 9 (and in the further chapters accordingly).

As another consequence, the GM 7, 8, 9, 10 and 11 are to be renumbered to (new) GM 6, 7, 8, 9 and 10 (and in the further chapters accordingly).

response *Not accepted*

See response to comment 106.

comment 228

comment by: CANSO Civil Air Navigation Services Organization

AMC 6 SKPI — Severity Classification Based on the Risk Analysis Tool Methodology — Methodology for Runway Incursions Page 43	A. "Risk of Collision": Very last sentence below second table: the example in brackets is to be deleted, as it is not valid for a runway environment. (i.e. certain classes of airspaces, e.g. close encounter between IFR and VFR flights in Class E airspace)
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response *Accepted*

comment 247

comment by: MUAC

Nr	6	DOC	NPA2013-14 3. proposed changes	Page	39	Article Nr	GM 6 – SKPI severity classification based on the RAT methodology for SMI – general description	Title
<b>Regulatory text / AMC text</b>								
Distinction between ATM Ground and ATM Overall severity may be made in order to allow ANSPs to identify their own contribution to any occurrence, identify causes and possible mitigation plans and/or corrective actions.								
<b>Comments</b>								
For occurrence in which the ANSP's have <u>no contribution</u> to the occurrence (e.g. level bust) the RAT tool allows the possibility for the option "ATM ground contribution = None" which will be indicated with the letter "N" in the RISK matrix for ATM ground. This means that there will be no ATM ground severity (A, B, C, D or E) available for these occurrences and also no indication of contribution.								
<b>Proposal</b>								
Reflect the use of the "N" (=no ATM ground contribution) in the guidance material to be used for ANSP's.								

response *Not accepted*

The severity N is not a severity class in the context of the AMC GM. This allows the ANSP to identify those occurrences to which they had no 'ATM Ground Contribution'. This does not affect the need for overall severity scoring at State level.

comment 248

comment by: MUAC

Nr	7	DOC	NPA2013-14 3. proposed changes	Page	39	Article Nr	GM 6 – SKPI severity classification based on the RAT methodology for SMI –	Title
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							general description		
							<b>Regulatory text / AMC text</b>		
							Distinction between ATM Ground and ATM Overall severity may be made in order to allow ANSPs to identify their own contribution to any occurrence, identify causes and possible mitigation plans and/or corrective actions.		
							<b>Comments</b>		
							It is unclear what is meant with ANSP contribution. When an SMI was <u>triggered</u> by an ANSP, there is an ANSP contribution and it is not needed to complete the RAT to identify its contribution. An ATM ground severity will be available. In case of a level bust (SMI not triggered by an ANSP), also an ATM ground severity will be available. How can ANSP's identify their contribution if for both examples an ATM ground severity is available? ANSP's need to know their contribution prior to completing the RAT correctly and in case of no contribution, ANSP's have the option to score "ATM ground contribution = None", which results in "ATM ground severity = N"		
							<b>Proposal</b>		
							Add definition of ANSP contribution and explain how you can identify the link between ATM ground severity and ANSP contribution.		
response							<i>Noted</i>		
							For the time being, your proposal is considered to be at very high level and could not be reflected in AMC/GM. However, some of the members of the RMG will bring the issue to the RAT User Group to further look into it.		
comment						259	comment by: <i>LFV, Air Navigation Services of Sweden</i>		
							First sentence after figure 3: " <i>Distinction between ATM Ground and ATM Overall severity may be made in order to allow ANSPs to identify their own contribution to any occurrence, identify causes and possible mitigation plans and/or corrective actions</i> " We would appreciate a clarification if the ATM Ground classification shall estimate the severity of the ANSP's own contribution to the occurrence, thus not the complete ATM (ground) service, and excluding any possible contributions from interfacing ANSPs. Could the same occurrence therefore have several severity classifications ATM Ground, from several ANSPs?		
response							<i>Noted</i>		
							There is only one ATM Ground severity derived from the investigation results performed by the ANSP with the main contribution to the occurrence, which is normally supported in the investigation by the other involved ANSP (maybe more than one). This should not affect the overall severity scoring by the State in the airspace of which the occurrence took place.		

### 3. Proposed amendments - GM 8 SKPI Severity Classification Based on the Risk Analysis Tool Methodology Methodology for Separation Minima Infringements - Controllability score determination

p. 40-41

comment	19	comment by: Antonio Palmiotto ATMP
	See note 18. The global picture should be carefully analyzed and scored.	
response	<p><i>Noted</i></p> <p>See the response to comment 18.</p>	
comment	52	comment by: UK CAA
	<p><b>Page No:</b> 40 of 65</p> <p><b>Paragraph No:</b> GM 8 SKPI — Severity Classification Based on the Risk Analysis Tool Methodology — Methodology for Separation Minima Infringements — Controllability score determination</p> <p><b>Comment:</b> UK CAA suggests the wording against the 2 bullet points should be amended as proposed below as all STCA is predictive. Clarification also needs to be made as to whether the text refers to medium and short term conflict alert.</p> <p><b>Justification:</b> To provide clarity and improve grammar,.</p> <p><b>Proposed Text:</b> Amend to read:</p> <ul style="list-style-type: none"> <li>• 'Predictive STCA is meant to be an STCA that triggers an alarm with sufficient time in advance of <b>an</b> infringement of the separation <b>minima</b> allowing air traffic controllers enough time to react;</li> <li>• Current STCA is meant to be an STCA that <del>triggers an alarm not before the separation minima is being infringed (or triggers at the time when the separation minima starts to be infringed).</del>'</li> </ul>	
response	<i>Accepted</i>	

### 3. Proposed amendments - GM 10 SKPI Severity Classification Based on the Risk Analysis Tool Methodology Methodology for Separation Minima Infringements - Reliability Factor

p. 42

comment	53	comment by: UK CAA
	<p><b>Page No:</b> 42 of 65</p> <p><b>Paragraph No:</b> GM 10 SKPI- Severity Classification Based on the Risk Analysis Tool Methodology.</p> <p>Paragraph after table.</p> <p><b>Comment:</b> The meaning of the following sentence is unclear and needs clarification.</p> <p>'If to the RF of Controllability in this example the RF of Risk of Collision from GM 6 is added.etc.'</p> <p><b>Justification:</b> To provide clarity and understanding.</p> <p><b>Proposed Text:</b> None given, as the sentence is not understood.</p>	
response	<p><i>Accepted</i></p> <p>Text was amended as follows:</p> <p><b>If</b> In order to evaluate the Overall RF of this example we need to add to the RF of Controllability <del>in this example</del> the RF of Risk of Collision. <b>If</b> we take the value of RF of Risk of Collision <del>from as calculated in</del> GM 6 <del>is added</del> (30), the Overall RF will</p>	

have a value of 60. Since the Overall RF < 70, the occurrence should be categorised as 'Not determined' (D).

### 3. Proposed amendments - AMC 6 SKPI Severity Classification Based on the Risk Analysis Tool Methodology - Methodology for Runway Incursions

p. 42-44

comment	107	comment by: DFS Deutsche Flugsicherung GmbH
	<p>A. "Risk of Collision":            Very last sentence below second table: the example in brackets is to be deleted, as it is not valid for a runway environment.  <del>(i.e. certain classes of airspace, e.g. close encounter between IFR and VFR flights in Class E airspace)</del></p>	
response	<p>Accepted</p> <p>See comment 228.</p>	
comment	266	comment by: French DGCA
	<p>For the same explanation as above for AMC 4, <u>it is suggested to modify the sentence:</u>  <i>"Applying the severity classification methodology for Runway Incursions, the severity should be calculated, <b>where applicable</b>, as the sum of the total scores in each of the two main criteria:</i>            1. Risk of collision;            2. Controllability."</p>	
response	<p>Not accepted</p> <p>See comments 252 and 265.</p>	

### 3. Proposed amendments - AMC 7 SKPI Severity Classification Based on the Risk Analysis Tool Methodology - Methodology for ATM-specific occurrences

p. 44-48

comment	20	comment by: Antonio Palmiotto ATMPP
	<p>What about ATM ground events happening when operating on recovery suites which provide only a minimal set of functions, or presentation screens heavily reduced in size? More, what about backup radio coverage not extended as the primary system? Possible surrogation level in backup systems should be also categorized.</p>	
response	<p>Noted</p> <p>Your comment is relevant to contingency modes of operation which was introduced due to technical occurrence which should be evaluated using the RAT methodology.</p>	
comment	108	comment by: DFS Deutsche Flugsicherung GmbH
	<p>B. 2. a. (page 45):            delete "air-to-air" as this is not in scope of ATC purposes and not in line with B. 3. a.</p>	

a. Communication — aeronautical fixed and mobile services to enable ground-to-ground, ~~and~~ air-to-ground ~~and air-to-air~~ communications for ATC purposes;

response *Accepted*

comment 109 comment by: *DFS Deutsche Flugsicherung GmbH*

B. 7. a. (page 47), 2nd sentence:  
In such a case the severity of the ATM-specific occurrence should have no impact on the **safe provision of** air traffic services and should be classified with severity E.

response *Accepted*

comment 229 comment by: *CANSO Civil Air Navigation Services Organization*

AMC 7 SKPI — Severity Classification Based on the Risk Analysis Tool Methodology — Methodology for ATM-specific occurrences  
Page 45

B. 2. a.:  
delete "air-to-air" as this is not in scope of ATC purposes and not in line with B. 3. a.  
a. Communication — aeronautical fixed and mobile services to enable ground-to ground, ~~and~~ air-to-ground ~~and air-to-air~~ communications for ATC purposes;

AMC 7 SKPI — Severity Classification Based on the Risk Analysis Tool Methodology — Methodology for ATM-specific occurrences  
Page 47

B. 7. a., 2nd sentence:  
In such a case the severity of the ATM-specific occurrence should have no impact on the **safe provision of** air traffic services and should be classified with severity E.

response *Accepted*

See responses to comments 108 and 109.

### 3. Proposed amendments - GM 11 SKPI Severity Classification Based on the Risk Analysis Tool Methodology - Methodology for ATM-specific occurrences

p. 48-55

comment 110 comment by: *DFS Deutsche Flugsicherung GmbH*

A. "Criterion Duration", 1st sentence:  
When criterion 'Duration' is evaluated, T1 should be used for separating technical glitches with no operational consequences from failures that impact the ANSP's ability to provide **safe** ATM services.

response *Accepted*

comment 230 comment by: *CANSO Civil Air Navigation Services Organization*

	<p>GM 10 11 SKPI — Severity Classification Based on the Risk Analysis Tool Methodology — Methodology for ATM- specific occurrences Page 49</p>	<p>A. "Criterion Duration", 1st sentence: When criterion 'Duration' is evaluated, T1 should be used for separating technical glitches with no operational consequences from failures that impact the ANSP's ability to provide safe ATM services.</p>
response	Accepted	
comment	316	comment by: HungaroControl
	On pages 50, 51 and 52 the vertical ordinates of the figures do not contain exact information on what they actually refer to.	
response	Noted	
	The vertical ordinates show the level of 'activity' given in the legend.	
comment	324	comment by: HungaroControl
	On page 50, the figure Engineering Activity is supposed to be much higher than it is displayed, taking into consideration the mitigation of operational hazards.	
response	Noted	
	The figures in the AMG and GM are just schematic examples to illustrate the principles.	

### 3. Proposed amendments - AMC 8 SKPI RAT methodology Monitoring mechanism

p. 55

comment	23	comment by: DSNA/MSQS
	<p>(page 55/65): AMC 8 SKPI - RAT methodology - Monitoring mechanism</p> <p>"The Member States' points of contact, established in accordance with Directive 2003/42/EC and Commission Regulation (EC) No 1330/2007, should collect verified information regarding the application of severity classification using the Risk Analysis Tool (RAT) methodology for the reported occurrences within the scope of Commission Regulation (EU) No 390/2013.</p> <p>When the Member States report on the monitoring of the performance plans and targets in accordance with Article 18 and Annex V Commission Regulation (EU) No 390/2013 they should report the percentage of occurrences that been evaluated by the use of the severity classification using the RAT methodology.</p> <p>For the application of the severity classification on an individual basis for all occurrences within the scope of the regulation Member States should provide the data by making use of existing safety data reporting mechanisms, that is, either the European Central Repository and/or the Annual Summary Template Mechanism, with enhancements where needed."</p>	

	<p>As far as there is a safety or a potential safety effect DSNA understand and agrees to perform an investigation. Meanwhile outside the "A", "B" &amp; "C" occurrences (plus "AA" for the Technical ones) it become questionable to invest for the too numerous occurrences without any safety effect "E", for those ones an assessment by default could be consider.</p> <p>Saying that it doesn't prevent the ANSP to decide one-off action if there is a need.</p>
response	<p><i>Not accepted</i></p> <p>It should be noted that this performance indicator is defined in the performance scheme Regulation — Commission Regulation (EU) No 691/2010 — as 'The application of the severity classification based on the Risk Analysis Tool (RAT) methodology to the reporting of, as a minimum, separation minima infringements, runway incursions and ATM-specific occurrences at all air traffic services units...'. This means that the application of RAT methodology for the severity classification of the specified occurrences shall be reported in accordance with the applicable legislation. In this respect, this AMC/GM could not contradict the provisions of the performance scheme Regulation.</p>
comment	<p>202</p> <p>comment by: <i>de Causemacker eric</i></p> <p>"individual basis for all occurrences within the scope of the regulation"</p> <p>Same comments as for AMC4 - General</p> <p>We need a clear scope of this requirement. Assessing severity "E" occurrences with the RAT is highly questionable and highly demanding in resources both at State and ANSP level. The added value should be evaluated. We propose to restrict the scope of this requirement to severity A to C (including AA for ATM-SE) only. This does not prevent any investigation or assessment actions to be done for some "E" type occurrences.</p> <p>Assessing ALL severity E occurrences with the RAT is clearly not feasible with the current resource, and there are not safety added value to use the RAT sheets for such types.</p> <p>The overall score is subject to the availability of data. Foreign states, ANSPs, airlines or airports data are sometimes hard to collect or even impossible within a reasonable timeframe. Arrangement at national level, with national stakeholders could be conceivable but current regulation(s) or arrangements do not ensure the availability of all the required data leading to difficulties, even impossibilities to reach a highly set target on this KPI.</p>
response	<p><i>Noted</i></p> <p>See the response to comment 23.</p>
comment	<p>236</p> <p>comment by: <i>CANSO Civil Air Navigation Services Organization</i></p>



<p>AMC 8 SKPI Page 55 "The Member States' points of contact, established in accordance with Directive 2003/42/EC and Commission Regulation (EC) No 1330/2007, should collect verified information regarding the application of severity classification using the Risk Analysis Tool (RAT) methodology for the reported occurrences within the scope of Commission Regulation (EU) No 390/2013. When the Member States report on the monitoring of the performance plans and targets in accordance with Article 18 and Annex V Commission Regulation (EU) No 390/2013 they should report the percentage of occurrences that been evaluated by the use of the severity classification using the RAT methodology. For the application of the severity classification on an individual basis for all occurrences within the scope of the regulation Member States should provide the data by making use of existing safety data reporting mechanisms, that is, either the European Central Repository and/or the Annual Summary Template Mechanism, with enhancements where needed."</p>	<p>As far as there is a safety or a potential safety effect we understand and agrees to perform an investigation. Meanwhile outside the "A", "B" &amp; "C" occurrences (plus" AA" for the Technical ones) it become questionable to invest for the too numerous occurrences without any safety effect, for those ones an assessment by default could be consider. Those ones could be assess by default. Saying that it doesn't prevent the ANSP to decide one-off action if there is a need.</p>
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response *Noted*

See the response to comment 23.

comment 253

comment by: CAA-NL

**AMC8 SKPI – RAT methodology – Verification Monitoring mechanism, page 55**

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- Comment 1: "The Member States' points of contact, established in accordance with Directive 2003/42/EC and Commission Regulation (EC) No 1330/2007, should collect verified information regarding the application of severity classification using the Risk Analysis Tool (RAT) methodology for the reported occurrences within the scope of Commission Regulation (EU) No 390/2013. **When the Member States report on the monitoring of the performance plans and targets in accordance with Article 18 and Annex V Commission**

**Regulation (EU) No 390/2013 they should report the percentage of occurrences that been evaluated by the use of the severity classification using the RAT methodology.** For the application of the severity classification on an individual basis for all occurrences within the scope of the regulation Member States should provide the data by making use of existing safety data reporting mechanisms, that is, either the European Central Repository and/or the Annual Summary Template Mechanism, with enhancements where needed."

The RAT is a post-investigation tool aiming to harmonize the severity classification of the occurrences. There is a real added value in this methodology in identifying "harmonized" causal factors. In case of ATM Specific technical occurrence with "no-safety effect" (e.g. more than 2000 for one ANSP in 2012!), the added value of a complete RAT assessment is highly questionable. We would rather advocate for a "by default assessment" in such cases.

This is directly linked with the Explanatory Note to EASA ED Decision 2011-017-R (page 122) where it is clearly proposed to measure the application of the severity classifications of the RAT to occurrences category A,B,C for all SMI and RI, and to AA, A, B and C for ATM specific occurrences.

In addition, the PRB consultation document on EU-Wide Targets for RP2 Indicative Performance Ranges, released on 25/01/2013, states that (page 16) "The KPI is measured on the individual occurrence level as "yes/no" value of application of the RAT methodology for severity classifications of occurrences with category A (serious incidents), B (major incidents) or C (significant incidents) for all separation minima infringements (SMIs), runway incursions (RIs) and ATM Specific Technical Events at ATS Centres and airports."

This proposal shall be clearly as stated to harmonize the reporting of this indicator.

- Comment 2: We need a clear defined scope of this requirement. Assessing severity "E" occurrences with the RAT is highly questionable and requires a high level of resources both at State and ANSP level. The added value should be evaluated. We propose to restrict the scope of this requirement to severity A to C (including AA for ATM-SE) only. This does not prevent any investigation or assessment actions to be done for some "E" type occurrences. Assessing ALL severity E occurrences with the RAT is clearly not feasible with the current resource, demands for cost cutting and the safety added value being too limited to use the RAT sheets for such types.

- Suggestion: modify the following sentence: "When the Member States report on the monitoring of the performance plans and targets in accordance with Article 18 and Annex V Commission Regulation (EU) No 390/2013 they should report the percentage of occurrences that **have** been evaluated by the use of the severity classification using the RAT methodology, **if the severity classification is AA, A, B or C.**"

response

Noted

See the response to comment 23.

comment

267

comment by: French DGCA

"The Member States' points of contact, established in accordance with Directive 2003/42/EC and Commission Regulation (EC) No 1330/2007, should collect verified information regarding the application of severity classification using the Risk Analysis Tool (RAT) methodology for the reported occurrences within the scope of Commission Regulation (EU) No 390/2013.

**When the Member States report on the monitoring of the performance plans and targets in accordance with Article 18 and Annex V Commission Regulation (EU) No 390/2013 they should report the percentage of**

**occurrences that been evaluated by the use of the severity classification using the RAT methodology.**

*For the application of the severity classification on an individual basis for all occurrences within the scope of the regulation Member States should provide the data by making use of existing safety data reporting mechanisms, that is, either the European Central Repository and/or the Annual Summary Template Mechanism, with enhancements where needed."*

The RAT is a post-investigation tool aiming to harmonize the severity classification of the occurrences. There is a real added value in this methodology in identifying "harmonized" causal factors. In case of ATM Specific technical occurrence with "no-safety effect" (e.g. more than 2000 for one ANSP in 2012!), the added value of a complete RAT assessment is highly questionable. We would rather advocate for a "by default assessment" in such cases.

This is directly linked with the Explanatory Note to EASA ED Decision 2011-017-R (page 122) where it is clearly proposed to measure the application of the severity classifications of the RAT to occurrences category A,B,C for all SMI and RI, and to AA, A, B and C for ATM specific occurrences.

In addition, the PRB consultation document on EU-Wide Targets for RP2 Indicative Performance Ranges, released on 25/01/2013, states that (page 16) *"The KPI is measured on the individual occurrence level as "yes/no" value of application of the RAT methodology for severity classifications of occurrences with category A (serious incidents), B (major incidents) or C (significant incidents) for all separation minima infringements (SMIs), runway incursions (RIs) and ATM Specific Technical Events at ATS Centres and airports."*

This proposal shall be clearly stated to harmonize the reporting of this indicator.

This is the reason why it is suggested to modify the following sentence:

*"When the Member States report on the monitoring of the performance plans and targets in accordance with Article 18 and Annex V Commission Regulation (EU) No 390/2013 they should report the percentage of occurrences that **have** been evaluated by the use of the severity classification using the RAT methodology, **if the severity classification is AA, A, B or C.**"*

response

Noted

See the response to comment 23.

**3. Proposed amendments - GM 12 SKPI Just culture - General**

p. 55-56

comment

328

comment by: SINCTA - Portuguese Air Traffic Controllers' Union

During the second RP, Just Culture is not going to have a Union-wide target but only a FAB one. This target will need to measure the level of presence and corresponding level of absence of Just Culture. We don't understand how Just Culture will be measured and how a target will be set with this questionnaire.

response

Noted

Indeed, the AMC/GM do not tackle the targeting and evaluation of SKPIs at FAB level. PRB will provide template for FAB performance Plans in RP2 supporting the Member States in their Performance Plans preparation and the target setting process at local (FAB) level will be addressed there as well. Template and guidance material has been presented to the NCP Performance WG in October.

**3. Proposed amendments - GM 13 SKPI Just culture - Reporting and Verification at State level**

p. 56

comment	99	comment by: Antonio Palmiotto ATMPP
	I think that possible areas of improvement should be identified and addressed by the institution that assesses the JC/KPI questionnaires, not by the state itself. Not any member state in European union has in my opinion the maturity to honestly assess by itself the areas of improvement, so such an assessment could, in a certain sense, politically undermine the effectiveness of the "building for improvement" process that performance schemes are aimed at.	
response	<p><i>Noted</i></p> <p>The intention is to identify areas for improvements based on the comparison of the responses to the questionnaires from year 1 to year 2 of RP1. This could also be done through a comparison of practices in place in States and ANSPs, described in the responses with the aim to identify 'best (good) practices' to be shared.</p>	
comment	203	comment by: de Causemacker eric
	<p>We need a clear identification of what is expected by "identification of possible areas of improvement"</p> <p>The YES/NO value is quite questionable and assesement based on such quantitative data is difficultly conceivable.</p>	
response	<p><i>Noted</i></p> <p><i>Noted</i></p> <p>See response to comment 99.</p> <p>In addition, the YES/NO value has been discussed in the group and it is agreed that for JC the number of YES/NO responses did not necessarily reflect the presence/absence of JC. However, the format indicated for JC reporting, based on the questionnaires and confirmed in the Commission recommendation for RP1 reporting and monitoring contains two parts : (I) No of questions answered with YES or NO and (II) Identification of possible areas of improvements. This last section covers the elements, within the three identified areas (Policy and its implementation; Legal/Judiciary; Occurrence reporting and investigation) where States have identified possible improvements which should also be one of the aims of this KPI.</p>	
comment	254	comment by: CAA-NL
	<p><b>GM13 SKPI Just culture - Reporting and Verification at State level, page 56</b></p> <p>- Comment: The YES/NO value is quite questionable and assessment based on such quantitative data is difficultly conceivable.</p> <p>- Suggestion: additional clarification of what is expected by "identification of possible areas of improvement".</p>	
response	<p><i>Noted</i></p> <p>See the response to comment 203.</p>	

comment	204	comment by: <i>de Causemacker eric</i>
	<p>Same comments as for the States :</p> <p>We need a clear identification of what is expected by "identification of possible areas of improvement"</p> <p>The YES/NO value is quite questionable and assessment based on such quantitative data is difficultly conceivable.</p>	
response	<p><i>Noted</i></p> <p>See the response to comment 203.</p>	

### 3. Proposed amendments - GM15 SKPI Interdependencies - evaluation of the impact on safety of the performance plan

p. 57-59

comment	54	comment by: <i>UK CAA</i>
	<p><b>Page No:</b> 58 of 65</p> <p><b>Paragraph No:</b> GM15 SKPI — Interdependencies - evaluation of the impact on safety of the performance plan</p> <p>Description of possible process to be applied when identifying interdependences and impact on safety</p> <p><b>Comment:</b> Information on how to evaluate interdependencies, particularly in relation to (operational) safety is needed for preparation of the performance plans. In terms of analysis by ANSPs of impacts on their functional systems, UK CAA suggests there could be more detail about how and when that feeds into the wider performance planning exercise. In any event there is an issue over how much detail is provided by ANSPs over mitigations identified (and to be included in the performance plan). If it is a "general description" (as stated in last bullet point on page.58), even if this is sufficient for the performance plan, would it be good enough for safety regulators?</p> <p>This relates to the whole interdependencies topic and may be relevant to the Interdependencies report which is still awaited.</p>	
response	<p><i>Noted</i></p> <p>The intent if this GM is to support the Member States when preparing their Performance Plans and identifying the interdependencies. The Agency is currently drafting proposal for Safety Assessment of Changes which in the future will provide stronger regulatory approach.</p> <p>Indeed, as reported during SSC/51, the SJU performed an interdependencies study by the end of October.</p> <p>See the response to comment 325.</p>	
comment	55	comment by: <i>UK CAA</i>
	<p><b>Page No:</b> 58 of 65</p> <p><b>Paragraph No:</b> GM15 SKPI — Interdependencies - evaluation of the impact on safety of the performance plan</p> <p>Description of possible process to be applied when identifying interdependences and impact on safety</p> <p><b>Comment:</b> The meaning of the following sentence is unclear and UK CAA suggests it should be amended as proposed below.</p>	

	<p>'... If the planned changes are without effect on safety they may not be included in the performance plan. However ...'</p> <p><b>Justification:</b> To provide clarity and to acknowledge that the change has had at least a minimum consideration as to the effect on safety.</p> <p><b>Proposed Text:</b> Amend to read:</p> <p>'... If the planned changes are without effect on safety they <b>should be referenced in the performance plan as having no safety impact.</b></p>
response	<p><i>Accepted</i></p> <p>The intent was to reduce the eventual burden to the stakeholders when drafting their plans but having in mind also other comments with the same proposal it is accepted.</p>
comment	<p>56 <span style="float: right;">comment by: UK CAA</span></p> <p><b>Page No:</b> 58 – 62 of 65</p> <p><b>Paragraph No:</b> GM15 SKPI — Interdependencies - evaluation of the impact on safety of the performance plan</p> <p><b>Comment:</b> Notwithstanding UK CAA's suggestions for textual improvements to GM15 SKPI, we suggest it is not appropriate to include this GM within an AMC focusing on the three Safety KPIs. We suggest it should be moved to guidance material being established for assessing the interdependencies between Environment, Capacity and Cost Efficiency with each other and in particular Safety. The material is useful when assessing KPI impacts on safety and should be retained for publication in an appropriate document related to preparation of Performance Plans.</p> <p><b>Justification:</b> Inappropriate positioning and should be removed and placed in the appropriate guidance document.</p>
response	<p><i>Noted</i></p> <p>The reason to include this GM in the first NPA was to provide some guidance to the States on how to describe their Performance Plans for RP2 which should include interdependencies and shall be prepared by mid-2014.</p>
comment	<p>57 <span style="float: right;">comment by: UK CAA</span></p> <p><b>Page No:</b> 58 – 62 of 65</p> <p><b>Paragraph No:</b> GM15 SKPI — Interdependencies - evaluation of the impact on safety of the performance plan</p> <p><b>Comment:</b> UK CAA suggests GM15 SKPI should be removed and placed in a specific guidance/AMC document related to Interdependencies wherein the questions below could be guided. The study being prepared on interdependencies should also consider comments arising through this NPA.</p> <ul style="list-style-type: none"> <li>· How robust would these assessments of the detailed linkages be so far ahead?</li> <li>· Would it need to be clear that mitigations would need to be kept under risk-based review subject to changing information about performance and traffic etc?. i.e. the test would be achieving safety rather than sticking to the plan? (This might make it reasonable to tighten or relax requirements based on experience and the changing circumstances.) Would this make the linkages indicative rather than goals in their own right?</li> <li>· Is this an appropriate level of detail?</li> <li>· How should these be handled in the plan itself? Would it be appropriate to have these in a detached form of some sort as they are likely to have a different more technical audience?</li> </ul> <p><b>Justification:</b> Inappropriate positioning and should be removed and placed in the</p>

response	appropriate guidance document.	
	<i>Noted</i>	
	See the response to comment 56.	
comment	100	comment by: Antonio Palmiotto ATMPP
	Whatever change (short/ medium/long term) has to be scheduled which has any impact different from zero on safety, has to mandatorily include safety mitigations.	
response	<i>Noted</i>	
	Your comment is correct in principle. However, it is considered that for long-term planned changes, it may not be possible to envisage the appropriate mitigations.	
comment	101	comment by: Antonio Palmiotto ATMPP
	When describing(...) Member states SHALL, at minimum...	
response	<i>Noted</i>	
	In accordance with the Agency procedures, 'should' is used in AMC/GM and 'shall' in draft implementing rules.	
	That is because of the 'soft law' nature of AMC/GM.	
comment	163	comment by: NATS National Air Traffic Services Limited
	GM15 SKPI — Interdependencies - evaluation of the impact on safety of the performance plan Description of possible process to be applied when identifying interdependences and impact on safety The term ATM/ANS provider" is used but this term is undefined (not in AMC/GM or 390/2013). Reference is made to 1035/2011 but this only applies to ANS providers and not ATM providers. There is currently no recognised definition of "ATM/ANS providers".	
response	<i>Noted</i>	
	ATM/ANS is defined in Article 3 of the Basic Regulation. However, to make the reference to Commission Implementing Regulation (EU) No 1035/2011 consistent, ATM is removed from ATM/ANS.	
	Definition for ATM/ANS providers is proposed in the Agency's NPA 2013-08.	
comment	195	comment by: MOT Austria
	<b>Page: 57</b> <b>Comment:</b> Austria suggests adding the indefinite article 'a' to the following sentence – 'Description of a possible process to be applied when identifying interdependences and impact on safety.' <b>Justification:</b> To increase the readability.	
response	<i>Accepted</i>	

comment	196	comment by: MOT Austria		
	<p><b>Page No:</b> 59 (Figure 6)</p> <p><b>Comment:</b> Austria suggests adding '<i>Regulatory impacted or</i>' to the following sentence of the interdependences evaluation process – '<i>Regulatory impacted or planned changes in performance areas/indicators other than safety</i>'.</p> <p><b>Justification:</b> To ensure that the impact of changes (on the functional system) due to regulations is also evaluated/analysed.</p>			
response	<p><i>Noted</i></p> <p>Your concern for including also changes stemming from regulations is understood. However, it should be noted that the intent of this GM is to support the stakeholder in the development of their Performance Plans and to identify the interdependencies within the performance scheme.</p>			
comment	217	comment by: CANSO Civil Air Navigation Services Organization		
	<table><tr><td>GM15 SKPI — Interdependencies - evaluation of the impact on safety of the performance plan Description of possible process to be applied when identifying interdependences and impact on safety</td><td><b>Comment:</b> The term ATM/ANS provider" is used but this term is undefined (not in AMC/GM or 390/2013). Reference is made to 1035/2011 but this only applies to ANS providers and not ATM providers. There is currently no recognised definition of "ATM/ANS providers". <b>Impact:</b> Scope creep through lack of definitions.</td></tr></table>		GM15 SKPI — Interdependencies - evaluation of the impact on safety of the performance plan Description of possible process to be applied when identifying interdependences and impact on safety	<b>Comment:</b> The term ATM/ANS provider" is used but this term is undefined (not in AMC/GM or 390/2013). Reference is made to 1035/2011 but this only applies to ANS providers and not ATM providers. There is currently no recognised definition of "ATM/ANS providers". <b>Impact:</b> Scope creep through lack of definitions.
GM15 SKPI — Interdependencies - evaluation of the impact on safety of the performance plan Description of possible process to be applied when identifying interdependences and impact on safety	<b>Comment:</b> The term ATM/ANS provider" is used but this term is undefined (not in AMC/GM or 390/2013). Reference is made to 1035/2011 but this only applies to ANS providers and not ATM providers. There is currently no recognised definition of "ATM/ANS providers". <b>Impact:</b> Scope creep through lack of definitions.			
response	<p><i>Noted</i></p> <p>See the response to comment 163.</p>			
comment	241	comment by: CANSO Civil Air Navigation Services Organization		
	<table><tr><td>GM15 SKPI Interdependencies - evaluation of the impact on safety of the performance plan Purpose, page 57 (of 65) ..describe the possible process to be applied when describing consideration of the interdependencies between key performance areas in the performance plan, including an evaluation of the impact on safety...</td><td><b>Interdependencies</b> The proposed process does not describe considerations of the interdependencies between the different KPAs, only describing the impact a planned change within a KPA, different from Safety KPA, may have on safety. This process does nothing new as safety assessment of all safety significant changes to the functional system are already in place. There should be some analysis of trade-offs between the KPAs and on how the focus on the other KPAs will impact safety when it comes down to priorities.</td></tr></table>		GM15 SKPI Interdependencies - evaluation of the impact on safety of the performance plan Purpose, page 57 (of 65) ..describe the possible process to be applied when describing consideration of the interdependencies between key performance areas in the performance plan, including an evaluation of the impact on safety...	<b>Interdependencies</b> The proposed process does not describe considerations of the interdependencies between the different KPAs, only describing the impact a planned change within a KPA, different from Safety KPA, may have on safety. This process does nothing new as safety assessment of all safety significant changes to the functional system are already in place. There should be some analysis of trade-offs between the KPAs and on how the focus on the other KPAs will impact safety when it comes down to priorities.
GM15 SKPI Interdependencies - evaluation of the impact on safety of the performance plan Purpose, page 57 (of 65) ..describe the possible process to be applied when describing consideration of the interdependencies between key performance areas in the performance plan, including an evaluation of the impact on safety...	<b>Interdependencies</b> The proposed process does not describe considerations of the interdependencies between the different KPAs, only describing the impact a planned change within a KPA, different from Safety KPA, may have on safety. This process does nothing new as safety assessment of all safety significant changes to the functional system are already in place. There should be some analysis of trade-offs between the KPAs and on how the focus on the other KPAs will impact safety when it comes down to priorities.			



response *Noted*

The Interdependencies study is to be performed by the SJU.  
See the response to comment 325.

comment 255

comment by: CAA-NL

**GM15 SKPI — Interdependencies - evaluation of the impact on safety of the performance plan, page 57-59**

-

- Comment: no suggestion is made to use best (good) practices
- Suggestion 1: to make reference to Safety scanning, we propose to add the following sentence, right after 'in the diagram (Figure X-X)': "An example good practice method to get a concise insight in the types of safety impact is Safety scanning."
- Suggestion 2: Incorporate / change the follow text: "Assessment of **fundamental safety aspects** identified **in the** changes to the functional systems should be done at the time of performance planning and the relevant possible **mitigating actions** should be identified.

Description of the changes with potential effect on safety and the mitigations identified should be included in **the interdependences analyses of** the performance plan.

In instances where changes to functional systems are scheduled for medium to long-term future implementation, safety mitigations for safety assurance should be included in the performance plan as far as practicable. If the assessment of planned changes **(e.g. by using Safety scanning)** shows no effect on safety they may not be included in **the performance plan interdependences analyses**. However, the Member States may also include a high level description of some changes in the other performance areas which will not affect their functional systems. The process for the assessment of changes and their insertion in the performance plan are provided in the diagram (Figure X-X).

When describing the consideration of the interdependencies between safety performance area and the rest of the performance areas in the performance plan, Member States should, at minimum, include in the performance plan:

- Performance area and the target which' achievement will introduce the change to the functional system;
- Functional systems affected;
- Description of:

o affected elements of the functional system and the changes introduced in each of them;

o **fundamental safety aspects of the functional system;**

o general description of planned mitigations and activities for safety assurance and other relevant information.

[R1] This requirement is a duplication of the requirements on changes to functional system.(EC 1035/2011) Duplication of rules is to be prevented. Furthermore, detailed information on the same may not be available at the time of filing the performance plan. Proposal to delete this sentence

response *Partially accepted*

Your proposal is appreciated. However, it is considered too oriented to the relevant SRC material which is probably not well-known by the stakeholders. The concept of safety scanning and safety fundamentals is also considered in the ongoing rulemaking task for safety assessment of changes to the fictional systems and may possibly be part of future Agency rulemaking deliverables.

The GM gives the proposed example for using the Safety scanning and takes some of your editorial proposals as follows:

*'Assessment of the identified changes to the functional systems should be done at the time of performance planning and the relevant possible mitigating actions should be identified. Description of the changes with potential effect on safety and the mitigations identified should be included in the interdependencies analyses of the performance plan.*

*In instances where changes to functional systems are scheduled for medium to long-term future implementation, safety mitigations for safety assurance should be included in the performance plan as far as practicable. If the assessment of planned changes (e.g. by using Safety scanning) shows no effect on safety they should be referenced in the interdependencies analyses of the performance plan as having no safety impact'.*

comment 305

comment by: ATCEUC

The key element here is to provide some guidance on how to manage priorities. The interdependencies is a question of trading off other performance aspects with safety, and which comes first (safety should be the one)

response *Noted*

Your view is shared. The intent of the GM is Member States to include the necessary information in the Performance Plans which should confirm the proper prioritisation.

comment 329

comment by: SINCTA - Portuguese Air Traffic Controllers' Union

The Reg 390/2013 has a more detailed approach on the interdependencies because it's included in article 11 and Annex II, while under the Reg 691/2010 it was only on the recitals.

EASA included a new provision as GM which doesn't bring much guidance to the Member States or ANSPs. It's important to have also additional AMCs to comply with the rule.

response *Noted*

In response to a request for assistance by the Commission, the SJU has launched a study aiming at 'development of a model for interdependencies between 4 key performance areas (i.e. safety, cost-efficiency, environmental flight efficiency and capacity) of Commission Regulation (EU) No 691/2010 and for the preparation of the 2nd Reference Period 2015-2019'. Progress of the study was reported during 51st SSC in October.

The proposed GM on interdependencies provide guidance on how to assess and describe the possible effect of the improvements in other performance areas on

safety. The interdependencies among the other performance areas are not within the scope of this NPA.

See the response to comment 325.

#### 4. Regulatory Impact Assessment (RIA)

p. 63

comment 197

comment by: MOT Austria

**Comment:** Austria suggests that a regulatory impact assessment should be conducted after all.

**Justification:** Impacts on resources can be noticed throughout the whole NPA - for example (page 39): the following alteration of different occurrence scenarios 'In addition, this should be used for occurrences involving one aircraft and a vehicle, at the time of occurrence, was occupying/intersecting an active runway.' has an effect on human resources because more reports have to be handled.

response Noted

Your suggestion is noted. RIA should be focussed on added requirements within the NPA and in general. The mentioned minor change was proposed based on the RAT users group and it is not considered as additional occurrence to be reported, but a better alignment of RAT methodology to the reported occurrences.

comment 330

comment by: SINCTA - Portuguese Air Traffic Controllers' Union

There is no RIA to this NPA as it was no RIA to the previous one. Regarding the EASA reasoning we don't understand it: there are other options to implement the rule but none was introduced (1), there is an impact (at least in safety, social and economic aspects) in applying these rules but it wasn't studied (2) and if the objective is to improve performance there is still the possibility to have negative impacts in different areas (5). It is very important to assess safety, economic and social impact of these AMC/GM in the regulated persons and organisations.

response Noted

See the response to comment 196.

#### 6. Appendices (FOR VIEWING THE APPENDICES IN THE RIGHT PAGE LAY-OUT ORIENTATION (LANDSCAPE) FORMAT, PLEASE REFER TO THE PDF DOCUMENT IN CRT OR ON THE EASA WEBSITE)

p. 65

comment 153

comment by: NATS National Air Traffic Services Limited

(D) Appendix 2 to AMC 3 SKPI — List of Weightings for Evaluation of Effectiveness of Safety Management Questionnaire — ANSP

##### Clarification sought

We appreciate there are no changes proposed but why is (D) — Appendix 2 to AMC 3 SKPI — List of Weightings for Evaluation of Effectiveness of Safety Management Questionnaire — ANSP level not included as part of this NPA?

response Noted

As is was explained in the Explanatory Note, no changes were proposed to Appendix 2 to AMC 3, so it was not included in the NPA to reduce the volume of the document.

**(A) Appendix 1 to AMC 2 SKPI Questionnaire for Measurement of Effectiveness of Safety Management KPI - State level (FOR ANY COMMENT ON THIS APPENDIX, PLEASE USE THIS SEGMENT)**

p. 65

comment 58

comment by: UK CAA

**Page No:** 1 of 40

**(A) — Appendix 1 to AMC 2 SKPI — Questionnaire for Measurement of Effectiveness of Safety Management KPI — State level**

**Paragraph No:** Q.1.1 E

**Comment:** UK CAA is unsure how it is proposed to measure or assess that ATM industry recognises legislative good practice.

Member states do not establish legislation/regulation jointly except at EU level. Therefore there is a strong possibility that all States/NSAs should be assessed as reaching 'continuous improvement' as regulation is determined within the EU rulemaking framework.

We suggest that this question is removed.

**Justification:** It is unclear what is to be measured and how. Also, this question is obsolete since EASA extended its remit to ATM/ANS.

**Proposed Text:** Delete.

response *Not accepted*

The Agency takes note of the comment.

The question and the associated answers have been amended in order to reflect the EU environment and complexity.

Moreover, it should be noted that each question needs to have 5 (five) answers due to its scoring.

comment 59

comment by: UK CAA

**Page No:** 2 of 40

**Appendix 1 to AMC 2 SKPI — Questionnaire for Measurement of Effectiveness of Safety Management KPI — State level**

**Paragraph No:** Q.1.2 C

**Comment:** UK CAA suggests this question is amended as proposed below. Saying 'at least at minimum level' may lower standards as there may be a mindset of only applying minimum effort or resources. This is not the intention behind the question and the words 'at least at minimum level' should be removed..

**Justification:** To maintain safety standards.

**Proposed Text:** Amend as follows:

'Resource allocations (either internal or through the means of qualified entities) are sufficient to cover, ~~at least at minimum level~~, the tasks assigned to CAs under EU Regulation. A periodic assessment every 2 years of the human resources needed to perform the safety oversight function is in place.'

response *Accepted*

comment 60

comment by: UK CAA

	<p><b>Page No:</b> 2 of 40  <b>Appendix 1 to AMC 2 SKPI — Questionnaire for Measurement of Effectiveness of Safety Management KPI — State level</b>  <b>Paragraph No:</b> Q. 1.2 D  <b>Comment:</b> The difference between Implementing and Managing and Measuring is very small and seems only to relate to human resource planning moving from biannual to annual. Is this sufficient difference between the two levels particularly as Commission Regulation (EU) 1034/2011 only requires a two year interval? This question is reconfigured from SFMS to fit the State Level EoSM requirements and is inappropriate.  <b>Justification:</b> UK CAA suggests this question and the associated levels should be reworked or removed.</p>
response	<p><i>Accepted</i></p> <p>Q1.2 'D' was reworded as follows:</p> <div style="border: 1px solid black; padding: 5px; margin-top: 10px;"> <p>There is a resource plan in place, covering a period of time longer than 2 years to ensure continued allocation of adequate resources to all the tasks assigned to NSA/competent authorities under EU Regulations safety regulatory functions. An multi-annual resource planning process is in place for all phases of the tasks assigned to CAs under EU Regulations safety regulatory processes.</p> </div>
comment	<p>61 <span style="float: right;">comment by: UK CAA</span></p> <p><b>Page No:</b> 2 of 40  <b>Appendix 1 to AMC 2 SKPI — Questionnaire for Measurement of Effectiveness of Safety Management KPI — State level</b>  <b>Paragraph No:</b> Q. 1.2 D  <b>Comment:</b> Notwithstanding our earlier comment on Q 1.2 D, UK CAA suggests reinsertion of the word 'of', as proposed below.  <b>Justification:</b> To correct a typo.  <b>Proposed Text:</b> Amend to read:          'There is a resource plan in place to ensure continued allocation of adequate resources to all the tasks assigned to CAs under EU Regulations. An annual resource planning process is in place for all of the tasks assigned to CAs under EU Regulations.'</p>
response	<p><i>Noted</i></p> <p>Based on the amendments to the text proposed the comment is noted.</p> <p>The sentence proposed for modification was deleted in reply to your comment 62.</p>
comment	<p>62 <span style="float: right;">comment by: UK CAA</span></p> <p><b>Page No:</b> 2 of 40  <b>Appendix 1 to AMC 2 SKPI — Questionnaire for Measurement of Effectiveness of Safety Management KPI — State level</b>  <b>Paragraph No:</b> Q.1.2 E  <b>Comment:</b> The usefulness or practicality of the highlighted sentence below is not clear nor is it necessarily measureable. UK CAA suggests this sentence should be deleted:          'Safety has a high priority during resource allocation and all the tasks assigned to</p>

	<p>CAs under EU Regulations are well resourced. The responsibilities and accountabilities within the CA are reviewed after any significant organisational change.</p> <p>The competent authority has sufficient resources to ensure that the tasks assigned to CAs under EU Regulations are effectively performed and the State is setting regulatory best (good) practices which are recognised by the ATM/ANS industry.'</p> <p>Furthermore UK CAA suggests an amendment to the final sentence to improve grammar: 'Continuous improvement is achieved by periodic review and follow-up measures <b>implementation</b> based on the HR assessment conducted.'</p> <p><b>Justification:</b> To provide clarity and practicality. <b>Proposed Text:</b> Amend to read: 'Safety has a high priority during resource allocation and all the tasks assigned to CAs under EU Regulations are well resourced. The responsibilities and accountabilities within the CA are reviewed after any significant organisational change. <del>The competent authority has sufficient resources to ensure that the tasks assigned to CAs under EU Regulations are effectively performed and the State is setting regulatory best (good) practices which are recognised by the ATM/ANS industry.'</del> Continuous improvement is achieved by periodic review and follow-up measures <b>are implemented</b> based on the HR assessment conducted.'</p>
response	<p><i>Partially accepted</i></p> <p>The proposal is taken into account. The resulting text is as follows: 'Safety has a high priority during resource allocation and all the tasks assigned to NSA/competent authorities under EU Regulations are well resourced. Continuous improvement is achieved by periodic review, and follow-up measures are implemented based on the HR assessment conducted.'</p>
comment	<p>63 <span style="float: right;">comment by: UK CAA</span></p> <p><b>Page No:</b> 3 of 40 <b>Appendix 1 to AMC 2 SKPI – Questionnaire for Measurement of Effectiveness of Safety Management KPI – State level</b> <b>Paragraph No:</b> Q.1.3 D &amp; E <b>Comment:</b> In principle, Member States should not need national laws to replicate or give effect to EU Regulations, which are of direct and binding effect in all Member States. All that is needed are provisions to ensure that a competent authority is designated for the purposes of a given regulation; that appropriate arrangements are in place for the MS to carry out its obligations (either itself or through the agency of the NSA); that there are penalties for breaches of the EU legislation, this being for MS to determine; and that any extant national legislation is repealed or amended as necessary to reflect overriding EU requirements. UK CAA recommends that Q.1.3 D &amp; E are deleted or reworked to more appropriately fit the objectives of the questionnaire. <b>Justification:</b> As EASA has taken competence in ATM/ANS and EU Regulations are directly applicable in Member states, these questions are unrepresentative of the EU regulatory environment. Therefore, the inclusion of these questions are in themselves questionable.</p>
response	<p><i>Partially accepted</i></p>

The Agency takes consideration of the comment and the question is modified in order to reflect the EU environment and complexity as follows:

There are national secondary regulations **emanating** ~~that address the requirements stemming from the EU Regulatory Framework in relation to ANS, primary legislation and international obligations and they are in line with the EU Regulatory Framework in relation to ATM/ANS.~~

We believe that in this way your concern is addressed.

comment

64

comment by: UK CAA

**Page No:** 5 of 40

**Appendix 1 to AMC 2 SKPI – Questionnaire for Measurement of Effectiveness of Safety Management KPI – State level**

**Paragraph No:** Q.1.5 C & D

**Comment:** The explanations in both Implementing and Managing and Measuring are the same though stated in a slightly different way. EU regulations all take account of international obligations particularly in relation to ICAO. UK CAA therefore suggests that the questions are redrafted or deleted entirely.

**Justification:** To ensure that questions are aligned with level of compliance and to the questionnaire objectives.

response

*Accepted*

The entire question and associated answers are deleted.

comment

65

comment by: UK CAA

**Page No:** 5 of 40

**Appendix 1 to AMC 2 SKPI – Questionnaire for Measurement of Effectiveness of Safety Management KPI – State level**

**Paragraph No:** Q.1.5 E

**Comment:** UK CAA recommends changing the word 'steaming' to 'stemming' and to **delete the words** 'recognised by the ATM/ANS industry' as this is considered superfluous text.

**Justification:** To provide clarity and correct a typo.

**Proposed Text:** Amend to read:

'There is a systematic process in place, ~~recognised by the ATM/ANS industry,~~ to regularly review and amend the safety standards or to contribute to their review within the EU and to ensure on-going consistent compliance with national requirements and international obligations including the obligations **stemming** from EU regulations.'

response

*Accepted*

The entire question and associated answers are deleted.

comment

66

comment by: UK CAA

**Page No:** 6 of 40

**Appendix 1 to AMC 2 SKPI – Questionnaire for Measurement of Effectiveness of Safety Management KPI – State level**

**Paragraph No:** Q. 1.6 D

**Comment:** UK CAA recommends the question is amended as proposed below to provide clarity of purpose.

**Justification:** To provide clarity and meeting the objective of the assessment

	values of the questionnaire. <b>Proposed Text:</b> Amend to read: 'The processes <b>and formalised</b> procedures are used to establish consistency across the organisation the <b>Competent Authority</b> . As a result, the certification and oversight functions performed across the ATM/ANS industry are consistent and <b>an</b> <b>are</b> integrated process is in place <b>with other Competent Authority oversight functions</b> .'	
response	Accepted	
comment	67 <b>Page No:</b> 6 of 40 <b>Appendix 1 to AMC 2 SKPI – Questionnaire for Measurement of Effectiveness of Safety Management KPI – State level</b> <b>Paragraph No:</b> Q. 1.6 E <b>Comment:</b> UK CAA recommends some additional text is inserted in relation to maintenance of NSA/CA staff competence as proposed below. <b>Justification:</b> To provide objectivity and balance. <b>Proposed Text:</b> Amend to read: 'Safety policies and objectives are periodically reviewed with the aim of continuous improvement. The competent authority is establishing safety best (good) practices or actively contributes to the development of EU guidance material and acceptable means of compliance for the ATM/ANS industry. <b>Maintenance of NSA staff competence through refresher, continuation and new technology training is actively programmed and funded.</b> '	comment by: UK CAA
response	Accepted	
comment	68 <b>Page No:</b> 7 of 40 <b>Appendix 1 to AMC 2 SKPI – Questionnaire for Measurement of Effectiveness of Safety Management KPI – State level</b> <b>Paragraph No:</b> Q. 1.7 D & E <b>Comment:</b> The logic behind Continuous Improvement is unclear as Managing and Measuring appears to confirm the full separation of Certification and Oversight from Service Provision as validating the answer at level D. It is then pertinent to observe that the ongoing capacity to improve on 'full separation' is non-existent.. Therefore, Continuous Improvement is equal to Managing and Measuring. The SES II+ package is proposing this level of separation to be preserved in the recast Regulation. Therefore, consideration should be given to deletion of this question or at the very least to recognise attainment of level D as being equivalent to attainment of Level E. <b>Justification:</b> Objectivity. <b>Proposed Text:</b> Add note within level E 'Continuous Improvement' to indicate this dual level.	comment by: UK CAA
response	Noted  The Agency takes consideration of the comment.  For better distinction between the various levels of measurement in levels D and E, the reporting lines within the overall aviation safety system are considered, maintaining the separation of oversight/certification and ANSP functions at least at functional level.	



comment

69

comment by: UK CAA

**Page No:** 7 of 40**Appendix 1 to AMC 2 SKPI – Questionnaire for Measurement of Effectiveness of Safety Management KPI – State level****Paragraph No:** Q. 1.7 D

**Comment:** The interfaces between Oversight and Service provision are managed through regulation (Commission Regulation (EU) 1034 and 1035/2011. Therefore, UK CAA suggests the words 'and with effective safety interfaces established' should be deleted.

**Justification:** Objectivity and recognition of the existing regulations.

**Proposed Text:** Amend level D to read:

'The certification and oversight functions from the service provision functions and organisations are separated.'

response

*Partially accepted*

The new text is:

The regulatory certification and oversight functions from the and service provision functions and organisations are separated, at the functional level at least, and the reporting lines are clearly separated within the overall aviation safety system. and with effective safety interfaces established.

comment

70

comment by: UK CAA

**Page No:** 9 of 40**Appendix 1 to AMC 2 SKPI – Questionnaire for Measurement of Effectiveness of Safety Management KPI – State level****Paragraph No:** Q. 1.9 D & E

**Comment:** Level D & E are the same though stated in slightly different ways.

The criteria are more appropriate to ANSP staff rather than oversight staff, though the question has a common use but might elicit different answers. It is more appropriate to consider the oversight authority's responsibilities and to lean the assessment towards oversight responsibilities.

UK CAA believes this question could create a disconnect from Competent Authority oversight (State Level).

**Justification:** Objectivity and validity of purpose.

**Proposed Text:** Amend the questions to relate to oversight responsibilities.

response

*Accepted*

The Agency takes consideration of the comment, and levels D and E are amended to reflect properly the NSA/competent authority's responsibilities.

comment

71

comment by: UK CAA

**Page No:** 10 of 40**Paragraph No:** Q. 1.10**Appendix 1 to AMC 2 SKPI – Questionnaire for Measurement of Effectiveness of Safety Management KPI – State level**

**Comment:** This question is targeted at the independent accident investigation organisation. This organisation must be separate from the ATM/ANS oversight authority (CA/NSA).

The focal point will be required to co-ordinate with the state accident investigation organisation in relation to this question.

response	<p>UK CAA believes there is a case to remove this question or just to require one simple answer on whether the state has established a separate accident investigation organisation or not. The question should require one answer only, 'yes' or 'no'. The mark should be reflected in the scoring.</p> <p><i>Not accepted</i></p> <p>The Agency takes note of the comment.</p> <p>Indeed, there are obligations of the Member states stemming from EU legislation, in particular Regulation (EU) No 996/2010. However, it is considered that there are different levels of establishment and maintenance of independent civil aviation investigation authorities.</p>
comment	<p>72 <span style="float: right;">comment by: UK CAA</span></p> <p><b>Page No:</b> 11 of 40  <b>Appendix 1 to AMC 2 SKPI — Questionnaire for Measurement of Effectiveness of Safety Management KPI — State level</b>  <b>Paragraph No:</b> Q. 1.11 E  <b>Comment:</b> UK CAA suggests deletion of the sentence as proposed below as we believe it adds no value and is subjective. Furthermore, the use of the term 'Best (good) Practice' is unwieldy and should revert to 'Best Practice'.  <b>Justification:</b> Objectivity and evidence based requirement.  <b>Proposed Text:</b> Amend to read:  "Best <del>(good)</del> practices with regard to the identification of safety deficiencies and concerns and their resolution are shared with civil aviation safety investigation authorities. The process of resolving identified safety concerns is monitored to ensure continuous improvement. <del>The safety deficiency, identification and analysis approach is recognised as best in class within the ATM/ANS industry."</del></p>
response	<p><i>Partially accepted</i></p> <p>Comment accepted in substance 'Best (good)' is kept in the text.</p>
comment	<p>73 <span style="float: right;">comment by: UK CAA</span></p> <p><b>Page No:</b> 16 of 40  <b>Appendix 1 to AMC 2 SKPI — Questionnaire for Measurement of Effectiveness of Safety Management KPI — State level</b>  <b>Paragraph No:</b> Q.1.16 C  <b>Comment:</b> UK CAA suggests deletion of the text as shown below as we believe the explanatory material is unclear.  <b>Justification:</b> Clarity.  <b>Proposed Text:</b> Amend to read:  '<del>The integration of the alignment of the internal management systems is on-going. Processes and procedures to ensure a coherent approach amongst internal management systems and in line with State Safety Programme are still in place., even following organisational changes.</del>'</p>
response	<p><i>Accepted</i></p>
comment	<p>74 <span style="float: right;">comment by: UK CAA</span></p> <p><b>Page No:</b> 17 of 40  <b>Appendix 1 to AMC 2 SKPI — Questionnaire for Measurement of</b></p>

response	<p><b>Effectiveness of Safety Management KPI — State level</b>  <b>Paragraph No:</b> Q1.17 C &amp; D  <b>Comment:</b> UK CAA suggests the reference to 'peer review' should be deleted as it is likely that peer reviews will cease in favour of EASA Standardisation.  <b>Justification:</b> Alignment with EASA competence.  <b>Proposed Text:</b> Delete reference to 'peer reviews' in the event that peer reviews are discontinued.</p>
comment	<p>75 <span style="float: right;">comment by: UK CAA</span></p> <p><b>Page No:</b> 17 of 40  <b>Appendix 1 to AMC 2 SKPI — Questionnaire for Measurement of Effectiveness of Safety Management KPI — State level</b>  <b>Paragraph No:</b> Q1.17 E  <b>Comment:</b> UK CAA suggests the text is amended as proposed below.  <b>Justification:</b> Improved language/peer review likely to cease in favour of standardisation.  <b>Proposed Text:</b> Amend as follows:          'Internal surveys are conducted on a regular basis to identify and fix address weaknesses in the external interface process. <del>The competent authority leads peer review type activities with other authorities, and is recognised as best (good) practices in class within the ATM/ANS industry.</del> There is a systemic view of ATM/ANS which correlates the certification and oversight functions for all industry elements, ANSPs, Airports, Airspace Users, Military and other competent authorities.'</p>
response	<p>Accepted</p>
comment	<p>76 <span style="float: right;">comment by: UK CAA</span></p> <p><b>Page No:</b> 24 of 40  <b>Appendix 1 to AMC 2 SKPI — Questionnaire for Measurement of Effectiveness of Safety Management KPI — State level</b>  <b>Paragraph No:</b> Q3.2 E  <b>Comment:</b> UK CAA recommends the deletion of the text shown below in order that the questionnaire retains it objectivity.  <b>Justification:</b> To improve clarity and objectivity.  <b>Proposed Text:</b> Amend as follows:          'The safety oversight system is reviewed and amended with the aim of continuous improvement. <del>It is recognised in the ATM/ANS industry as being amongst the best.</del></p>
response	<p>Accepted</p>
comment	<p>77 <span style="float: right;">comment by: UK CAA</span></p> <p><b>Page No:</b> 27 of 40  <b>Appendix 1 to AMC 2 SKPI — Questionnaire for Measurement of Effectiveness of Safety Management KPI — State level</b>  <b>Paragraph No:</b> Q3.5 E  <b>Comment:</b> UK CAA recommends the deletion of the text shown below in order that the questionnaire retains it objectivity. Furthermore, the use of the term 'Best (good) Practice' is unwieldy and should revert to 'Best Practice'.  <b>Justification:</b> To improve clarity and objectivity.</p>

response	<p><b>Proposed Text:</b> Amend as follows:          'Best <del>(good)</del> practices with regard to the identification of safety deficiencies and concerns and their resolution are shared with other competent authorities. The process of resolving identified safety concerns is monitored to ensure continuous improvement. <del>The safety deficiency, identification and analysis approach is recognised as best in class within the ATM industry.</del>'</p> <p><i>Partially accepted</i></p> <p>See the response to comment 72.</p>
comment	<p>78 <span style="float: right;">comment by: UK CAA</span></p> <p><b>Page No:</b> 31 of 40  <b>Appendix 1 to AMC 2 SKPI — Questionnaire for Measurement of Effectiveness of Safety Management KPI — State level</b>  <b>Paragraph No:</b> Q3.9 E  <b>Comment:</b> UK CAA recommends the deletion of the text shown below in order that the questionnaire retains its objectivity. Furthermore, the use of the term 'Best (good) Practice' is unwieldy and should revert to 'Best Practice'.  <b>Justification:</b> To improve clarity and objectivity.  <b>Proposed Text:</b> Amend as follows:          'Best <del>(good)</del> practices with regard to the identification of safety deficiencies and concerns and their resolution are shared with safety regulatory organisations. The process of resolving identified safety concerns is monitored to ensure continuous improvement. <del>The safety deficiency, identification and analysis approach is recognised as best in class within the ATM industry.</del>'</p> <p><i>Partially accepted</i></p> <p>See the response to comment 72.</p>
comment	<p>79 <span style="float: right;">comment by: UK CAA</span></p> <p><b>Page No:</b> 33 of 40  <b>Appendix 1 to AMC 2 SKPI — Questionnaire for Measurement of Effectiveness of Safety Management KPI — State level</b>  <b>Paragraph No:</b> Q4.1 E  <b>Comment:</b> UK CAA recommends the existing text is replaced by the proposed text below in order to retain its objectivity.  <b>Justification:</b> To improve objectivity and measurability.  <b>Proposed Text:</b> Replace with:          'The competency and qualification schemes established are recognised by ICAO USOAP and EASA Standardisation as meeting the ongoing maintenance of Competent Authority capability.'</p> <p><i>Partially accepted</i></p> <p>The Agency takes note of the comment.</p> <p>The Basic Regulation requires the Agency to conduct Standardisation Inspections in order to monitor the application by the national Competent Authorities (CA) of this Regulation and of its Implementing Rules, and to report to the Commission, e.g. monitoring of the implementation of the rules. By doing so, the Agency is not entitled to recognise best (good) practices.</p> <p>Nevertheless, the continuous improvements would require efforts to improve the competency and qualification scheme as required by the rules.</p>

The text is reworded as follows:

'The competency and qualification schemes established are recognised as the best (good) practices by the **ANS** industry.'

comment 80

comment by: UK CAA

**Page No:** 34 of 40

**Appendix 1 to AMC 2 SKPI — Questionnaire for Measurement of Effectiveness of Safety Management KPI — State level**

**Paragraph No:** Q4.2 E

**Comment:** UK CAA recommends the text is amended as proposed below to retain its objectivity. Furthermore, the use of the term 'Best (good) Practice' is unwieldy and should revert to 'Best Practice'.

**Justification:** To improve objectivity and measurability.

**Proposed Text:** Amend as follows:

'There is a systematic process in place to proactively review and improve the information gathering mechanism. The State is establishing best (practices which are recognised within the ATM industry both by ICAO and EASA Standardisation).'

response Not accepted

The Agency takes note of the comment.

The Basic Regulation requires the Agency to conduct Standardisation Inspections in order to monitor the application by the national Competent Authorities (CA) of this Regulation and of its Implementing Rules, and to report to the Commission, e.g. monitoring of the implementation of the rules.

Nevertheless, the continuous improvements would require efforts to improve the information gathering mechanism as required.

See also the response to comment 79.

comment 81

comment by: UK CAA

**Page No:** 36 of 40

**Appendix 1 to AMC 2 SKPI — Questionnaire for Measurement of Effectiveness of Safety Management KPI — State level**

**Paragraph No:** Q4.4 C, D and E

**Comment:** UK CAA recommends this question is deleted. The explanatory material for Level C, D and E appears not to establish any differentiation. We also believe this is an unnecessary question as NPA 2012-18 on Licensing and Medical Certification of Air Traffic Controllers will provide both regulation and AMC in this area.

**Justification:** To avoid duplication/ conflict with Regulation in other area.

**Proposed Text:** Delete question in its entirety.

response Not accepted

The Agency takes note of the comment.

However, it should be pointed out that the question relates to the States' obligation as required by the ICAO SSP, especially component 4 on States safety promotion.

The question is reworded for more clarity and to better address the role of NSA/Competent Authorities.

comment	82	comment by: UK CAA
	<p><b>Page No:</b> 39 of 40</p> <p><b>Appendix 1 to AMC 2 SKPI — Questionnaire for Measurement of Effectiveness of Safety Management KPI — State level</b></p> <p><b>Paragraph No:</b> Q5.2 E</p> <p><b>Comment:</b> UK CAA recommends the deletion of the text shown below in order that the question retains its objectivity.</p> <p><b>Justification:</b> To improve objectivity.</p> <p><b>Proposed Text:</b> Amend as follows:</p> <p>'Improvement plans are set to ensure that staff are aware of and support the competent authority's shared beliefs, assumptions and values regarding safety across the Regulatory function. Senior management and staff are proactively and jointly participating in continuously improving the safety culture within the competent authority. <del>Their approach is widely recognised within the ATM/ANS industry.</del>'</p>	
response	Accepted	
comment	164	comment by: NATS National Air Traffic Services Limited
	<p>(A) Appendix 1 to AMC 2 SKPI — Questionnaire for Measurement of Effectiveness of Safety Management KPI — State level</p> <p>The term "ATM/ANS" is used throughout this Appendix; however it is an undefined term. The performance scheme Regulation applies to air navigation services and network functions (see title of 390/2013). The AMC appears (in an undefined way) to extend the scope beyond air navigation services and network functions. Should the term "ATM/ANS" be interpreted as the definition in the Basic Regulation then additional services would fall within scope (that are not covered by 390/2013). There is no justification for using ATM/ANS in the EN.</p>	
response	<p>Accepted</p> <p>The necessary amendments (ATM/ANS is replaced with ANS) are performed in order properly to reflect the scope of the Implementing rule.</p>	
comment	168	comment by: NATS National Air Traffic Services Limited
	<p>(C) — Appendix 1 to AMC 3 SKPI — Questionnaire for Measurement of Effectiveness of Safety Management SKPI — ANSP level</p> <p>SA1-1 A positive and pro-active just, flexible, and informed safety culture (the shared beliefs, assumptions, and values regarding safety) that supports reporting and learning led by management.</p> <p>In order to claim Level D it does not seem appropriate that all of Level C has to be retained as Level C is for "A positive safety culture is developing, although it is still immature". Implying that an immature safety culture should be retained if Level D is to be achieved.</p> <p>Suggest the wording is changed to "The fundamentals of a positive safety culture exist and are operating</p> <p>Individuals may be involved in systematic safety management."</p> <p>This change will need to be reflected in Appendix G as well.</p>	
response	Accepted	
comment	170	comment by: NATS National Air Traffic Services Limited

	<p>Appendix 1 to AMC 3 SKPI — Questionnaire for Measurement of Effectiveness of Safety Management SKPI — ANSP level</p> <p>SA2-3 An integrated safety planning process is adopted by the organisation with published and measurable safety goals and objectives for which the executive is accountable.</p> <p>In order to claim Level D it does not seem appropriate that all of Level C has to be retained as Level C is for "The SMS meets the regulatory requirements, but may not incorporate best (good) practice". Implying that not incorporating best (good) practice should be retained if Level D is to be achieved.</p> <p>Suggest delete "but may not incorporate best (good) practice".</p> <p>This change will need to be reflected in Appendix G as well.</p>
response	Accepted

comment	<p>218</p> <p>comment by: <i>CANSO Civil Air Navigation Services Organization</i></p>		
	<table border="1"> <tr> <td> <p>(A) Appendix 1 to AMC 2 SKPI — Questionnaire for Measurement of Effectiveness of Safety Management KPI — State level</p> </td><td> <p>Comment:</p> <p>The term "ATM/ANS" is used throughout this Appendix; however it is an undefined term. The performance scheme regulation applies to air navigation services and network functions (see title of 390/2013). The AMC appears (in an undefined way) to extend the scope beyond air navigation services and network functions. Should the term "ATM/ANS" be interpreted as the definition in the Basic Regulation then additional services would fall within scope (that are not covered by 390/2013). There is no justification for using ATM/ANS in the EN.</p> <p>Impact:</p> <p>Scope creep through lack of definitions.</p> </td></tr> </table>	<p>(A) Appendix 1 to AMC 2 SKPI — Questionnaire for Measurement of Effectiveness of Safety Management KPI — State level</p>	<p>Comment:</p> <p>The term "ATM/ANS" is used throughout this Appendix; however it is an undefined term. The performance scheme regulation applies to air navigation services and network functions (see title of 390/2013). The AMC appears (in an undefined way) to extend the scope beyond air navigation services and network functions. Should the term "ATM/ANS" be interpreted as the definition in the Basic Regulation then additional services would fall within scope (that are not covered by 390/2013). There is no justification for using ATM/ANS in the EN.</p> <p>Impact:</p> <p>Scope creep through lack of definitions.</p>
<p>(A) Appendix 1 to AMC 2 SKPI — Questionnaire for Measurement of Effectiveness of Safety Management KPI — State level</p>	<p>Comment:</p> <p>The term "ATM/ANS" is used throughout this Appendix; however it is an undefined term. The performance scheme regulation applies to air navigation services and network functions (see title of 390/2013). The AMC appears (in an undefined way) to extend the scope beyond air navigation services and network functions. Should the term "ATM/ANS" be interpreted as the definition in the Basic Regulation then additional services would fall within scope (that are not covered by 390/2013). There is no justification for using ATM/ANS in the EN.</p> <p>Impact:</p> <p>Scope creep through lack of definitions.</p>		
response	<p>Accepted</p> <p>See the response to comment 164.</p>		

comment	<p>238</p> <p>comment by: <i>AESA / DSANA</i></p>
	<p>The Spanish Agency for Air Safety and Security (AESA), acting as the Spanish civil NSA, would like to make the following comment to <b>Q3.7</b>:</p> <p>AESA does not agree to the change in the wording of <b>level C</b> in <b>Q3.7</b>. This new wording can be construed as requiring a system for the exchange of safety information which is independent from the NSA. In fact, neither the Directive 2003/42/CE nor the draft of the regulation on MORS currently being developed establish the obligation of an independent system for this activity.</p> <p>In particular, the only obligation that article 6 of the draft regulation on MORS puts on the competent authority is the safeguard of the confidentiality of the reporter.</p> <p>In Spain, the Legislator decided through Law 21/2003 that AESA would be the</p>

response	<p>body running this system. To make the system independent from AESA, the system would have to be set under another body. Thus, the achievement of level C for Spain would cause a major change in the institutional landscape that is considered in excess of what is required.</p> <p>AESA would thus suggest to retain the previous wording in order to ensure actual applicability of the material.</p> <p><i>Partially accepted</i></p> <p>The Agency takes note of the comment. The resulting text reflects the current legislation on the subject and is as follows:</p> <p>'The State has a formal system in place that provides for active exchange of safety information developed on the basis of the collection, investigation and evaluation of safety occurrence data.'</p>
comment	<p>256 <span style="float: right;">comment by: CAA-NL</span></p> <p><b>A) — Appendix 1 to AMC 2 SKPI — Questionnaire for Measurement of Effectiveness of Safety Management KPI — State level</b></p> <p>-</p> <ul style="list-style-type: none"> <li>- Comment: Q1.18-b is not coherent with the other mutations in this Q</li> <li>- Suggestion: replace (e.g.' communication and consultation' by 'reporting and assessment of safety occurrences')</li> <li>- Comment: Q3.1 (CA procedures). The level C mentions "<i>It includes guidance materials intended to support the safety oversight personnel when performing their functions</i>". However, the development of such guidance material is not mandatory. In order to be consistent with the level C of others questions.</li> <li>- Suggestion: delete in level C the following sentence "<i>It includes guidance materials intended to support the safety oversight personnel when performing their functions</i>", and to add this same sentence in level D.</li> <li>- Comment: Q3.3 and Q4.1 are partly redundant</li> <li>- Suggestion: adjust the weighting of the Q3.3 and Q4.1</li> <li>- Comment: Q3.4 (safety oversight of changes); The level C mentions "<i>A formal review mechanism is in place. However, risk assessment regulatory reviews are conducted only on changes that are <b>safety critical</b></i>". However, the (EU) regulation n°1034/2011 does not mention any "safety critical" changes and obliges competent authorities to conduct review when "the severity assessment conducted in accordance with Annex II, point 3.2.4 of Implementing Regulation (EU) No 1035/2011 determines a severity class 1 or a severity class 2 for the potential effects of the hazards identified;" or "the implementation of the changes requires the introduction of new aviation standards."</li> <li>- Suggestion: modify the following sentence: "<i>A formal review mechanism is in place. However, risk assessment regulatory reviews are conducted only on changes <b>for which the review is mandatory according to Article 10 §1 of (EU) regulation n°1034/2011</b></i>".</li> <li>- Comment: Q4.1 (Competent authority training); The level B mentions "Individuals understand the requirements for the <b>provision</b> of ATM/ANS but have yet to develop the skills required to <b>apply</b> them." The competent authority is not in charge of "applying" the "provision" ATM/ANS, but of "supervising/overseeing" them.</li> <li>- Suggestion: modify the following sentence: "<i>Individuals understand the requirements for the provision of ATM/ANS but have yet to develop the skills required to <b>oversee</b> them.</i>" OR "<i>Individuals understand the requirements for the <b>certification/oversight</b> of ATM/ANS but have yet to develop the skills required to apply them.</i>"</li> </ul>



	<p>- Comment: Q4.4 (external training); In the explanatory note, it is mentioned that the modifications are based on ICAO State Safety Programme critical element 4.2 which states:  <i>"The State <b>provides education and promotes awareness</b> of safety risks and two-way communication of safety-relevant information to support, among service providers, the development of an organizational culture that fosters an effective and efficient SMS."</i></p> <p>- Suggestion: use the term "Education" instead of "Education/Training" in the title of the MO and of the question. Moreover, in order to get consistency with levels B and D, which do not mention "training", it is suggested to modify the level D by the following: <i>"<del>Training</del>, Communication and dissemination of safety information to ANSP and ATCO with respect to the safety legislation/regulations is applied systematically."</i></p>
response	<p><i>Partially accepted</i></p> <p>Comment related to Q1.18 accepted, and the text is amended accordingly.</p> <p>Comment related to Q3.1 not accepted. It should be pointed out that the verification processes shall be supported by documentation specifically intended to provide safety oversight personnel with guidance to perform their functions. The provision is amended to better reflect the requirements set out in Article 6 (2)(b) of Commission Implementing Regulation (EU) No 1034/2011.</p> <p>The Agency takes note of the comments related to Q3.3 and Q4.1. It is true that the questions are partially redundant, however there should be distinction between the available competence and its maintenance and achievement.</p> <p>Comment related to Q3.4 is partially accepted. The answer associated to level C is amended considering the proposal by '(...) for which review is required according to Article 10 (1) (a) and (b) of Commission Implementing Regulation (EU) No 1034/2011.'</p> <p>Comment related to Q4.1 is accepted, and the text is amended accordingly.</p> <p>Comment related to Q4.4 is partially accepted, and the text is amended accordingly to reflect at a certain extent the proposals.</p>
comment	<p>268 <span style="float: right;">comment by: French DGCA</span></p> <p>o General comments          French NSA fully supports the brought clarification by the deletion of "All of Initiating plus", and "All of Planning/ Initial implementation plus".</p> <p>o Q1.7 (separation between CA and ANSP)          French NSA supports the added clarification, regarding the <i>"adequate separation, at the functional level at least"</i>. However, all the levels should be consistent, in order to avoid any different interpretation. <u>This is the reason why it is suggested to modify the following sentences:</u></p> <p>Level C: <i>"Adequate separation, <b>at the functional level at least</b>, of certification and oversight functions from the service provisions has been established. However, ultimately they report to the same level of authority."</i></p> <p>Level D: <i>"The certification and oversight functions from the service provision functions and organisations are separated, <b>at the functional level at least</b>, and with effective safety interfaces established."</i></p> <p>Level E: <i>"The separated certification and oversight functions and service provision functions and/or organisations <b>at the functional level at least</b>, are periodically reviewed and are incorporated within the overall aviation safety system."</i></p> <p>o Q1.10 (Independence of AIB)</p>

According to (EU) regulation n°996/2010, the obligation for civil aviation safety investigation authorities is to investigate any accident or serious incident.

This is the reason why it is suggested to align the answers to this regulation, and then replace "safety occurrences" any time it is mentioned by "accidents and serious incidents".

o Q1.11 (correction of safety deficiencies)

The French NSA fully supports the added clarification.

o Q3.1 (CA procedures)

The level C mentions *"It includes guidance materials intended to support the safety oversight personnel when performing their functions"*.

However, the development of such guidance material is not mandatory. In order to be consistent with the level C of others questions, it is suggested to delete in level C the following sentence "It includes guidance materials intended to support the safety oversight personnel when performing their functions", and to add this same sentence in level D.

o Q3.4 (safety oversight of changes)

The level C mentions *"A formal review mechanism is in place. However, risk assessment regulatory reviews are conducted only on changes that are **safety critical**"*.

However, the (EU) regulation n°1034/2011 does not mention any "safety critical" changes and obliges competent authorities to conduct review when "the severity assessment conducted in accordance with Annex II, point 3.2.4 of Implementing Regulation (EU) No 1035/2011 determines a severity class 1 or a severity class 2 for the potential effects of the hazards identified;" or "the implementation of the changes requires the introduction of new aviation standards."

This is the reason why it is suggested to modify the following sentence:

*"A formal review mechanism is in place. However, risk assessment regulatory reviews are conducted only on changes **for which the review is mandatory according to Article 10 §1 of (EU) regulation n°1034/2011**"*.

o Q4.1 (Competent authority training)

The level B mentions "Individuals understand the requirements for the **provision** of ATM/ANS but have yet to develop the skills required to **apply** them."

The competent authority is not in charge of "applying" the "provision" ATM/ANS, but of "supervising/overseeing" them. This is the reason why it is suggested to modify the following sentence:

*"Individuals understand the requirements for the provision of ATM/ANS but have yet to develop the skills required to **oversee** them."*

OR *"Individuals understand the requirements for the **certification/oversight** of ATM/ANS but have yet to develop the skills required to apply them."*

o Q4.4 (external training)

In the explanatory note, it is mentioned that the modifications are based on ICAO State Safety Programme critical element 4.2 which states:

*"The State **provides education and promotes awareness** of safety risks and two-way communication of safety-relevant information to support, among service providers, the development of an organizational culture that fosters an effective and efficient SMS."*

This is the reason why it is suggested to use the term "Education" instead of "Education/Training" in the title of the MO and of the question.

Moreover, in order to get consistency with levels B and D, which do not mention "training", it is suggested to modify the level D by the following:

***"Training, Communication and dissemination of safety information to ANSP and ATCO with respect to the safety legislation/regulations is applied systematically."***

response *Partially accepted*

The Agency takes note of the general comments.

The Agency takes note of the comment related to Q1.7, and the provision is amended accordingly. See response to comment 68.

Comment related to Q1.10 is accepted, and the question is amended accordingly.

The Agency takes note of the comment related to Q1.11.

Comment related to level C of Q3.1 is not accepted. The provision is amended to better reflect the requirements set out in Article 6 (2)(b) of Commission Implementing Regulation (EU) No 1034/2011.

The Agency takes note of the comment related to Q3.4. The answer associated to level C is amended considering the proposal by '(...) for which review is required according to Article 10 (1) (a) and (b) of Commission Implementing Regulation (EU) No 1034/2011.'

Comment related to Q4.1 is accepted, and the text is amended accordingly.

The Agency takes consideration of the comment related to Q4.4, and the text is amended accordingly to reflect at a certain extent the proposals.

**(C ) Appendix 1 to AMC 3 - SKPI Questionnaire for Measurement of Effectiveness of Safety Management KPI ANSP level - (FOR ANY COMMENT ON THIS APPENDIX, PLEASE USE THIS SEGMENT)**

p. 65

comment

83

comment by: UK CAA

**Page No:** 3 of 26

**(C) — Appendix 1 to AMC 3 SKPI — Questionnaire for Measurement of Effectiveness of Safety Management SKPI — ANSP level**

**Paragraph No:** SA1.3 E

**Comment:** Level E states:

'Under certain legal regimes, there is a clear and published policy on how dialogue with judicial authorities and media is established and followed.'

The appropriateness of including ANSP/Judicial Authorities dialogue here is not clear. It may not be appropriate or possible under law. UK CAA suggests it should be reconsidered whether it is appropriate to include this.

**Justification:** Appropriateness.

response

*Partially accepted*

~~Under certain legal regimes, there is a clear and published policy on how dialogue with judicial authorities and media is established and followed.~~

comment

84

comment by: UK CAA

**Page No:** 8 of 26

**(C) — Appendix 1 to AMC 3 SKPI — Questionnaire for Measurement of Effectiveness of Safety Management SKPI — ANSP level**

**Paragraph No:** SA3-1 E

**Comment:** UK CAA suggests the words 'Where applicable' should be deleted as they are considered superfluous.

**Justification:** To improve clarity.

**Proposed Text:** Amend as follows:

~~'Where applicable, the organisation is committed to going beyond compliance and operating at the highest international safety standard.'~~

response

*Accepted*

comment	<p>85</p> <p>comment by: UK CAA</p> <p><b>Page No:</b> 9 of 26  <b>(C) — Appendix 1 to AMC 3 SKPI — Questionnaire for Measurement of Effectiveness of Safety Management SKPI — ANSP level</b>  <b>Paragraph No:</b> SA3-2 B, C, D and E  <b>Comment:</b> The EU has competence for ATM/ANS and as such creates appropriate Regulations etc. UK CAA suggests delete 'or national requirements' in B, C, D and E.  <b>Justification:</b> To improve clarity and reflect the rulemaking system.</p>
response	<p><i>Not accepted</i></p> <p>This is true that the EU has a competence in ATM/ANS, but still there might be national requirements complementing the EU rules.</p>
comment	<p>86</p> <p>comment by: UK CAA</p> <p><b>Page No:</b> 11 of 26  <b>(C) — Appendix 1 to AMC 3 SKPI — Questionnaire for Measurement of Effectiveness of Safety Management SKPI — ANSP level</b>  <b>Paragraph No:</b> SA4-2 D  <b>Comment:</b> The addition of the words 'in an appropriate manner' is too subjective and open to interpretation. UK CAA suggests they should be deleted.  <b>Justification:</b> To retain objectivity.  <b>Proposed Text:</b> Amend as follows:          'There is a formal process in place to periodically review safety and safety management procedures and ensure that they remain relevant, up to-date, and effective.          The authority (or authorities) responsible for the updates are completely identified.          All safety-related procedures are documented in an appropriate manner and are known by the staff.'</p>
response	<p><i>Accepted</i></p>
comment	<p>87</p> <p>comment by: UK CAA</p> <p><b>Page No:</b> 15 of 26  <b>(C) — Appendix 1 to AMC 3 SKPI — Questionnaire for Measurement of Effectiveness of Safety Management SKPI — ANSP level</b>  <b>Paragraph No:</b> SA7-1 E  <b>Comment:</b> UK CAA suggests level E should be amended as proposed below.  <b>Justification:</b> To improve clarity.  <b>Proposed Text:</b> Amend to read:          'A process is in place to regularly identify weaknesses in review agreed interface arrangements (LoAs/MoUs/SLAs etc) , identify weaknesses and act on rectification.'</p>
response	<p><i>Accepted</i></p>
comment	<p>114</p> <p>comment by: Skyguide</p> <p><i>SA 11-3 C Implementing</i></p>

response	<p>The terms <b>Framework</b> and <b>Process</b> are quite different in scope or extend.</p> <p>The formalised process as a part of SMS is a sufficient condition to cover the requested need of regulations to follow the continues improvement in different domains and to share the good practice.</p> <p>Accepted</p> <p>'A framework or formalised process is in place to share best (good) practice with industry.'</p> <p>This response is reflected in Appendix G.</p>
comment	<p>167 comment by: <i>NATS National Air Traffic Services Limited</i></p> <p>(C) — Appendix 1 to AMC 3 SKPI — Questionnaire for Measurement of Effectiveness of Safety Management SKPI — ANSP level</p> <p>The use of the term "ANSP" is potentially misleading (especially as it is undefined) as 390/2013 (Section 2 1.1 (a)) makes it clear that EoSM only applies to air navigation providers certified to provide air traffic services or CNS services.</p>
response	<p>Noted</p> <p>These AMC/GM cannot change the scope of the performance scheme Regulation.</p>
comment	<p>171 comment by: <i>NATS National Air Traffic Services Limited</i></p> <p>(C) — Appendix 1 to AMC 3 SKPI — Questionnaire for Measurement of Effectiveness of Safety Management SKPI — ANSP level</p> <p>SA3-1 A formal SMS that meets all applicable safety requirements. Where are the "essential parts of the SMS" defined?</p>
response	<p>Noted</p> <p>In Appendix 1 to GM 3 EoSM verification of ANSP EoSM by NSA/CA for level of implementation C should be verified as 'A compliant SMS is implemented'. So in this way it is implicit that the SMS should be compliant but it does not mean that the NSA/CA could not have any minor remarks to the implementation. So in this way even with some minor deficiencies, the NSA/CA considered that the essential parts of the SMS are implemented.</p>
comment	<p>172 comment by: <i>NATS National Air Traffic Services Limited</i></p> <p>(C) — Appendix 1 to AMC 3 SKPI — Questionnaire for Measurement of Effectiveness of Safety Management SKPI — ANSP level</p> <p>SA4-1 Clearly defined and documented safety standards and procedures. Where are the "essential parts of the SMS" defined?</p>
response	<p>Noted</p> <p>See the response to comment 171.</p>
comment	<p>173 comment by: <i>NATS National Air Traffic Services Limited</i></p> <p>(C) — Appendix 1 to AMC 3 SKPI — Questionnaire for Measurement of Effectiveness of Safety Management SKPI — ANSP level</p>

response	<p>SA4-2 Clearly defined and documented safety standards and procedures. In order to claim Level D it does not seem appropriate that all of Level C has to be retained as Level C is for "Procedures are kept up-to-date on an ad-hoc basis". Implying that the ad-hoc basis needs to be retained if Level D is to be achieved. Suggest delete sentence. This change will need to be reflected in Appendix G as well.</p> <p><i>Partially accepted</i></p> <p>'Procedures are kept up to date on an ad hoc basis <b>as a minimum</b>.'</p> <p>This change is reflected in Appendix G as well.</p>
comment	<p>174 <i>comment by: NATS National Air Traffic Services Limited</i></p> <p>(C) — Appendix 1 to AMC 3 SKPI — Questionnaire for Measurement of Effectiveness of Safety Management SKPI — ANSP level SA6-1 A continuing risk management process that identifies, assesses, classifies, and controls all identified safety risks within the organisation, including potential future risks.</p> <p>In order to claim Level D it does not seem appropriate that all of Level C has to be retained as Level C is for "There is an approved and structured process in place for the assessment of current and potential safety risks, but it is not yet mature". Implying that an immature process should be retained if Level D is to be achieved. Suggest reword to "The fundamentals of an approved and structured process is in place for the assessment of current and potential safety risks." This change will need to be reflected in Appendix G as well</p>
response	<p><i>Accepted</i></p>
comment	<p>175 <i>comment by: NATS National Air Traffic Services Limited</i></p> <p>(C) — Appendix 1 to AMC 3 SKPI — Questionnaire for Measurement of Effectiveness of Safety Management SKPI — ANSP level SA9-1 An established and active monitoring system that uses and tracks suitable safety indicators and associated targets (e.g., lagging and leading indicators). In order to claim Level D it does not seem appropriate that all of Level C has to be retained as Level C is for "Indicators and targets have been set: limited to meeting the safety requirements". Implying that a limit on indicators and targets should be retained if Level D is to be achieved. Suggest delete "limited to meeting the safety requirements" This change will need to be reflected in Appendix G as well.</p>
response	<p><i>Accepted</i></p>
comment	<p>219 <i>comment by: CANSO Civil Air Navigation Services Organization</i></p>

<p>(C) — Appendix 1 to AMC 3 SKPI — Questionnaire for Measurement of Effectiveness of Safety Management SKPI — ANSP level</p>	<p>Comment: The use of the term “ANSP” is potentially misleading (especially as it is undefined) as 390/2013 (Section 2 1.1 (a)) makes it clear that EoSM only applies to air navigation providers certified to provide air traffic services or CNS services. Impact: Scope creep through lack of definitions.</p>
<p>(C) — Appendix 1 to AMC 3 SKPI — Questionnaire for Measurement of Effectiveness of Safety Management SKPI — ANSP level SA1-1 A positive and pro-active just, flexible, and informed safety culture (the shared beliefs, assumptions, and values regarding safety) that supports reporting and learning led by management.</p>	<p>In order to claim Level D it does not seem appropriate that all of Level C has to be retained as Level C is for “A positive safety culture is developing, although it is still immature”. Implying that an immature safety culture should be retained if Level D is to be achieved. Suggest the wording is changed to “The fundamentals of a positive safety culture exist and are operating Individuals may be involved in systematic safety management.” This change will need to be reflected in Appendix G as well.</p>
<p>(C) — Appendix 1 to AMC 3 SKPI — Questionnaire for Measurement of Effectiveness of Safety Management SKPI — ANSP level SA2-3 An integrated safety planning process is adopted by the organisation with published and measurable safety goals and objectives for which the executive is accountable.</p>	<p>In order to claim Level D it does not seem appropriate that all of Level C has to be retained as Level C is for “The SMS meets the regulatory requirements, but may not incorporate best (good) practice”. Implying that not incorporating best (good) practice should be retained if Level D is to be achieved. Suggest delete “but may not incorporate best (good) practice”. This change will need to be reflected in Appendix G as well.</p>
<p>(C) — Appendix 1 to AMC 3 SKPI — Questionnaire for Measurement of Effectiveness of Safety Management SKPI — ANSP level SA3-1 A formal SMS that meets all applicable safety requirements.</p>	<p>Comment: Where are the “essential parts of the SMS” defined? Impact: Need consistent view of what is essential.</p>
<p>(C) — Appendix 1 to AMC 3 SKPI — Questionnaire for Measurement of Effectiveness of Safety Management SKPI — ANSP level SA4-1 Clearly defined and documented safety standards and procedures.</p>	<p>Comment: Where are the “essential parts of the SMS” defined? Impact: Need consistent view of what is essential.</p>

(C) — Appendix 1 to AMC 3 SKPI — Questionnaire for Measurement of Effectiveness of Safety Management SKPI — ANSP level SA4-2 Clearly defined and documented safety standards and procedures.	In order to claim Level D it does not seem appropriate that all of Level C has to be retained as Level C is for "Procedures are kept up-to-date on an ad-hoc basis". Implying that the ad-hoc basis needs to be retained if Level D is to be achieved. Suggest delete sentence. This change will need to be reflected in Appendix G as well.
(C) — Appendix 1 to AMC 3 SKPI — Questionnaire for Measurement of Effectiveness of Safety Management SKPI — ANSP level SA6-1 A continuing risk management process that identifies, assesses, classifies, and controls all identified safety risks within the organisation, including potential future risks.	In order to claim Level D it does not seem appropriate that all of Level C has to be retained as Level C is for "There is an approved and structured process in place for the assessment of current and potential safety risks, but it is not yet mature". Implying that an immature process should be retained if Level D is to be achieved. Suggest reword to "The fundamentals of an approved and structured process is in place for the assessment of current and potential safety risks." This change will need to be reflected in Appendix G as well.
(C) — Appendix 1 to AMC 3 SKPI — Questionnaire for Measurement of Effectiveness of Safety Management SKPI — ANSP level SA9-1 An established and active monitoring system that uses and tracks suitable safety indicators and associated targets (e.g., lagging and leading indicators).	In order to claim Level D it does not seem appropriate that all of Level C has to be retained as Level C is for "Indicators and targets have been set: limited to meeting the safety requirements". Implying that a limit on indicators and targets should be retained if Level D is to be achieved. Suggest delete "limited to meeting the safety requirements" This change will need to be reflected in Appendix G as well.

response *Noted*

See responses to comments 167, 168, 170, 84, 172, 86, 174, 175.

comment 257

comment by: *Finavia*

SA9-3 A general public knowledgeable of the ANSP's performance through routine publication of achieved safety levels and trends.  
PART E : The organisation voluntarily makes available appropriate safety-related performance information to the general public. The achieved safety levels and trends are transparent to the general public.  
COMMENT: this should be complemented as follows: It is acceptable that the organisation has an agreement NSA to publish openly and transparently all relevant information of safety levels and trends to the general public in order to



response	avoid conflicting information from different sources.
	<i>Partially accepted</i>
	No amendment to the AMC, but the text is included in level E of SA9-3 in GM.

**(E) Appendix 1 to AMC 9 - SKPI Just Culture Questionnaire - State level - (FOR ANY COMMENT ON THIS APPENDIX, PLEASE USE THIS SEGMENT)**

p. 65

comment	88	comment by: UK CAA
	<p><b>Page No:</b> 3 of 6 <b>(E) — Appendix 1 to AMC 9 SKPI — Just Culture Questionnaire — State level</b> <b>Paragraph No:</b> ST.P.8 <b>Comment:</b> UK CAA recommends the text is amended as proposed below. <b>Justification:</b> To improve clarity and correct a typo. <b>Proposed Text:</b> Amend as follows: 'Does the State ensure that elements and/or courses on Just Culture are included in the training programmes for relevant staff working in the competent authority e.g. initial and recurrent continuation training)?'</p>	
response	Accepted	

comment	89	comment by: UK CAA
	<p><b>Page No:</b> 4 of 6 <b>(E) — Appendix 1 to AMC 9 SKPI — Just Culture Questionnaire — State level</b> <b>Paragraph No:</b> ST.L.1 <b>Comment:</b> UK CAA recommends the text is amended as proposed below to improve grammar. <b>Justification:</b> To provide clarity. <b>Proposed Text:</b> Amend as follows: '<del>In case there is a</del> Where Freedom of Information legislation is promulgated, does it provide for exemptions applicable to safety information?'</p>	
response	Accepted	

comment	152	comment by: NATS National Air Traffic Services Limited
	<p>Appendix 1 to AMC 9 SKPI — Just Culture Questionnaire — State level This table is repeated twice in the text.</p>	
response	Noted	

comment	210	comment by: CANSO Civil Air Navigation Services Organization		
	<table><tr><td>(E) Appendix 1 to AMC 9 SKPI — Just Culture Questionnaire — State level</td><td>This table is repeated twice in the text.</td></tr></table>		(E) Appendix 1 to AMC 9 SKPI — Just Culture Questionnaire — State level	This table is repeated twice in the text.
(E) Appendix 1 to AMC 9 SKPI — Just Culture Questionnaire — State level	This table is repeated twice in the text.			
response	Noted			

comment	211 comment by: <i>CANSO Civil Air Navigation Services Organization</i>		
	<table border="1"> <tr> <td data-bbox="370 336 858 524">(D) — Appendix 2 to AMC 3 SKPI — List of Weightings for Evaluation of Effectiveness of Safety Management Questionnaire — ANSP Page 133</td><td data-bbox="865 336 1484 497">why is (D) — Appendix 2 to AMC 3 SKPI — List of Weightings for Evaluation of Effectiveness of Safety Management Questionnaire — ANSP level not included as part of this NPA?</td></tr> </table>	(D) — Appendix 2 to AMC 3 SKPI — List of Weightings for Evaluation of Effectiveness of Safety Management Questionnaire — ANSP Page 133	why is (D) — Appendix 2 to AMC 3 SKPI — List of Weightings for Evaluation of Effectiveness of Safety Management Questionnaire — ANSP level not included as part of this NPA?
(D) — Appendix 2 to AMC 3 SKPI — List of Weightings for Evaluation of Effectiveness of Safety Management Questionnaire — ANSP Page 133	why is (D) — Appendix 2 to AMC 3 SKPI — List of Weightings for Evaluation of Effectiveness of Safety Management Questionnaire — ANSP level not included as part of this NPA?		
response	<p><i>Noted</i></p> <p>No change is proposed to this Appendix.</p>		
comment	285 comment by: <i>comments provided on behalf of FIT/CISL italian trade union</i>		
	<p><b>ST.P.5 4</b> Does the State require a Just Culture policy in Air Navigation Service Providers <b><u>including surveys to all level of staff on safety culture?</u></b></p> <p><b>COMMENT:</b></p> <p>A formal safety culture measurement has to be performed on a regular basis, and the GM should include that the NSA must request evidences that the surveys have been performed at all levels of staff (staff and management), and that the results of the surveys have been positive from a safety culture perspective. A check that these surveys are performed on a regular basis should also be required.</p>		
response	<p><i>Noted</i></p> <p>Your comment is noted. The approach to have surveys to all level of staff could constitute 'best practice'. However, at this stage the intent is to assess whether the State requires JC policy in the ANSPs.</p>		
comment	295 comment by: <i>European Transport Workers Federation - ETF</i>		
	<p><b>ST.P.5 4</b> Does the State require a Just Culture policy in Air Navigation Service Providers <b><u>including surveys to all level of staff on safety culture?</u></b></p> <p><b>COMMENT:</b></p> <p>A formal safety culture measurement has to be performed on a regular basis, and the GM should include that the NSA must request evidences that the surveys have been performed at all levels of staff (staff and management), and that the results of the surveys have been positive from a safety culture perspective. A check that these surveys are performed on a regular basis should also be required.</p>		

response

*Noted*

Look at response to comment 285.

comment

331

comment by: SINCTA - Portuguese Air Traffic Controllers' Union

ST.P.2 - unacceptable behavior is not part of the Just Culture definition. It would be more important to have an harmonised approach to the gross negligence definition.

ST.L.4, ST.O.2- It is important to include professional organisations in the Subject Matter Experts groups.

ST.O.1 - We don't see how regular statistical feedback to the public could improve the level of Just Culture.

response

*Noted*

ST.P.2 At present there is no harmonised definition of 'gross negligence' at EU level. The Commission proposal for 'Occurrence Reporting Regulation' has a definition for 'gross negligence'. However, the inclusion of such definition is still subject to legislative review.

ST.L.4 The intent is to have appropriate expertise, the Subject Matter Experts may be part of, but not limited to, professional organisations.

ST.O.1 The feedback provides info on the level of JC to the general public which ensures transparency and is aiming at JC improvements.

**(F) Appendix 1 to AMC 10 - SKPI Just Culture Questionnaire - ANSP level -  
(FOR ANY COMMENT ON THIS APPENDIX, PLEASE USE THIS SEGMENT)**

p. 65

comment

90

comment by: UK CAA

**Page No:** 1 of 7**(F) — Appendix 1 to AMC 10 SKPI — Just Culture Questionnaire — ANSP level****Paragraph No:** ANSP.P.1

**Comment:** UK CAA suggests the words "and made public" are inappropriate and should be replaced with "and made known to all staff".

**Justification:** To improve clarity and appropriateness.

**Proposed Text:** Amend as follows:

'Is there an explicit Just Culture policy, which is formally endorsed by management and staff representatives and made public **known to all staff.**'

response

*Not accepted*

'Made known' implies an additional step (even burden) which is not intended and could be counterproductive. 'Made public' is intended to ensure that the policy is made available (this could include a number of activities to ensure that it is made known to staff, e.g. workshops, information sessions, written internal publications).

comment

91

comment by: UK CAA

**Page No:** 2 of 7**(F) — Appendix 1 to AMC 10 SKPI — Just Culture Questionnaire — ANSP**

	<p><b>level</b>  <b>Paragraph No:</b> ANSP.P.3  <b>Comment:</b> ANSP.P.3 and ANSP.P.2 are complementary to each other and UK CAA suggests the word 'fairly' in place of the word 'justly' is more appropriate in this instance.  <b>Justification:</b> Clarity and relevance  <b>Proposed Text:</b> Delete the word 'justly' and insert 'fairly'.</p>
response	Accepted
comment	<p>92 <span style="float: right;">comment by: UK CAA</span></p> <p><b>Page No:</b> 3 of 7  <b>(F) — Appendix 1 to AMC 10 SKPI — Just Culture Questionnaire — ANSP level</b>  <b>Paragraph No:</b> ANSP.P.10  <b>Comment:</b> UK CAA recommends the text is amended as shown below to correct a typo.  <b>Justification:</b> Clarity.  <b>Proposed Text:</b> Amend as follows:  'Does the ANSP ensure that the persons providing Critical Incident Stress Management <b>are</b> clearly nominated and adequately trained?'</p>
response	Accepted
comment	<p>93 <span style="float: right;">comment by: UK CAA</span></p> <p><b>Page No:</b> 4 of 7  <b>(F) — Appendix 1 to AMC 10 SKPI — Just Culture Questionnaire — ANSP level</b>  <b>Paragraph No:</b> ANSP.P.12  <b>Comment:</b> UK CAA recommends the text is amended as shown below.  <b>Justification:</b> To improve clarity and grammar.  <b>Proposed Text:</b> Amend as follows:  'Are the principles of Just Culture included in all relevant training curricula <b>(ab-</b>  <b>initio e.g. initial, and recurrent and continuation training)?'</b></p>
response	<p>Partially accepted</p> <p>In Commission Regulation (EU) No 805/2011 and NPA 2012-18 the term 'recurrent' is not used.</p>
comment	<p>94 <span style="float: right;">comment by: UK CAA</span></p> <p><b>Page No:</b> 6 of 7  <b>(F) — Appendix 1 to AMC 10 SKPI — Just Culture Questionnaire — ANSP level</b>  <b>Paragraph No:</b> ANSP.O.2  <b>Comment:</b> UK CAA recommends the text is amended as shown below.  <b>Justification:</b> To correct grammar.  <b>Proposed Text:</b> Amend as follows:  'Does <b>Do</b> staff subject to investigations based on occurrence reports have access to related information?'</p>
response	Accepted

comment	95	comment by: UK CAA
	<p><b>Page No:</b> 6 of 7  <b>(F) — Appendix 1 to AMC 10 SKPI — Just Culture Questionnaire — ANSP level</b>  <b>Paragraph No:</b> ANSP.O.4  <b>Comment:</b> UK CAA recommends the text is amended as proposed below:  <b>Justification:</b> To improve grammar and provide clarity.  <b>Proposed Text:</b> Amend as follows:          'Is there a formal process <b>in place</b> to inform staff <del>having</del>, <b>who</b> have reported an occurrence, of the progress of the investigation?'</p>	
response	Accepted	
comment	96	comment by: UK CAA
	<p><b>Page No:</b> 7 of 7  <b>(F) — Appendix 1 to AMC 10 SKPI — Just Culture Questionnaire — ANSP level</b>  <b>Paragraph No:</b> ANSP.O.6  <b>Comment:</b> UK CAA recommends the text below is amended as proposed below. Occurrence reports may be submitted confidentially through a Mandatory Occurrence Reporting Scheme and may not have been submitted internally so may not be known.  <b>Justification:</b> To provide clarity and to recognise the practicalities of the system.  <b>Proposed Text:</b> Amend as follows:          Does the annual report of the service provider provide statistical feedback on <b>internally received</b> occurrence reports?</p>	
response	<p>Partially accepted</p> <p>The text is amended 'Does the public annual report of the service provider provide statistical feedback on occurrence reports, in particular reports received internally?'</p>	
comment	115	comment by: Skyguide
	<p>ANSP.P.3.</p> <p><i>Does the Just Culture Policy treat the reporter justly or not should not be the issue:          In the Policy there must be a statement about the basic principles of JC regarding the treatment of involved staff.          The entry organisation must ensure according to formal decisions and behaviours to live the principals and not only having the letter on the paper. Here it should be distinguish between the policy statement and applying it in reality.</i></p>	
response	<p>Noted</p> <p>Comment noted, the intent of the question is to identify the formal principles of JC policy.</p>	
comment	116	comment by: Skyguide
	<p>ANSP.P.7.</p>	

	<p><b>Independent vs. Separated</b> from any Line:  <i>In this context of safety the independency is much more important than separation! In reality the formal organisation can be separated from the line, but on the top level or on the decision level the line could have much more influence on the formal decision process than requested when safety is an issue.</i></p>	
response	Noted	
	<p>The issue was discussed within the group and it was agreed that while 'independence' is not always feasible, in particular in small units, the desired effect could be achieved through an effective separation.</p>	
comment	117	comment by: Skyguide
	<p>ANSP.P.12.</p> <p><i>All relevant training (initial and continuation training): In the brackets the regulator is more precise.  The new proposal can be stated as:  Are the principles of JC included in initial and continuation training for all personnel involved in safety activities?  The scope will be clearly defined, instead of using the term relevant.</i></p>	
response	Not accepted	
	<p>The focus is not on the relevant staff but on relevant training curricula, which do, in fact, refer to the examples of initial and continuation training.</p>	
comment	118	comment by: Skyguide
	<p>ANSP.L.2.</p> <p><i>In this statement the regulator is addressing two very sensible issues:  (1) Protection of incident data and  (2) Protection of staff involved  It will be appreciated to split this question in two separated questions accordingly.</i></p>	
response	Not accepted	
	<p>The intent is to establish whether there is an agreement in place between ANSPs and judicial/police authorities.</p>	
comment	176	comment by: NATS National Air Traffic Services Limited
	<p>(F) — Appendix 1 to AMC 10 SKPI — Just Culture Questionnaire — ANSP level ANSP.P.12</p> <p>If the relevant training is meant to be initial and continuation (suggested by their inclusion in brackets) then the sentence can be simplified to "Are the principles of Just Culture included in all initial and continuation training curricula?"</p>	
response	Not accepted	

The intent is not to restrict the inclusion of JC only in initial and continuation training.

comment 220 comment by: *CANSO Civil Air Navigation Services Organization*

(F) — Appendix 1 to AMC 10 SKPI — Just Culture Questionnaire — ANSP level ANSP.P.12	If the relevant training is meant to be initial and continuation (suggested by their inclusion in brackets) then the sentence can be simplified to "Are the principles of Just Culture included in all initial and continuation training curricula?"
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response *Not accepted*

See response to comment 176.

comment 286 comment by: *comments provided on behalf of FIT/CISL italian trade union*

**ANSP.P.3** In the case of self-reported occurrences (except for the cases defined above in question ANSP.P.2), does the Just Culture policy ~~treat the reporter justly and in accordance with the policy and principles of the service provider~~ **guarantee that no disciplinary action will be taken regarding against the reporter by the service provider for self-reported occurrences and that any kind of barrier to report occurrences has been removed?**

**COMMENT:**

Any Just Culture policy shall not be subordinated to the policy and principles of the service provider; FIT-CISL requests to replace the article enhancing this concept encouraging the removal of any kind of barrier to report occurrences.

response *Not accepted*

It was discussed in the group and it was agreed that the focus should be on fair treatment of the reporter as there could be no guarantee of no disciplinary action.

comment 287 comment by: *comments provided on behalf of FIT/CISL italian trade union*

**ANSP.P.6** Does the ANSP ensure that ~~Are safety actions taken in respect to staff after an occurrence~~ **don't have punitive nature** and preserve in full ~~without impact on~~ the pay and benefits of the staff member concerned until the end of the investigation?

**COMMENT:**

To enhance the importance of occurrence reporting is important to protect the staff involved in the occurrence until the end of the investigation in a complete manner, not only preserving in full the pay and the benefits avoiding any kind of

response	<p>punitive actions and also additional training</p> <p><i>Not accepted</i></p> <p>This was discussed in group and it was agreed that instead of referring to non-punitive measure, the focus should be on the preservation in full of pay and benefits.</p>
comment	<p>288 comment by: <i>comments provided on behalf of FIT/CISL italian trade union</i></p> <p><b>ANSP.P.7</b> Are the service provider's safety investigators completely <b><u>independent and</u></b> separate from any line, competency or ops management?</p> <p><b>COMMENT:</b></p> <p>Even acknowledging the case of small providers or small units the main objective of this question shall be to know if the provider, having the possibility, implements the higher level of organisational structure. It is confirmed asking the provider, answering the questionnaire, to provide the relevant details e.g. why complete independence cannot be ensured</p>
response	<p><i>Not accepted</i></p> <p>See response to comment 116.</p>
comment	<p>296 comment by: <i>European Transport Workers Federation - ETF</i></p> <p><b>ANSP.P.3</b> In the case of self-reported occurrences (except for the cases defined above in question ANSP.P.2), does the Just Culture policy <del>treat the reporter justly and in accordance with the policy and principles of the service provider</del> <b><u>guarantee that no disciplinary action will be taken regarding against the reporter by the service provider for self-reported occurrences and that any kind of barrier to report occurrences has been removed?</u></b></p> <p><b>COMMENT:</b></p> <p>Any Just Culture policy shall not be subordinated to the policy and principles of the service provider; ETF requests to replace the article enhancing this concept encouraging the removal of any kind of barrier to report occurrences.</p>
response	<p><i>Not accepted</i></p> <p>See response to comment 286.</p>
comment	<p>298 comment by: <i>European Transport Workers Federation - ETF</i></p> <p><b>ANSP.P.6</b> Does the ANSP ensure that <del>Are safety actions taken in respect to staff after an occurrence</del> <b><u>don't have punitive nature</u></b> and preserve in full <del>without impact on</del> the pay and benefits of the staff member concerned until the end of the investigation?</p> <p><b>COMMENT:</b></p> <p>To enhance the importance of occurrence reporting is important to protect the</p>



	<p>staff involved in the occurrence until the end of the investigation in a complete manner, not only preserving in full the pay and the benefits avoiding any kind of punitive actions and also additional training</p>
response	<p><i>Not accepted</i></p> <p>See response to comment 287.</p>
comment	<p>299 <span style="float: right;">comment by: <i>European Transport Workers Federation - ETF</i></span></p>
	<p><b>ANSP.P.7</b> Are the service provider's safety investigators completely <b><u>independent and</u></b> separate from any line, competency or ops management?</p> <p><b>COMMENT:</b></p> <p>Even acknowledging the case of small providers or small units the main objective of this question shall be to know if the provider, having the possibility, implements the higher level of organisational structure. It is confirmed asking the provider, answering the questionnaire, to provide the relevant details e.g. why complete independence cannot be ensured</p>
response	<p><i>Not accepted</i></p> <p>See response to comment 116.</p>
comment	<p>304 <span style="float: right;">comment by: <i>ATCEUC</i></span></p>
	<p>Appendix 1 to GM14 – ANSP.O.8 The reference to the Subject Matter Experts should also include provisions that these experts groups dealing with the category decisions include staff/professional associations qualified representatives. Appendix 1 to GM 14 - ANSP.P.6 Reference to conservation of pay and benefits is right. However, we propose to include additional questions aiming at measuring what kind of actions are taken to preserve and protect a reporter. Clarification material should be added since the timeline could be confusing. There are two main facts: the reporting and the outcome of an investigation. There should be additional explanatory material about the actions taken as a result of both acts. This means that no action (i.e. except in cases of serious incidents, where a resting period could be necessary) is taken by after a reporting, and that any further action (i.e. additional training) is not taken before the investigation is completed.</p>
response	<p><i>Not accepted</i></p> <p>ANSP.O.8 - See response to comment 331. ANSP.P.6 - Comment noted..</p>
comment	<p>311 <span style="float: right;">comment by: <i>ATCEUC</i></span></p>
	<p>(F) — Appendix 1 to AMC 10 SKPI — Just Culture Questionnaire — ANSP level ANSP.P.12</p> <p>Just Culture principles should be part of both initial, refreshment and improvement training. Please include a reference, otherwise, JC training could only be included as an initial set of activities.</p>

response	<p><i>Not accepted</i></p> <p>The examples given follow the terminology of Commission Regulation (EU) No 805/2011. Nothing prevents the inclusion of JC subject in any other training.</p>
comment	<p>332 comment by: <i>SINCTA - Portuguese Air Traffic Controllers' Union</i></p> <p>ANSP.P.2- unacceptable behavior is not part of the Just Culture definition. It would be more important to have an harmonised approach to the gross negligence definition.</p> <p>ANSP.O.8- It is important to include professional organisations in the Subject Matter Experts groups.</p> <p>There are a few questions that are not linked to Just Culture like: We don't see how regular statistical feedback to the public (ANSP.O.6) and Automatic reporting (ANSP.O.7) could improve the level of Just Culture;</p>
response	<p><i>Noted</i></p> <p>ANSP.P.2 See the response to comment 331.</p> <p>ANSP.O.8 See the response to comment 331.</p> <p>ANSP.O.6/7 The feedback provides information on the level of JC to the general public which ensures transparency and is aiming at JC improvements. While the use of automated reporting does not directly improve JC, its use and presence at ANSP level will demonstrate a certain level of maturity of the JC environment. The intent of the question is to identify whether the level of the presence of JC is sufficient to accept automated reporting.</p>

**(F) Appendix (G) Appendix 1 to GM 4 - SKPI Verification of ANSP EoSM by NSA/competent authority - (FOR ANY COMMENT ON THIS APPENDIX, PLEASE USE THIS SEGMENT)**

p. 65

comment	<p>111 comment by: <i>DFS Deutsche Flugsicherung GmbH</i></p> <p>Page 12 of 55 resp. Page 157 of 422 in the readable version: (Sorry, no comentable segments can be marked online) The proposed text within SA1-3 Level D: <i>"A just culture policy has been adopted by the organisation for employees, including operational staff."</i> is not fully in line with "Appendix 1 – to GM 13 14 Just Culture - ANSP level - possible justification" - ANSP P.1 - which states: <i>"...the just culture policy may be a separate stand-alone document or elements of such policy may be defined in various internal procedures/documents, which deal with different aspects of Just Culture and are not necessarily endorsed by the staff representatives.."</i> The proposed text within SA1-3 Level D shall be adapted to this broader view accordingly.</p>
response	<p><i>Noted</i></p> <p>In GM 14 possible evidence is provided to support the verification process. The</p>

intent in that GM is slightly different from what is provided in EoSM AMC which defines different levels of implementation, but could be used to better understand the EoSM AMC.

comment 139 comment by: *NATS National Air Traffic Services Limited*

Appendix 1 SA1-1, page 148

Change "A positive pro-active just, flexible, and informed safety culture" to "A positive pro-active, flexible, and informed safety culture". Having the term "just" in the objective could confuse the reader to think that the objective is asking about just culture which it most definitely is not.

Note that this change will need to be reflected in Appendix C as well.

response *Accepted*

comment 140 comment by: *NATS National Air Traffic Services Limited*

Appendix 1 SA1-3, page 156

Change "An open climate for reporting and investigation of occurrences" to "A just and open climate for reporting and investigation of occurrences". This objective is all about just culture having "just" in the objective helps clarify this point to the reader.

Note that this change will need to be reflected in Appendix C as well.

response *Accepted*

comment 141 comment by: *NATS National Air Traffic Services Limited*

Appendix 1 SA2-1, page 159

Column 5. Typo change "stet" to "set"

response *Accepted*

comment 142 comment by: *NATS National Air Traffic Services Limited*

Appendix 1 SA2-2, page 161

Column 6 "senior management support for safety" should be bulleted.

response *Accepted*

comment 143 comment by: *NATS National Air Traffic Services Limited*

Appendix 1 SA2, page 166

Delete "below" in "Evidence of its suitability given below."

response *Accepted*

comment 144 comment by: *NATS National Air Traffic Services Limited*

Appendix 1 SA3, page 168

Column 2. Add "Additional Explanations" title is missing

response *Accepted*

comment	<p>145 comment by: <i>NATS National Air Traffic Services Limited</i></p> <p>Appendix 1 SA4-1, page 170 Column 6.  Change "SMS published and available to all staff in the organisation  Identification of best practice  Compliance with best practice  – to exceed regulatory requirements"  <b>to</b>  "SMS is published and available to all staff in the organisation. It exceeds the regulatory requirements and reflects best practice in some areas".</p>
response	<p><i>Partially accepted</i></p> <p>The resulting text is:  'SMS is published and available to all staff in the organisation. It exceeds the regulatory requirements <b>when it</b> reflects best (good) practice in some areas.'</p>
comment	<p>146 comment by: <i>NATS National Air Traffic Services Limited</i></p> <p>Appendix 1 SA4-2, page 172  The title of this study area is incorrect. It is exactly the same the previous study area - 4-1. It should read "Staff know about the safety and safety management requirements and standards, which are regularly reviewed, assessed, and maintained".  Note that this change will need to be reflected in Appendix C as well.</p>
response	<p><i>Accepted</i></p>
comment	<p>147 comment by: <i>NATS National Air Traffic Services Limited</i></p> <p>Appendix 1 SA4-2, page 172 Column 2.  Incomplete sentence "Responsibility for ownership and maintenance is known and documented for only some"  <b>change to</b>  "Responsibility for ownership and maintenance is known and documented for only parts of the SMS"</p>
response	<p><i>Accepted</i></p>
comment	<p>148 comment by: <i>NATS National Air Traffic Services Limited</i></p> <p>Appendix 1 SA4, page 176  Delete the explanation for the "periodicity of the process". This term is not used in this section.</p>
response	<p><i>Accepted</i></p>
comment	<p>149 comment by: <i>NATS National Air Traffic Services Limited</i></p> <p>Appendix 1 SA8, page 187  Delete the explanations for the "ad-hoc" and "authorities" the explanations do not relate to this section.</p>
response	<p><i>Accepted</i></p>

comment	150comment by: NATS National Air Traffic Services Limited  Appendix 1 SA9-1, page 189 Column 5 and 7. Slight formatting error as we cannot see the beginning of the words (in the yellow section)													
response	Accepted													
comment	151comment by: NATS National Air Traffic Services Limited  Appendix 1 SA9-3, page 192 Delete the explanations for the “ad-hoc” and “authorities” the explanations do not relate to this section.													
response	Accepted													
comment	185comment by: NATS National Air Traffic Services Limited  (G) Appendix 1 SA3, page 169 We acknowledge that the guidance provides additional explanation when a term is used in the text. We note however that there are no instances of "measurement is essential" being used and thus we suggest the deletion of the guidance text.													
response	Accepted													
comment	209comment by: CANSO Civil Air Navigation Services Organization <table><tr><td>(G) Appendix 1 SA1-3, page 156</td><td>Change “An open climate for reporting and investigation of occurrences” to “A just and open climate for reporting and investigation of occurrences”. This objective is all about just culture having “just” in the objective helps clarify this point to the reader. This change will need to be reflected in Appendix C as well.</td></tr><tr><td>(G) Appendix 1 SA2-1, page 159</td><td>Column 5. Typo change “stet” to “set”</td></tr><tr><td>(G) Appendix 1 SA2-2, page 161</td><td>Column 6 “senior management support for safety” should be bulleted.</td></tr><tr><td>(G) Appendix 1 SA2, page 166</td><td>Delete “below” in “Evidence of its suitability given below.</td></tr><tr><td>(G) Appendix 1 SA3, page 169</td><td>Delete the “measurement is essential” guidance.</td></tr><tr><td>(G) Appendix 1 SA3, page 168</td><td>Column 2. Add “Additional Explanations” title is missing</td></tr></table>		(G) Appendix 1 SA1-3, page 156	Change “An open climate for reporting and investigation of occurrences” to “A just and open climate for reporting and investigation of occurrences”. This objective is all about just culture having “just” in the objective helps clarify this point to the reader. This change will need to be reflected in Appendix C as well.	(G) Appendix 1 SA2-1, page 159	Column 5. Typo change “stet” to “set”	(G) Appendix 1 SA2-2, page 161	Column 6 “senior management support for safety” should be bulleted.	(G) Appendix 1 SA2, page 166	Delete “below” in “Evidence of its suitability given below.	(G) Appendix 1 SA3, page 169	Delete the “measurement is essential” guidance.	(G) Appendix 1 SA3, page 168	Column 2. Add “Additional Explanations” title is missing
(G) Appendix 1 SA1-3, page 156	Change “An open climate for reporting and investigation of occurrences” to “A just and open climate for reporting and investigation of occurrences”. This objective is all about just culture having “just” in the objective helps clarify this point to the reader. This change will need to be reflected in Appendix C as well.													
(G) Appendix 1 SA2-1, page 159	Column 5. Typo change “stet” to “set”													
(G) Appendix 1 SA2-2, page 161	Column 6 “senior management support for safety” should be bulleted.													
(G) Appendix 1 SA2, page 166	Delete “below” in “Evidence of its suitability given below.													
(G) Appendix 1 SA3, page 169	Delete the “measurement is essential” guidance.													
(G) Appendix 1 SA3, page 168	Column 2. Add “Additional Explanations” title is missing													

(G) Appendix 1 SA4-1, page 170	Column 6. Change "SMS published and available to all staff in the organisation Identification of best practice Compliance with best practice – to exceed regulatory requirements" to "SMS is published and available to all staff in the organisation. It exceeds the regulatory requirements and reflects best practice in some areas".
(G) Appendix 1 SA4-2, page 172	The title of this study area is incorrect. It is exactly the same the previous study area - 4-1. It should read "Staff know about the safety and safety management requirements and standards, which are regularly reviewed, assessed, and maintained". This change will need to be reflected in Appendix C as well.
(G) Appendix 1 SA4-2, page 172	Column 2. Incomplete sentence "Responsibility for ownership and maintenance is known and documented for only some" change to "Responsibility for ownership and maintenance is known and documented for only parts of the SMS"
(G) Appendix 1 SA4, page 176	Delete the explanation for the "periodicity of the process". This term is not used in this section.
(G) Appendix 1 SA8, page 187	Delete the explanations for the "ad-hoc" and "authorities" the explanations do not relate to this section.
(G) Appendix 1 SA9-1, page 189	Column 5 and 7. I cannot see the beginning of the words (in the yellow section)
(G) Appendix 1 SA9-3, page 192	Delete the explanations for the "ad-hoc" and "authorities" the explanations do not relate to this section.

response *Partially accepted*

See responses to comments:

- 140;
- 141;
- 142;
- 143;
- 185;
- 144;
- 145;
- 146;
- 147;
- 148;

- 149;
- 150; and
- 151.

comment 231

comment by: *CANSO Civil Air Navigation Services Organization*

(G) — Appendix 1 to GM4 5 SKPI Verification of ANSP EoSM by NSA/competent authority  
Page 157

The proposed text within SA1-3 Level D:  
*"A just culture policy has been adopted by the organisation for employees, including operational staff."*  
 is not fully in line with  
*"Appendix 1 – to GM 13 14 Just Culture - ANSP level - possible justification" - ANSP P.1 - which states:*  
*"...the just culture policy may be a separate stand-alone document or elements of such policy may be defined in various internal procedures/documents, which deal with different aspects of Just Culture and are not necessarily endorsed by the staff representatives.."*

response *Noted*

See the response to comment 111.

comment 297

comment by: *ATCEUC*

*Surveys to all levels of staff on safety culture should be required by the NSA/CA to the ANSP to score EoSM level D (Managing and Measuring)*

A formal safety culture measurement is required to be performed such as EUROCONTROL Safety Culture Survey or other similar one. These measurements should be done on a regular basis, and the GM should include that the NSA must request evidences that the surveys have been performed at all levels of staff (ops to management), and that the results of the surveys have been positive from a safety culture perspective.

A check that these surveys are performed on a regular basis should also be required.

response *Noted*

See the response to comment 285.

**(H) Appendix 1 to GM 10 - SKPI Look-up Table for Severity Classification of ATM-specific occurrences - (FOR ANY COMMENT ON THIS APPENDIX, PLEASE USE THIS SEGMENT)**

p. 65

comment	301	comment by: ATCEUC
	<p><i>The reference to "in accordance to the policy and principles of the service provider" is not acceptable, unless there is a clarification that these principles and policy are fully compliant with the JC. If this question is answered isolatedly from ANSP.P.1, there might be ANSPs answering positively, since they always follow their policy and principles, even if they are not following JC.. What this question has to measure is that these policy and principles follow the JC ones. The wording leads to the situation that the JC is subordinated to the ANSP policy, and this must be the other way around.</i></p>	
response	<p><i>Noted</i></p> <p>The questionnaire is for the Just Culture and it is implicit that this particular question is related to the Just Culture policy.</p>	

**(I) Appendix 1 to GM 12 - SKPI Just Culture - State level - possible justification - (FOR ANY COMMENT ON THIS APPENDIX, PLEASE USE THIS SEGMENT)**

p. 65

comment	137	comment by: NATS National Air Traffic Services Limited
	Appendix 1 ST.P.2 page 410 Para 2. Typo "ST.L.4" should read "ST.L.3"	
response	Accepted	

comment	138	comment by: NATS National Air Traffic Services Limited
	Appendix 1 ST.P.4 page 411 Change "Does the State require a just Culture policy in Air Navigation Service Providers?" to "Does the State require Air Navigation Service Providers to publish a Just Culture Policy?"	
response	Not accepted	
	The issue was discussed in the rulemaking group and it was agreed that the question, as formulated, covers also the publication aspect.	

comment	208	comment by: CANSO Civil Air Navigation Services Organization				
	<table><tr><td>(I) Appendix 1 ST.P.2, page 410</td><td>Para 2. Typo "ST.L.4" should read "ST.L.3"</td></tr><tr><td>(I) Appendix 1 ST.P.4, page 411</td><td>Change "Does the State require a just Culture policy in Air Navigation Service Prioviders?" to "Does the State require Air Navigation Service Providers to publish a Just Culture Policy?"</td></tr></table>		(I) Appendix 1 ST.P.2, page 410	Para 2. Typo "ST.L.4" should read "ST.L.3"	(I) Appendix 1 ST.P.4, page 411	Change "Does the State require a just Culture policy in Air Navigation Service Prioviders?" to "Does the State require Air Navigation Service Providers to publish a Just Culture Policy?"
(I) Appendix 1 ST.P.2, page 410	Para 2. Typo "ST.L.4" should read "ST.L.3"					
(I) Appendix 1 ST.P.4, page 411	Change "Does the State require a just Culture policy in Air Navigation Service Prioviders?" to "Does the State require Air Navigation Service Providers to publish a Just Culture Policy?"					
response	Partially accepted					



See the responses to comments 137 and 138.

comment	221 comment by: <i>CANSO Civil Air Navigation Services Organization</i>				
	<table border="1"> <tr> <td data-bbox="368 495 820 622">(I) – Appendix 1 to GM12-13 SKPI – Just Culture – State Level – possible justification ST.P.1</td><td data-bbox="828 495 1484 622">For a YES answer a written policy is required, however the Question does not require the policy to be written per se.</td></tr> <tr> <td data-bbox="368 633 820 761">(I) – Appendix 1 to GM12-13 SKPI – Just Culture – State Level – possible justification ST.P.3</td><td data-bbox="828 633 1484 761">There are no “cases <b>defined</b> above in question ST.P.2” as the discussion is under <b>possible</b> evidences and is therefore not mandatory.</td></tr> </table>	(I) – Appendix 1 to GM12-13 SKPI – Just Culture – State Level – possible justification ST.P.1	For a YES answer a written policy is required, however the Question does not require the policy to be written per se.	(I) – Appendix 1 to GM12-13 SKPI – Just Culture – State Level – possible justification ST.P.3	There are no “cases <b>defined</b> above in question ST.P.2” as the discussion is under <b>possible</b> evidences and is therefore not mandatory.
(I) – Appendix 1 to GM12-13 SKPI – Just Culture – State Level – possible justification ST.P.1	For a YES answer a written policy is required, however the Question does not require the policy to be written per se.				
(I) – Appendix 1 to GM12-13 SKPI – Just Culture – State Level – possible justification ST.P.3	There are no “cases <b>defined</b> above in question ST.P.2” as the discussion is under <b>possible</b> evidences and is therefore not mandatory.				
response	<p><i>Noted</i></p> <p>The GM indicates the need for a written instrument made public. In fact, it specifies 3 cumulative conditions (written, endorsed and public) for YES answer.</p> <p>ST.P.3 makes reference to cases of unacceptable behaviour described in the JC policy referred to ST.P.2</p>				

**(J) Appendix 1 to GM 13 - SKPI Just Culture - ANSP level - possible justification - (FOR ANY COMMENT ON THIS APPENDIX, PLEASE USE THIS SEGMENT)**

p. 65

comment	26 comment by: <i>DSNA/MSQS</i>
	<p>DSNA welcome the fact that the wording of question ANSP P.5 for the Just culture has been worked out.</p> <p>The wording of the ANSP P.10 should reflect this amendment. For that purpose, DSNA would suggest the following text:</p> <p>"does the ANSP ensure that persons providing stress management system such as critical incident stress management are clearly nominated and adequately trained?"</p>
response	<p><i>Accepted</i></p> <p>See the response to comment 237.</p>
comment	<p>98 comment by: <i>UK CAA</i></p> <p><b>Page No: 8 of 8</b>  <b>(J) – Appendix 1 to GM 13-14 SKPI - – Just Culture – ANSP level - possible justification</b></p>

	<p><b>Paragraph No:</b> ANSP.O.8, 4<sup>th</sup> column, 2<sup>nd</sup> paragraph</p> <p><b>Comment:</b> UK CAA suggests the first sentence should be amended as proposed below to provide clarity and to ensure understanding that the 'separate' decision function is seen as an internal function as opposed to an external body.</p> <p><b>Justification:</b> To provide clarity.</p> <p><b>Proposed Text:</b> Amend as follows:          'Clear arrangements are required to define a separate body function within the provider.....'</p>
response	<p><i>Partially accepted</i></p> <p>Text is amended as follows:</p> <p>'Clear arrangements are required to ensure the involvement of Subject Matter Experts within the provider that get to draw the line between honest mistakes and unacceptable behaviour. The function is performed by more than one person and deals primarily with the internal disciplinary actions. Whether the action may be considered a crime under criminal law is entirely up to the judicial authorities.'</p>
comment	<p><b>112</b> comment by: <i>DFS Deutsche Flugsicherung GmbH</i></p> <p>Page 7 of 8 resp 421 of 422 in the readable version.          (Sorry, no comentable segments can be marked online)          ANSP.O.3, and          ANSP.O.4          The words "<i>procedure</i>" and "<i>process</i>" should be used consistently.          We suggest using the term "<i>process</i>" in the column "Question" as well as in the column "Possible evidences".</p>
response	<p><i>Noted</i></p> <p>The terminology was discussed and agreed with the rulemaking group. The terms 'process' and 'procedure' have their specific connotations.</p>
comment	<p><b>113</b> comment by: <i>DFS Deutsche Flugsicherung GmbH</i></p> <p>Page 8 of 8 resp. 422 of 422:          (Sorry, no comentable segments can be marked online)          ANSP.O.8          We support that in the proposed text (column "Question"), the mentioned "<i>separate body</i>" is deleted.          We suggest deleting the whole second paragraph concerning the "<i>separate body</i>" in the column "Possible evidences" accordingly, as it is no longer required.</p>
response	<p><i>Noted</i></p> <p>See the response to comment 98.</p>
comment	<p><b>120</b> comment by: <i>NATS National Air Traffic Services Limited</i></p> <p>(j) Appendix 1 Title: Amend title to "possible evidence" rather than "possible justification".</p>
response	<p><i>Accepted</i></p>
comment	<p><b>121</b> comment by: <i>NATS National Air Traffic Services Limited</i></p>

response	<p>Appendix 1 ANSP.P.1, page 415 - Clarification or amendment sought It is unclear whether in the circumstance where the just culture policy has been endorsed by management but not signed by staff representatives (but subject to staff consultation) I can answer yes. Paragraph 3 implies that I can, yet paragraph 4 implies I cannot.</p> <p><i>Noted</i></p> <p>The question refers only to endorsement of JC policy not to signatures. GM provides guidance on cumulative conditions to YES response.</p>
comment	<p>122 comment by: <i>NATS National Air Traffic Services Limited</i></p> <p>Appendix 1 ANSP.P.3, page 416 Delete "(except for the cases defined above in question ANSP.P.2)". NATS considers that whatever the reporter has done they should be treated justly.</p>
response	<p><i>Accepted</i></p> <p>With the change of text as agreed in the rulemaking group, the exclusion of self-reported cases of gross negligence from 'fair' treatment does not make sense.</p>
comment	<p>123 comment by: <i>NATS National Air Traffic Services Limited</i></p> <p>Appendix 1 ANSP.P.5, page 416 In Para 1 suggest change text to "Use of CISM indicates that the organisation..."</p>
response	<p><i>Accepted</i></p>
comment	<p>124 comment by: <i>NATS National Air Traffic Services Limited</i></p> <p>Appendix 1 ANSP.P.5, page 416 Change para 2 as follows: <i>Possible evidences: details of the CISM programme, communications to staff indicating CISM is available, reference to procedures that explain how to access support etc.</i> It should be noted that nothing prevents the CISM programme being subcontracted out to an independent organisation.</p>
response	<p><i>Accepted</i></p>
comment	<p>125 comment by: <i>NATS National Air Traffic Services Limited</i></p> <p>Appendix 1 ANSP.P.6, page 417 - Para 1. Typo: change "Such a training" to "Such training" and change "has been finalized" to "has been published".</p>
response	<p><i>Accepted</i></p>
comment	<p>126 comment by: <i>NATS National Air Traffic Services Limited</i></p> <p>Appendix 1 ANSP.P.7, page 417 Para 2. Change "the number of staff is reduced" to "there are fewer staff"</p>
response	<p><i>Accepted</i></p>
comment	<p>127 comment by: <i>NATS National Air Traffic Services Limited</i></p>

	<p>Appendix 1 ANSP.P.7, page 417 Para 3. Change to "Please ensure that you provide the relevant details (e.g. why complete independence cannot be assured) when completing the Justification and Remarks section".</p>
response	<p><i>Partially accepted</i></p> <p>The paragraph has been revised as follows:</p> <p>'Please ensure that, when providing the answers to the questionnaire, the relevant details (e.g. why complete independence cannot be ensured) are provided when completing the 'Justification and remarks' section, in addition to indicating the 'Yes/No' answer.'</p>
comment	<p>128 comment by: <i>NATS National Air Traffic Services Limited</i></p> <p><b>Appendix 1 ANSP.P.10, page 418: Typo</b> "Does the ANSP ensure that the persons providing Critical Incident Stress Management <u>are</u> clearly nominated and adequately trained?"</p> <p><b>Appendix 1 ANSP.P.11, page 418: Typo</b> "Increase <u>in</u> safety"</p> <p><b>Appendix 1 ANSP.P.12, page 418: Typo</b> "<u>an</u> appropriate and proportionate duration"</p>
response	<p><i>Accepted</i></p>
comment	<p>129 comment by: <i>NATS National Air Traffic Services Limited</i></p> <p>Appendix 1 ANSP.P.13, page 418 Para 1. We assume "+D26" is a typo?</p>
response	<p><i>Accepted</i></p> <p>Yes it's a typo.</p>
comment	<p>130 comment by: <i>NATS National Air Traffic Services Limited</i></p> <p>Appendix 1 ANSP.P.13, page 418 Para 2 Change to "The role of ANSPs safety investigators is essential in developing a Just Culture within the organisation. The way they conduct day-to-day investigations, collect data, undertake analyses..."</p>
response	<p><i>Accepted</i></p>
comment	<p>131 comment by: <i>NATS National Air Traffic Services Limited</i></p> <p>Appendix 1 ANSP.P.13, page 419 Para 3 Change to: "Furthermore, Just Culture is much more than what is written down as policies and principles it extends into the beliefs and behaviours or people, including the investigators. Thus, in order to properly apply these principles investigators need formal qualifications and training to ensure they adequately perform the sensitive role of safety investigator".</p>
response	<p><i>Partially accepted</i></p> <p>The paragraph has been revised as follows:</p> <p>'Furthermore, Just Culture is much more than what is written down as policies and</p>

principles, it extends into the beliefs and behaviours of people, including the investigators. Thus, in order to properly apply these principles, the experts becoming safety investigators need appropriate qualifications and training to ensure they adequately perform the sensitive role of safety investigation.'

comment

132 comment by: *NATS National Air Traffic Services Limited*

Appendix 1 ANSP.P.13, page 419  
Delete para 4 it is superfluous.

response

*Not accepted*

Since the 'formal' aspect of training was not dealt with in the previous paragraph, it is useful to keep it in paragraph 4.

comment

133 comment by: *NATS National Air Traffic Services Limited*

Appendix 1 ANSP.L.1, page 419  
Typo change "...provisions of its Article 8" to "...provisions of Article 8".

response

*Accepted*

comment

134 comment by: *NATS National Air Traffic Services Limited*

Appendix 1 ANSP.L.1, page 419  
Typo change "in its Article 1" to "in Article 1".

response

*Accepted*

comment

135 comment by: *NATS National Air Traffic Services Limited*

Appendix 1 ANSP.L.2, page 420  
Monor change of text: "Notwithstanding the judicial" to "Notwithstanding judicial"

response

*Accepted*

comment

136 comment by: *NATS National Air Traffic Services Limited*

Appendix 1 ANSP.O.1, page 421  
Para 1 Change to "The protection refers to all personal details pertaining to the individuals involved".

response

*Accepted*

comment

177 comment by: *NATS National Air Traffic Services Limited*

(I) – Appendix 1 to GM13 SKPI – Just Culture – State Level – possible justification ST.P.1  
For a YES answer a written policy is required, however the Question does not require the policy to be written per se.

response

*Noted*

See the response to comment 221.

comment	<p>178 comment by: <i>NATS National Air Traffic Services Limited</i></p> <p>(I) – Appendix 1 to GM13 SKPI – Just Culture – State Level – possible justification ST.P.3 There are no “cases <b>defined</b> above in question ST.P.2” as the discussion is under <b>possible</b> evidences and is therefore not mandatory.</p>
response	<p><i>Noted</i></p> <p>See the response to comment 221.</p>
comment	<p>179 comment by: <i>NATS National Air Traffic Services Limited</i></p> <p>(J) – Appendix 1 to GM14 SKPI – Just Culture – ANSP Level – possible justification Amend title to be “possible evidence” from “possible justification” to be consistent with table header.</p>
response	<p><i>Accepted</i></p>
comment	<p>180 comment by: <i>NATS National Air Traffic Services Limited</i></p> <p>(J) – Appendix 1 to GM14 SKPI – Just Culture – ANSP Level – possible justification ANSP.P.1 For a YES answer a written policy is required, however the Question does not require the policy to be written per se.</p>
response	<p><i>Noted</i></p> <p>See the response to comment 221.</p>
comment	<p>181 comment by: <i>NATS National Air Traffic Services Limited</i></p> <p>(J) – Appendix 1 to GM14 SKPI – Just Culture – ANSP Level – possible justification ANSP.P.3 There are no “cases <b>defined</b> above in question ANSP.P.2” as the discussion is under <b>possible</b> evidences and is therefore not mandatory.</p>
response	<p><i>Noted</i></p> <p>See the response to comment 221.</p>
comment	<p>182 comment by: <i>NATS National Air Traffic Services Limited</i></p> <p>(J) – Appendix 1 to GM14 SKPI – Just Culture – ANSP Level – possible justification ANSP.P.12 If the relevant training is meant to be initial and continuation (suggested by their inclusion in brackets) then the sentence can be simplified to “Are the principles of Just Culture included in all initial and continuation training curricula?”</p>
response	<p><i>Not accepted</i></p> <p>See the response to comment 176.</p>
comment	<p>206 comment by: <i>CANSO Civil Air Navigation Services Organization</i></p> <p>Amend title to “possible evidence” rather than “possible justification”.</p>

response

Accepted

comment

207

comment by: *CANSO Civil Air Navigation Services Organization*

(j) Appendix 1 ANSP.P.1, page 415	It is unclear whether in the circumstance where the just culture policy has been endorsed by management but not signed by staff representatives (but subject to staff consultation) I can answer yes. Paragraph 3 implies that I can, yet paragraph 4 implies I cannot. Please amend and clarify.
(j) Appendix 1 ANSP.P.3, page 416	Delete "(except for the cases defined above in question ANSP.P.2)". Whatever the reporter has done they should be treated justly.
(j) Appendix 1 ANSP.P.5, page 416	Para 1 change text to "Use of CISM indicates that the organisation..."
(j) Appendix 1 ANSP.P.5, page 416	Change para 2 as follows: Possible evidences: details of the CISM programme, communications to staff indicating CISM is available, reference to procedures that explain how to access support etc. It should be noted that nothing prevents the CISM programme being subcontracted out to an independent organisation.
(j) Appendix 1 ANSP.P.6, page 417	Para 1. Typo change "Such a training" to "Such training" and change "has been finalized" to "has been published".
(j) Appendix 1 ANSP.P.7, page 417	Para 2. Change "the number of staff is reduced" to "there are fewer staff"
(j) Appendix 1 ANSP.P.7, page 417	Para 3. Change to "Please ensure that you provide the relevant details (e.g. why complete independence cannot be assured) when completing the Justification and Remarks section".
(j) Appendix 1 ANSP.P.10, page 418	Typo "Does the ANSP ensure that the persons providing Critical Incident Stress Management <b>are</b> clearly nominated and adequately trained?"
(j) Appendix 1 ANSP.P.11, page 418	Typo "Increase <b>in</b> safety"
(j) Appendix 1 ANSP.P.12, page 418	Typo " <b>an</b> appropriate and proportionate duration"
(j) Appendix 1 ANSP.P.13, page 418	Para 1. I assume "+D26" is a typo?
(j) Appendix 1 ANSP.P.13, page 418	Para 2 Change to "The role of ANSPs safety investigators is essential in developing a Just Culture within the organisation. The way they conduct day-to-day investigations, collect data, undertake analyses..."

(j) Appendix 1 ANSP.P.13, page 419	Para 3 Change to: "Furthermore, Just Culture is much more than what is written down as policies and principles it extends into the beliefs and behaviours of people, including the investigators. Thus, in order to properly apply these principles investigators need formal qualifications and training to ensure they adequately perform the sensitive role of safety investigator".
(j) Appendix 1 ANSP.P.13, page 419	Delete para 4 it is superfluous.
(j) Appendix 1 ANSP.L.1, page 419	Typo change "...provisions of its Article 8" to "...provisions of Article 8".
(j) Appendix 1 ANSP.L.1, page 419	Typo change "in its Article 1" to "in Article 1".
(j) Appendix 1 ANSP.L.2, page 420	"Notwithstanding the judicial" to "Notwithstanding judicial"
(j) Appendix 1 ANSP.O.1, page 421	Para 1 Change to "The protection refers to all personal details pertaining to the individuals involved".

response *Partially accepted*

(j) Appendix 1 ANSP.P.1, page 415	See response to comment 121.
(j) Appendix 1 ANSP.P.3, page 416	Accepted.
(j) Appendix 1 ANSP.P.5, page 416	Accepted.
(j) Appendix 1 ANSP.P.5, page 416	Accepted.
(j) Appendix 1 ANSP.P.6, page 417	Accepted.
(j) Appendix 1 ANSP.P.7, page 417	Accepted.
(j) Appendix 1 ANSP.P.7, page 417	Partially accepted, see response to comment 127.
(j) Appendix 1 ANSP.P.10, page 418	Accepted.
(j) Appendix 1 ANSP.P.11, page 418	Accepted.
(j) Appendix 1 ANSP.P.12, page 418	Accepted.



(j) Appendix 1 ANSP.P.13, page 418	Accepted.
(j) Appendix 1 ANSP.P.13, page 418	Accepted.
(j) Appendix 1 ANSP.P.13, page 419	Partially accepted, see response to comment 131.
(j) Appendix 1 ANSP.P.13, page 419	Not accepted, see response to comment 132.
(j) Appendix 1 ANSP.L.1, page 419	Accepted.
(j) Appendix 1 ANSP.L.1, page 419	Accepted.
(j) Appendix 1 ANSP.L.2, page 420	Accepted.
(j) Appendix 1 ANSP.O.1, page 421	Accepted.

comment

222

comment by: *CANSO Civil Air Navigation Services Organization*

(J) – Appendix 1 to GM13 14 SKPI – Just Culture – ANSP Level – possible justification	Amend title to be “possible evidence” from “possible justification” to be consistent with table header.
(J) – Appendix 1 to GM13 14 SKPI – Just Culture – ANSP Level – possible justification ANSP.P.1	For a YES answer a written policy is required, however the Question does not require the policy to be written per se.
(J) – Appendix 1 to GM13 14 SKPI – Just Culture – ANSP Level – possible justification ANSP.P.3	There are no “cases <b>defined</b> above in question ANSP.P.2” as the discussion is under <b>possible</b> evidences and is therefore not mandatory.
(J) – Appendix 1 to GM13 14 SKPI – Just Culture – ANSP Level – possible justification ANSP.P.12	If the relevant training is meant to be initial and continuation (suggested by their inclusion in brackets) then the sentence can be simplified to “Are the principles of Just Culture included in all initial and continuation training curricula?”

response

*Partially accepted*

(J) – Appendix 1 to GM13 14 SKPI – Just Culture – ANSP Level – possible justification	Accepted.
(J) – Appendix 1 to GM13 14 SKPI – Just Culture – ANSP Level – possible justification ANSP.P.1	Noted See response to comment 221.
(J) – Appendix 1 to GM13 14 SKPI – Just Culture – ANSP Level – possible justification ANSP.P.3	Noted See response to comment 221.
(J) – Appendix 1 to GM13 14 SKPI – Just Culture – ANSP Level – possible justification ANSP.P.12	Not accepted. See response to comment 176.

comment

232

comment by: *CANSO Civil Air Navigation Services Organization*

(J) Appendix 1 – to GM <del>13</del> <b>14</b> Just Culture - ANSP level - possible justification Page 421	ANSP.O.3, and ANSP.O.4 The words " <i>procedure</i> " and " <i>process</i> " should be used consistently. We suggest using the term " <i>process</i> " in the column "Question" as well as in the column "Possible evidences".
(J) Appendix 1 – to GM <del>13</del> <b>14</b> Just Culture - ANSP level - possible justification Page 422	ANSP.O.8 We support that in the proposed text (column "Question"), the mentioned " <i>separate body</i> " is deleted. We suggest deleting the whole second paragraph concerning the " <i>separate body</i> " in the column "Possible evidences" accordingly, as it is no longer required.

response

Noted

(J) Appendix 1 – to GM <del>13</del> 14 Just Culture - ANSP level - possible justification Page 421	Noted. See response to comment 112.
(J) Appendix 1 – to GM <del>13</del> 14 Just Culture - ANSP level - possible justification Page 422	Noted See the response to comment 98.

comment

269

comment by: *French DGCA*

o ST.P.2  
The regulation (EU) n°691/2010 should be replaced by (EU) regulation n°390/2013.  
- Appendix 1 to GM 14 SKPI (JC questionnaire – ANSP level)  
o ANSP.O.7  
In order to get consistency with question ANSP.P.1, where the endorsement by staff representatives may be done through consultation and not necessarily written endorsement, it is suggested to add the following sentence (from the ANSP.P.1) in the GM:  
*"If the referenced documents are not endorsed by staff representatives, details about the consultation of staff may be provided as evidence where relevant."*

response *Partially accepted*

STP.P.2 – Commission Regulation (EU) No 691/2010 will only be repealed by Commission Implementing Regulation (EU) No 390/2013 with effect 01 January 2015 (RP2). For the RP1 questionnaire, the reference is, therefore, still to Commission Regulation (EU) No 691/2010.

ANSP.O.7 – the reference question refers to an agreement of staff to automated reporting and not endorsement as in the case of the JC Policy in ANSP.P.1, there is, therefore, no need to specify the GM further as it currently refers to elements 'agreed by staff'.

comment

289

comment by: *comments provided on behalf of FIT/CISL italian trade union*

**ANSP.P.1** Written and published policy signed by management and staff representatives.

The intent of the question is to establish if a Just Culture policy exists and is shared by the staff. The Just Culture policy may be a separate standalone document or elements of such policy may be defined in various internal procedures/documents, which deal with different aspects of Just Culture and ~~are not~~ **they should be** necessarily endorsed by the staff representatives.

In such a case all relevant references should be provided mentioning the fact that the referenced documents are not endorsed by staff representatives. Details about the consultation of staff may be provided as evidence where relevant. A 'Yes' answer is understood as a positive response to all three elements of the question, namely:

There is a written policy,  
which is endorsed by management and staff representatives, and  
that is published.

**COMMENT:**

For an effective implementation of the Just Culture policy  
a bottomup approach and a mutual trust between the magement and the staff are necessary; FIT-CISL requires to reword the sentence replacing "are not" with "should" to enhance this concept

response *Not accepted*

The modification of the GM was discussed and agreed with the rulemaking group and was intended to capture all cases where JC policy is not in a stand-alone document but in several and where elements of the policy may not be subject to endorsement by staff representatives.

comment

290

comment by: *comments provided on behalf of FIT/CISL italian trade union*

**ANSP.P.2** In accordance with the definition in Article 2, (k) of Commission Regulation (EU) No 691/2010 "unacceptable behaviour" should be considered as gross negligence, wilful violations and destructive acts. Besides this definition, it is realised that it is difficult to implement a hard line between acceptable and unacceptable behaviour **and also for the absence of a definition of gross negligence**. Therefore, there is a link between this question and question ANSP.O.8.

Possible evidences: written statement in policy

response	<p><b>COMMENT:</b></p> <p>The main reason making extremely difficult to implement a hard line is the current absence of a common and consolidate definition of "gross negligence"</p> <p><i>Noted</i></p> <p>See the response to comment 331.</p>
comment	<p>291 comment by: <i>comments provided on behalf of FIT/CISL italian trade union</i></p> <p><b><u>ANSP.P.3 Does the Just Culture policy guarantee that no disciplinary action will be taken against the reporter by the service provider for self-reported occurrences (except for the cases defined above in question ANSP.P.2) and that any kind of barrier to report incidents has been removed?</u></b>  <del>In the case of selfreported occurrences (except for the cases defined above in question ANSP.P.2), does the Just Culture policy treat the reporter justly and in accordance with the policy and principles of the service provider guarantee that no disciplinary action will be taken regarding against the reporter by the service provider for selfreported occurrences?</del></p> <p><b>COMMENT:</b></p> <p>Any Just Culture policy shall not be subordinated to the policy and principles of the service provider ; FIT-CISL requests to replace the article enhancing this concept encouraging the removal of any kind of barrier to report occurrences</p> <p><i>Not accepted</i></p> <p>See the response to comment 286.</p>
comment	<p>292 comment by: <i>comments provided on behalf of FIT/CISL italian trade union</i></p> <p><b><u>ANSP.P.6 Does the ANSP ensure that Are safety actions taken in respect to staff after an occurrence <b>will not have a punitive nature and</b> preserve in full without impact on the pay and benefits of the staff member concerned until the end of the investigation?</u></b>          No financial penalties on pay until the occurrence investigation has been completed.          In some cases safety actions may be taken with regard to the persons involved in an incident, <del>taken (additional training, mandatory rest periods, psychological/medical checkups etc.) could need some additional training</del> which could have an impact on hours and wages. Such a "training" for example, would be the result of the investigation and would not be required or mandated before the investigation is completed. Typically, the investigation should be considered completed once the report has been finalized. It may, as a side effect, encourage those carrying out the investigation to complete the report in a timely fashion. Possible evidences: an overview of safety actions taken after an occurrence and their implications to the pay of the persons involved in the occurrence.</p> <p><b>COMMENT:</b></p> <p>To enhance the importance of occurrence reporting is important to protect the staff involved in the occurrence until the end of the investigation in a complete</p>

response	<p>manner, not only preserving in full the pay and the benefits avoiding any kind of punitive actions and also additional training</p> <p><i>Not accepted</i></p> <p>See the response to comment 287.</p>
comment	<p>293 comment by: <i>comments provided on behalf of FIT/CISL italian trade union</i></p> <p><b>ANSP.P.7</b> Are the service provider's safety investigators completely <b><u>independent and</u></b> separate from any line, competency or ops management? Organisational structure indicating reporting lines, procedures for investigation of occurrences.</p> <p>It is acknowledged that in the case of small providers or small units, the number of staff is reduced and the provider/unit cannot afford to have independent staff to deal exclusively with safety management tasks. However, when people perform several jobs with different reporting lines e.g. in the case of safety investigations, today's best practice may be summed up as follows: experts in charge of investigations will report to the accountable post holder for safety; if they perform other operational tasks part time they will report on the latter to their operational line manager .</p> <p><b><u>A "YES" answer is understood as a positive response to all elements of the question, namely:</u></b>  <b><u>safety investigators are completely independent</u></b>  <b><u>safety investigators are completely separate</u></b></p> <p>When providing the answer to the questionnaire in addition to answers "Yes/No", the relevant details (e.g. why complete independence cannot be ensured) should be provided in the Justification and Evidence section.</p> <p><b>COMMENT:</b></p> <p>Even acknowledging the case of small providers or small units the main objective of this question shall be to know if the provider, having the possibility, implements the higher level of organisational structure. it is confirmed asking the provider, answering to the questionnaire, to provide the relevant details e.g. why complete independence cannot be ensured.</p>
response	<p><i>Noted</i></p> <p>See the response to comment 116.</p>
comment	<p>294 comment by: <i>comments provided on behalf of FIT/CISL italian trade union</i></p> <p><b>ANSP.O.8</b> An honest mistake can be considered as a mistake that is in line with people's experience and training, or the undesirable outcome inadvertently caused during a conduct respecting the applicable rules, or an event caused not having awareness of taking a substantial and unjustifiable risk <del>and</del>, particularly in the case of Air Traffic Controllers (ATCOs), can stem from working under pressure or even from periods of understimulation when traffic is light. Gross negligence, wilful violations, or destructive acts are not honest mistakes.</p> <p>Clear arrangements are required to define a separate body that gets to draw the line between honest mistakes and unacceptable behaviour. This body is to consist of more than one person <b><u>and includes staff qualified representatives</u></b>. It deals primarily with the internal disciplinary actions Whether the action may be considered a crime under criminal law is entirely up to the judicial authorities,</p>

	<p>although the said body's activity may be extended to judicial actions under certain conditions. Possible evidences: Terms of references, working arrangements, staff nominations.</p> <p><b>COMMENT:</b></p> <p>The inclusion of qualified staff representatives is necessary according to the principle of bottomup approach and mutual trust between the management and the staff</p>
response	<p><i>Not accepted</i></p> <p>See the response to comment 331.</p>
comment	<p>302 <span style="float: right;">comment by: ATCEUC</span></p> <div style="border: 1px solid black; padding: 5px; margin: 5px 0;"> <p>The reference to the Subject Matter Experts should also include provisions that these experts groups include staff/professional associations qualified representatives.</p> </div>
response	<p><i>Not accepted</i></p> <p>See the response to comment 331.</p>
comment	<p>303 <span style="float: right;">comment by: European Transport Workers Federation - ETF</span></p> <p><b>ANSP.P.1</b> Written and published policy signed by management and staff representatives. The intent of the question is to establish if a Just Culture policy exists and is shared by the staff. The Just Culture policy may be a separate standalone document or elements of such policy may be defined in various internal procedures/documents, which deal with different aspects of Just Culture and <del>are not</del> <b>they should be</b> necessarily endorsed by the staff representatives. In such a case all relevant references should be provided mentioning the fact that the referenced documents are not endorsed by staff representatives. Details about the consultation of staff may be provided as evidence where relevant. A 'Yes' answer is understood as a positive response to all three elements of the question, namely: There is a written policy, which is endorsed by management and staff representatives, and that is published.</p> <p><b>COMMENT:</b></p> <p>For an effective implementation of the Just Culture policy a bottomup approach and a mutual trust between the magement and the staff are necessary; ETF requires to reword the sentence replacing "are not" with "should" to enhance this concept</p>

response	<p><i>Not accepted</i></p> <p>See the response to comment 289.</p>	
comment	306	comment by: <i>European Transport Workers Federation - ETF</i>
	<p><b>ANSP.P.2</b> In accordance with the definition in Article 2, (k) of Commission Regulation (EU) No 691/2010 "unacceptable behaviour" should be considered as gross negligence, wilful violations and destructive acts. Besides this definition, it is realised that it is difficult to implement a hard line between acceptable and unacceptable behaviour <b><u>and also for the absence of a definition of gross negligence</u></b>. Therefore, there is a link between this question and question ANSP.O.8.</p> <p>Possible evidences: written statement in policy</p> <p><b>COMMENT:</b></p> <p>The main reason making extremely difficult to implement a hard line is the current absence of a common and consolidate definition of "gross negligence"</p>	
response	<p><i>Noted</i></p> <p>See the response to comment 331.</p>	
comment	307	comment by: <i>ATCEUC</i>
	<p>(j) Appendix 1 ANSP.P.13, page 419</p> <p>Include an explicit requirement on safety investigators to be duly and periodically qualified and trained (specially on system changes).</p>	
response	<p><i>Noted</i></p> <p>The intention of ANSP.P.13 is to identify whether the qualifications and training requirements of the safety investigators are clearly defined.</p>	
comment	308	comment by: <i>European Transport Workers Federation - ETF</i>
	<p><b><u>ANSP.P.3 Does the Just Culture policy guarantee that no disciplinary action will be taken against the reporter by the service provider for self-reported occurrences (except for the cases defined above in question ANSP.P.2) and that any kind of barrier to report incidents has been removed?</u></b><del>In the case of selfreported occurrences (except for the cases defined above in question ANSP.P.2), does the Just Culture policy treat the reporter justly and in accordance with the policy and principles of the service provider guarantee that no disciplinary action will be taken regarding against the reporter by the service provider for selfreported occurrences?</del></p> <p><b>COMMENT:</b></p> <p>Any Just Culture policy shall not be subordinated to the policy and principles of the service provider ; ETF requests to replace the article enhancing this concept encouraging the removal of any kind of barrier to report occurrences</p>	
response	<p><i>Not accepted</i></p>	

See the response to comment 286.

comment 310

comment by: European Transport Workers Federation - ETF

**ANSP.P.6** Does the ANSP ensure that ~~Are safety~~ actions taken in respect to staff after an occurrence **will not have a punitive nature and** preserve in full ~~without impact on~~ the pay and benefits of the staff member concerned until the end of the investigation?

No financial penalties on pay until the occurrence investigation has been completed.

In some cases safety actions may be taken with regard to the persons involved in an incident, ~~taken (additional training,~~ mandatory rest periods, psychological/medical checkups etc.) ~~could need some additional training~~ which could have an impact on hours and wages. Such a "training" for example, would be the result of the investigation and would not be required or mandated before the investigation is completed. Typically, the investigation should be considered completed once the report has been finalized. It may, as a side effect, encourage those carrying out the investigation to complete the report in a timely fashion. Possible evidences: an overview of safety actions taken after an occurrence and their implications to the pay of the persons involved in the occurrence.

**COMMENT:**

To enhance the importance of occurrence reporting is important to protect the staff involved in the occurrence until the end of the investigation in a complete manner, not only preserving in full the pay and the benefits avoiding any kind of punitive actions and also additional training

response *Not accepted*

See the response to comment 287.

comment 312

comment by: ATCEUC

**ANSP.P.12**

Just Culture principles should be part of both initial, refreshment and improvement training. Please include an explicit reference, otherwise, JC training could only be included as an initial set of activities.

response *Not accepted*

See the response to comment 311.

comment 313

comment by: European Transport Workers Federation - ETF

**ANSP.P.7** Are the service provider's safety investigators completely **independent and** separate from any line, competency or ops management?

Organisational structure indicating reporting lines, procedures for investigation of occurrences.

It is acknowledged that in the case of small providers or small units, the number of staff is reduced and the provider/unit cannot afford to have independent staff to deal exclusively with safety management tasks. However, when people perform several jobs with different reporting lines e.g. in the case of safety investigations, today's best practice may be summed up as follows: experts in charge of investigations will report to the accountable post holder for safety; if they perform



	<p>other operational tasks part time they will report on the latter to their operational line manager.</p> <p><b>A "YES" answer is understood as a positive response to all elements of the question, namely: safety investigators are completely independent safety investigators are completely separate</b></p> <p>When providing the answer to the questionnaire in addition to answers "Yes/No", the relevant details (e.g. why complete independence cannot be ensured) should be provided in the Justification and Evidence section.</p> <p><b>COMMENT:</b></p> <p>Even acknowledging the case of small providers or small units the main objective of this question shall be to know if the provider, having the possibility, implements the higher level of organisational structure. It is confirmed asking the provider, answering to the questionnaire, to provide the relevant details e.g. why complete independence cannot be ensured.</p>
response	<p><i>Noted</i></p> <p>See the response to comment 116.</p>
comment	<p>314 comment by: <i>European Transport Workers Federation - ETF</i></p> <p><b>ANSP.O.8</b> An honest mistake can be considered as a mistake that is in line with people's experience and training, or the undesirable outcome inadvertently caused during a conduct respecting the applicable rules, or an event caused not having awareness of taking a substantial and unjustifiable risk and, particularly in the case of Air Traffic Controllers (ATCOs), can stem from working under pressure or even from periods of understimulation when traffic is light. Gross negligence, wilful violations, or destructive acts are not honest mistakes.</p> <p>Clear arrangements are required to define a separate body that gets to draw the line between honest mistakes and unacceptable behaviour. This body is to consist of more than one person <b>and includes staff qualified representatives</b>. It deals primarily with the internal disciplinary actions. Whether the action may be considered a crime under criminal law is entirely up to the judicial authorities, although the said body's activity may be extended to judicial actions under certain conditions.</p> <p>Possible evidences: Terms of references, working arrangements, staff nominations.</p> <p><b>COMMENT:</b></p> <p>The inclusion of qualified staff representatives is necessary according to the principle of bottomup approach and mutual trust between the management and the staff</p>
response	<p><i>Not accepted</i></p> <p>See the response to comment 331.</p>

## 6. Appendix A - Attachments



[Comment NSA-FABEC on NPA 2013-14 2013-09-11-v1.0.pdf](#)

Attachment #1 to comment [#270](#)