



## Explanatory Note to Decision 2013/032/R

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

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

#### EXECUTIVE SUMMARY

This Decision addresses an ATM safety performance issue related to facilitation of implementation and measurement of the safety key performance indicators (KPIs) as defined by performance scheme regulation which should be understood as Commission Regulation (EU) No 691/2010 as amended by Commission Implementing Regulation (EU) 1216/2011 for the first reference period (RP1) and Commission Regulation (EU) No 390/2013 for the second reference period (RP2). It addresses amendment to 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 the performance scheme regulation.

The specific objective is to make use of the experience gained during the RP1 and to refine the 'Acceptable Means of Compliance (AMC) and Guidance Material (GM) for the implementation and measurement of safety KPIs used for the purpose of performance target setting during the RP2. In addition provides some guidance to the Member States for the development of their Performance Plans for the RP2.

This Decision proposes some changes to the AMC/GM for the safety key performance indicators already implemented in RP1.

The proposed changes are expected to reduce regulatory burden and improve harmonisation by simplifying and clarifying the AMC and providing more guidance where deemed necessary based on the experience from RP1.

During the consultation period most of the stakeholders providing answer to the question in NPA 2013-14 requested the amendment of the AMC/GM to be applicable during the third year of RP1 i.e. since 1<sup>st</sup> of January 2014.

Applicability		Process map	
Affected regulations and decisions:	Decision 2011/017/R	Concept Paper:	No
Affected stakeholders:	Member States and ANSPs	Rulemaking group:	Yes
Driver/origin:	Regulation (EU) No 691/2010 as amended by Commission Implementing Regulation (EU) 1216/2011 and Commission Regulation (EU) No 390/2013	RIA type:	None
Reference:		Technical consultation during NPA drafting:	No
		Publication date of the NPA:	25.7.2013
		Duration of NPA consultation:	2 months
		Review group:	Yes
		Focussed consultation:	No

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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 ED Decision 2013/032/R 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<sup>3</sup>. The scope and timescale of the task were defined in the related Terms of Reference (ToR) (see process map on the title page). It should be noted that there will be another, second, NPA within this RMT which will address the performance indicators introduced during the second reference period (RP1).

The draft text of this Decision has been developed by the Agency in consultation with the Performance Review Body based on the input of the Rulemaking Group RMT.0518 supported by experts from EUROCONTROL in accordance with the working arrangements between the Agency and EUROCONTROL. All interested parties were consulted through NPA 2013-14<sup>4</sup>. In total 304 comments were received from interested parties, including industry, national aviation authorities and social partners.

The Agency has reviewed the comments received on the NPA. The comments received and the Agency's responses are presented in the Comment-Response Document (CRD) 2013-14<sup>5</sup>.

The final text of this Decision with the Acceptable Means of Compliance (AMC) and Guidance Material (GM) has been developed by the Agency based on the input of the Review Group RMT.0518.

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

### 1.2. Structure of the related documents

Chapter 1 contains the procedural information related to this task. Chapter 2 explains the core technical content. The text of the amended AMC/GM is annexed to the ED Decision. In addition to allow readers to also see these the detailed changes a Change Information chapter has been created in the CRD 2013-14 which is published together with this ED Decision.

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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.

<sup>3</sup> <http://easa.europa.eu/rulemaking/terms-of-reference-and-group-composition.php>.

<sup>4</sup> In accordance with Article 52 of the Basic Regulation and Articles 5(3) and 6 of the Rulemaking Procedure.

<sup>5</sup> See: <http://easa.europa.eu/rulemaking/comment-response-documents-CRDs-and-review-groups.php>.

## 2. Explanatory Note

This Decision is providing AMC/GM to the safety key performance indicators (KPIs) as defined by performance scheme Regulation which should be understood as Commission Regulation (EU) No 691/2010 as amended by Commission Implementing Regulation (EU) 1216/2011<sup>6</sup> for the first reference period (RP1) and Commission Regulation (EU) No 390/2013<sup>7</sup> for the second reference period (RP2).

### 2.1. Overview of the issues to be addressed

During the initial implementation of SKPIs the Agency together with the PRB identified that there are certain difficulties with the interpretation and consequently the measurement of SKPIs. Since the SKPIs, 'the effectiveness of safety management' (EoSM) and 'the reporting by the Member States and their air navigation service providers through a questionnaire which measures the level of presence and corresponding level of absence of just culture (JC)' are based on questionnaires, there was a need for further clarification in order to improve the uniform understanding of the questions. In particular there were some issues with the correct implementation and verification of the JC questionnaires both at State and ANSP level. Needs for better alignment of the EoSM questionnaire with the EU legislation and some more guidance on the verification process were also identified.

### 2.2. Objectives

The overall objectives of the EASA system are defined in Article 2 of the Basic Regulation. This proposal will contribute to the achievement of the overall objectives by addressing the issues outlined in Chapter 2. It should be noted that the performance scheme Regulation for air navigation services and network functions implement Article 11 of the Regulation (EC) No 549/2004 of the European Parliament and of the Council (framework Regulation) and, therefore, it is not an Implementing Rule of the Basic Regulation.

The specific objective of this proposal is, therefore, to facilitate the implementation and measurement of SKPIs as defined in Section 2 and Section 1 of Annex I of the performance scheme Regulation establishing the SKPIs with EU wide safety performance targets by improving the quality and clarity of the existing AMC/GM.

### 2.3. Outcome of the consultation

Detailed information on the outcome of the consultation could be found in CRD 2013-14.

### 2.4. Summary of the Regulatory Impact Assessment (RIA)

N/A.

### 2.5. Overview of the amendments

Amendments in the ED Decision update the safety key performance indicators (SKPIs) where necessary and provide additional guidance for better and easier implementation. It is providing new guidance material for description of interdependences of the other performance areas with safety. The nature of the introduced amendments is mainly editorial and aims at improving the clarity and harmonised understanding and measurement of the SKPIs.

Detailed information for the outcome of the consultation could be find in CRD 2013-14.

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<sup>6</sup> Regulation (EU) No 691/2009 laying down a performance scheme for air navigation services and network functions (OJ, 30.8.2010) and Regulation (EU) No 1216/2011 amending Regulation (EU) No 691/2010 laying down a performance scheme for air navigation services and network functions (OJ, 25.11.2011).

<sup>7</sup> Commission Implementing Regulation (EU) No 390/2013 of 3 May 2013 laying down a performance scheme for air navigation services and network functions (OJ, 9.5.2013 )

### **3. References**

#### **3.1. Related regulations**

- Regulation (EU) No 691/2009 laying down a performance scheme for air navigation services and network functions (OJ L 201, 30.8.2010) and Commission Implementing Regulation (EU) No 1216/2011 amending Regulation (EU) No 691/2010 laying down a performance scheme for air navigation services and network functions (OJ L 310, 25.11.2011) (performance scheme Regulation);
- Commission Implementing Regulation (EU) No 390/2013 of 3 May 2013 laying down a performance scheme for air navigation services and network functions (OJ, 9.5.2013) (performance scheme Regulation);
- The performance scheme Regulation for air navigation services and network functions implements Article 11 of the Regulation (EC) No 549/20049 of the European Parliament and of the Council (OJ L 96, 31.3.2004) (framework Regulation).

#### **3.2. Affected Decisions**

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 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)'.

#### **3.3. Reference documents**

N/A.