



TERMS OF REFERENCE

- Task Nr:** RMT.0408 (ATM.022)
- Issue:** 1
- Date:** 18 August 2011
- Regulatory reference:**
- Regulation (EC) No 549/2004
 - Regulation (EC) No 550/2004
 - Regulation (EC) No 1070/2009
 - Regulation (EC) No 216/2008
 - Regulation (EC) No 1108/2009
 - Regulation (EC) No 691/2010
 - Regulation (EC) No 2096/2005
 - Regulation (EC) 1315/2007
 - Regulation (EU) 996/2010
 - EU Directive 2003/42
- Reference documents:**
- EASA Opinion No 02/2010
 - ICAO Annex 11
 - ESARR 2
 - EUROCONTROL ATM Safety Framework Maturity Survey - Methodology for ANSPs
 - EUROCONTROL ATM Safety Framework Maturity Survey - Methodology for ATM Regulators
 - EUROCONTROL Risk Analysis Tool Guidance Material
 - European Commission, EASA and EUROCONTROL (E3) Task Force report 'Metrics for Safety Key Performance Indicators for the Performance Scheme'

1. Subject: Development of Acceptable Means of Compliance (AMC) and/or Guidance Material (GM) for Safety Key Performance Indicators (SKPI) to implement the Regulation (EU) No 691/2010 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 provision of air navigation services.

2. Problem / Statement of issue and justification; reason for regulatory evolution (regulatory tasks):

During the drafting and adoption process of Regulation (EU) 691/2010, it was recognised by the European Commission and by the Member States that more time was needed in order to develop the safety key performance indicators at the European level.

This regulation established that for the first reference period (RP1:2012-2014) the following SKPIs shall be established and monitored:

- Effectiveness of Safety Management
- Severity classification of the Risk Analysis Tool to allow harmonized reporting
- Reporting of just culture

The regulation did not require any European wide targets for safety. Section 2 of Annex I of Regulation (EU) No 691/2010 requires that the three European wide SKPIs are developed jointly by the European Commission, the Member States, EASA and EUROCONTROL and adopted by the European Commission prior to the first reference period. Therefore, and in order to prepare the work, a joint group, composed of experts from the European Commission, EASA and EUROCONTROL, was established by the European Commission during the last quarter of 2010. This group, named E3, is in charge of further developing the three European wide SKPIs. The E3 group produced a technical report which contained the description of the three SKPIs, several options for measurement and verification and more technical details needed by the Member States to implement the regulation. The technical report was sent to the Performance Review Body (PRB) and the European Commission and has been consulted with the Member States and industry.

Based on the content of this E3 report, the European Commission is preparing a draft implementing rule to amend the Annex I of Regulation (EU) No 691/2010 as appropriate. The Commission aims to present the draft to the Single Sky Committee at the Committee meeting in September 2011 for its voting.

During the development of the technical report, it was recognised that the description of the three SKPIs was too technical and too difficult to be regulated at the level of an implementing rule which shall be legally binding in its entirety. Therefore, several solutions were explored and it was finally decided by the E3 group together with the European Commission that the best way forward was to make use of the EASA system for AMC and/or GM. In this way, the stakeholders will be able to have stable SKPIs during the first reference period and at the same time to have the technical information at the right level.

Therefore, the purpose for this task is to transfer the content of the technical report that was produced by the E3 group, after it has been amended based on the comments made by Member States and industry and after all the information and data have been made available by EUROCONTROL, into AMC and/or GM to be adopted by the Executive Director of the Agency.

Based on the above, the European Commission requested the Agency to develop those AMCs and GMs in a letter dated 27 Jun 2011.

3. Objective:

Based on the content of the final technical report of the E3 group and taking into account the comments received by the Member States and the industry to the report, develop the appropriated measures (AMC and/or GM) to implement the content of the regulation amending Regulation (EU) No 691/2010

The measures should provide the Member States, competent authorities and Air Navigation Service Providers with sufficient and clear means and guidelines to implement the regulation correctly. They should provide a transparent and uniform way of implementing the regulation.

4. Specific tasks and interface issues (Deliverables):

Develop AMC and/or GM to Regulation (EU) No 691/2010 and its amendments to provide the Member States, the competent authorities and the Air Navigation Service Providers (ANSPs) with the necessary means to implement the regulation.

The AMC and/or GM shall be, as necessary, developed for the following SKPIs:

- Effectiveness of Safety Management;
- Severity classification of the Risk Analysis Tool to allow harmonised reporting; and

- Reporting of just culture

The measures developed should provide guidance to the Members States, competent authorities and ANSPs as applicable, to evaluate each of the SKPIs.

5. Working Methods:

In addition to the applicable Agency procedures, it has been decided to make it an Agency task.

This decision is also justified because the content of the AMC and/or GM will be based on the E3 group technical report which has been circulated and consulted within the Member States and the affected stakeholders and because the technical material to be used is not new and is based on the EUROCONTROL Risk Analysis Tool and EUROCONTROL ATM Safety Framework Maturity Survey.

6. Time scale, milestones:

The development of the measures should allow the publication of an Executive Director decision by the last quarter of 2011 (NPA publication October – November 2011).