



Terms of Reference

for rulemaking task RMT.0723

Development of acceptable means of compliance and guidance material for safety key performance indicators and other safety performance indicators

The ATM Performance Scheme Implementing Regulation

ISSUE 1

Issue/rationale

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

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

Action area:	Regular updates/review of rules		
Affected rules:	Draft Commission Implementing Regulation (EU) .../... laying down a performance scheme for air navigation services and network functions		
Affected stakeholders:	Air navigation service providers (ANSPs); national supervisory authorities (NSAs); network manager (NM)		
Driver:	Efficiency	Rulemaking group:	Yes
Impact assessment:	None	Rulemaking Procedure:	Accelerated procedure (Art. 16)

● EASA rulemaking process milestones



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

The performance scheme Implementing Regulation¹ is in the process of being recast in preparation for RP3 of the ATM Performance Scheme, which shall commence in 2020 and end in 2024. As a result of the European Commission letter of 20 March 2018, and having regard to the role of EASA with respect to safety and ensuring the alignment with the European Aviation Safety Plan, EASA is tasked² with preparing the necessary AMC and, where necessary, the appropriate GM for the implementation and measurement of the SKPIs and other SPIs. Such AMC and GM will be applicable to the Safety Key Performance Area during RP3 in accordance with the provisions of the recast, new Implementing Regulation (EU) .../... on the ATM Performance Scheme. With regard to the EASA Rulemaking Procedure, technical input from EASA stakeholders will be needed for this task. It was therefore decided that a rulemaking group shall be established for the purposes of this task.

2. What we want to achieve — objectives

- To maintain, update and develop, as necessary, the AMC and GM for the implementation and measurement of the SKPIs that will be applicable to the Safety Key Performance Area in RP3;
- To maintain, update and develop, as necessary, the AMC and GM for the implementation and measurement of the SPIs that will be applicable to the RP3 Safety Key Performance Area.

3. How we want to achieve it

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

The Report proposed a reduction in the number of SKPIs used in RP2 to one, i.e. Effectiveness of Safety Management (EoSM), which should be measured at ANSP level. The report also proposed two possible methods for measuring the EoSM: the CANSO Standard of Excellence (hereinafter referred to as 'the SoE') and the EASA Cross-domain Management Assessment Tool (hereinafter referred to as 'the Cross-domain Tool'). On the recommendation of the dedicated stakeholder working group that produced the Cross-domain Tool, the Tool is best suited as GM and is not sufficiently robust when compared with the SoE. It follows that in order to minimise duplication of effort on the part of the ANSPs, EASA has decided to use the SoE as the basis for developing the necessary AMC and GM for the measurement of the SKPIs. It is acknowledged that redefining the SKPIs will have implications on how the RP3 targets are set and expressed.

In addition, the Report proposed the reduction of the number of SPIs. These proposed SPIs are separation minimum infringements and runway incursions, and they shall be defined as rates normalised by the appropriate exposure data. They shall be defined in such way that their

¹ Commission Implementing Regulation (EU) No 390/2013 of 3 May 2013 laying down a performance scheme for air navigation services and network functions (OJ L 128, 9.5.2013, p. 1).

² This is in accordance with Article 7 of Commission Implementing Regulation (EU) No 390/2013.



measurement will rely on the data that is collected under Regulation (EU) No 376/2014³, which is stored in the European Central Repository. The AMC and GM should define the processes to collect the information that is required to populate the SPIs.

4. What are the deliverables

- Intermediate deliverables are the relevant notice of proposed amendment (NPA) proposing AMC and GM for RP3, and the corresponding comment-response document (CRD) after the NPA consultation;
- ED Decision issuing the AMC and GM for RP3.

5. How we consult

An accelerated rulemaking procedure will be used, involving the NPA public consultation, but will not include a regulatory impact assessment (RIA), as per Article 16 of the Rulemaking Procedure⁴, as the options are linked with low expected impact and no controversy.

6. Interface issues

N/A

7. Profile and contribution of the rulemaking group

A rulemaking group will be established to support EASA in drafting the NPA, and may also support EASA in the review of comments received during the NPA public consultation.

Participation is on the basis of technical expertise and experience. However, this does not prevent rulemaking group members from liaising with affected parties and coordinating their position with the organisation/authority that nominated them. This ensures that they give the best contribution possible and as a means of reflecting the view of their authority/organisation (as affected stakeholders) in discussions. The leading goal shall be to allow the rulemaking group to fulfil its tasks in the best possible way.

The rulemaking group should:

- be composed of a sufficient number of experts representing NSAs, ANSPs, and EUROCONTROL;
- include one representative each from the Performance Review Body (PRB) and the European Commission, as well as representatives of airspace users, and professional organisations or social partner organisations in ATM/ANS;
- hold five to six meetings between 2018/Q3 and 2019/Q4, complemented by teleconferences, as needed.

Rulemaking group members should:

³ Regulation (EU) No 376/2014 of the European Parliament and of the Council of 3 April 2014 on the reporting, analysis and follow-up of occurrences in civil aviation, amending Regulation (EU) No 996/2010 of the European Parliament and of the Council and repealing Directive 2003/42/EC of the European Parliament and of the Council and Commission Regulations (EC) No 1321/2007 and (EC) No 1330/2007 (OJ L 122, 24.4.2014, p. 18).

⁴ EASA is bound to follow a structured rulemaking process as required by Article 52(1) of Regulation (EC) No 216/2008. Such a process has been adopted by the EASA Management Board (MB) and is referred to as the 'Rulemaking Procedure'. See MB Decision No 18-2015 of 15 December 2015 replacing Decision 01/2012 concerning the procedure to be applied by EASA for the issuing of opinions, certification specifications and guidance material (<http://www.easa.europa.eu/the-agency/management-board/decisions/easa-mb-decision-18-2015-rulemaking-procedure>).



- have knowledge of and experience in safety management and the measurement and validation of SPIs;
- attend all group meetings from start to end on a regular basis, in order to ensure continuation and efficiency.

8. Reference documents

8.1. Related regulations

- Commission Implementing Regulation (EU) No 390/2013 of 3 May 2013 laying down a performance scheme for air navigation services and network functions (OJ L 128, 9.5.2013, p. 1)
- Draft Commission Implementing Regulation (EU) .../... laying down a performance scheme for air navigation services and network functions

8.2. Related decisions

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

8.3. Reference documents

- Regulation (EC) No 216/2008 of the European Parliament and of 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)
- Regulation (EC) No 549/2004 of the European Parliament and of the Council of 10 March 2004 laying down the framework for the creation of the single European sky (the framework Regulation) (OJ L 096, 31.3.2004, p. 1)
- CANSO Standard of Excellence in Safety Management Systems v2.1, Civil Air Navigation Services Organisation, 2015
- EASA RP3 SKPI WG Report ‘Indicator Proposals for RP3’, European Aviation Safety Agency, 2016

