

European Aviation Safety Agency

**DECISION No 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)'**

THE EXECUTIVE DIRECTOR OF THE EUROPEAN AVIATION SAFETY AGENCY,

Having regard to Regulation (EC) No 216/2008¹ (hereafter referred to as the 'Basic Regulation'), and in particular Article 38(3)(a) and (e) thereof,

Having regard to Commission Regulation (EU) No 691/2010² (hereafter referred to as the 'performance scheme regulation') as amended by the Commission Implementing Regulation (EU) No 1216/2011, and in particular point 1(e) of Section 2 to Annex I.

Whereas:

- (1) Pursuant to point 1(e) of Section 2 of Annex I to the performance scheme regulation, the Agency shall adopt Acceptable Means of Compliance and Guidance Material to facilitate the implementation and measurement of the safety key performance indicators (KPIs).
- (2) The Agency shall, pursuant to Article 18 of the Basic Regulation, issue Certification Specifications, including Airworthiness Codes and Acceptable Means of Compliance, as well as Guidance Material for the application of the Basic Regulation and its Implementing Rules.
- (3) Pursuant to Article 19 of the Basic Regulation, Certification Specifications, Acceptable Means of Compliance and Guidance Material adopted by the Agency shall reflect the state of the art and the best practices in the fields concerned and shall be updated taking into account worldwide experience from in-service aircraft, as well as scientific and technical progress.
- (4) The Agency has consulted the PRB and, pursuant to Article 52(1)(c) of the Basic Regulation and Articles 5(3) and 6 of the Rulemaking Procedure³, has widely consulted the interested parties on the matters which are the subject of this Decision and has provided thereafter a written response to the comments received⁴,

¹ 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). Regulation as last amended by Regulation (EC) No 1108/2009 (OJ L 309, 24.11.2009, p. 51).

² Commission Regulation (EC) 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).

³ 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/08/07, 13.6.2007.

⁴ See NPA 2011-18 and CRD 2011-18 on the Rulemaking Archives webpage <http://easa.europa.eu/rulemaking/r-archives.php#npa>.

HAS DECIDED:

Article 1

1. Acceptable Means of Compliance and Guidance Material for the implementation and measurement of safety KPIs pursuant to the performance scheme Regulation are established in the Annex to this Decision.
2. This Decision is applicable to Member States, their competent authorities and certified ATS and/or CNS providers subject to the performance scheme regulation.

Article 2

This Decision shall enter into force on 23rd December 2011. It shall be published in the Official Publications of the Agency.

Done in Cologne, on 16th December 2011.

P. GOUDOU