



# Explanatory Note to Decision 2014/035/R

## Acceptable Means of Compliance and Guidance Material for the implementation and measurement of Safety (Key) Performance Indicators (S(K)PIs)

### 'AMC/GM FOR SKPIs — ISSUE 2'

RELATED NPA 2014-08/CRD 2014-08 — RMT.0518 — 16.12.2014

#### EXECUTIVE SUMMARY

This Decision addresses a safety performance issue related to the evaluation of Safety (Key) Performance Indicators (S(K)PIs) at the level of Air Navigation Service Providers and at State level.

The Decision is linked to Commission Implementing Regulation (EU) No 390/2013 (the performance scheme Regulation).

The specific objective is to propose Acceptable Means of Compliance and Guidance Material (AMC/GM) for the Safety Performance Indicators (SPIs) which will be introduced in the second reference period (RP2) and to make some minor amendments to the already published AMC/GM for SKPIs.

This Decision proposes new AMC/GM for the SKPIs (with no EU-wide targets) as defined in paragraph 1.2. of Section 2 of Annex I to Commission Implementing Regulation (EU) No 390/2013. It also repeals ED Decision 2011/017/R and proposes Issue 2 of the AMC/GM in order to improve the readability and the implementation of the AMC/GM.

The proposed changes are expected to facilitate the stakeholders to comply with the safety performance requirements in the above-mentioned Regulation.

Applicability		Process map	
Affected regulations and decisions:	Commission Implementing Regulation (EU) No 390/2013; ED Decision 2011/017/R (AMC/GM for SKPI)	Concept Paper:	No
Affected stakeholders:	NSAs and ANSPs	Rulemaking group:	Yes
Driver/origin:	Legal obligation	Terms of Reference:	23.4.2013
Reference:	N/A	RIA type:	None
		Technical consultation during NPA drafting:	No
		Publication date of the NPA:	31.3.2014
		Duration of NPA consultation:	2 months
		Review group:	No
		Focussed consultation:	No
		Publication date of the Opinion:	N/A



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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 Decision 2014/035/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 [4-year Rulemaking Programme](#) under RMT.0518<sup>3</sup>. The scope and timescale of the task were defined in the related Terms of Reference (see process map on the title page). Two NPAs were published for consultation with the stakeholders — NPA 2013-14<sup>4</sup>, the consultation of which resulted in ED Decision 2013/032/R<sup>5</sup> amending the AMC/GM for SKPIs already established with ED Decision 2011/017/R for RP1, and NPA 2014-08<sup>6</sup> for AMC/GM relevant to SPIs introduced in the second reference period (RP2).

The draft text of this Decision has been developed by the Agency based on the input of the Rulemaking Group for RMT.0518. All interested parties were consulted through NPA 2014-08<sup>7</sup>. 187 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 thereto are presented in Comment-Response Document (CRD) 2014-08<sup>8</sup>.

The final text of this Decision with the AMC/GM has been developed by the Agency.

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 AMC/GM is annexed to the 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).

<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/document-library/terms-of-reference/tor-rmt0518-issue-1>.

<sup>4</sup> <http://easa.europa.eu/rulemaking/notices-of-proposed-amendment-NPA.php>.

<sup>5</sup> <http://easa.europa.eu/system/files/dfu/2013-032-R-ED%20Decision%202013-032-R.pdf>

<sup>6</sup> <http://easa.europa.eu/rulemaking/notices-of-proposed-amendment-NPA.php>.

<sup>7</sup> In accordance with Article 52 of the Basic Regulation and Articles 5(3) and 6 of the Rulemaking Procedure.

<sup>8</sup> <http://easa.europa.eu/document-library/comment-response-documents>



## 2. Explanatory Note

This Decision is adopting the AMC/GM Issue 2 for Regulation (EU) No 390/2013<sup>9</sup> (hereinafter referred to as the performance scheme Regulation). Said Issue covers all AMC/GM for the SKPIs and SPIs and is repealing ED Decision 2011/017/R.

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

With regard to the SPIs<sup>10</sup>, there are certain new performance requirements introduced by the performance scheme Regulation for RP2 compared to RP1<sup>11</sup>. For the new SPIs introduced during RP2, there are no EU-wide safety performance targets. These SPIs for RP2 are:

- the application by the air navigation service providers of automated safety data recording systems where available, which shall include, as a minimum, monitoring of separation minima infringements and runway incursions;
- the reporting performed by the Member States and air navigation service providers on the level of occurrence reporting on an annual basis, aiming at measuring the level of reporting and addressing the issue of improvement of reporting culture; and
- the number of, as a minimum, separation minima infringements, runway incursions, airspace infringements and ATM-specific occurrences at all air traffic services units.

### 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. The specific objective of this proposal is, therefore, to provide the stakeholders with the AMC/GM needed for the implementation of SPIs in RP2.

### 2.3. Outcome of the consultation

The outcome of the consultation of the proposal presented in NPA 2014-08 can be found in CRD 2014-08.

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

As it is explained in NPA 2014-08, a RIA has not been conducted for this task.

### 2.5. Overview of the Decision 'Acceptable Means of Compliance and Guidance Material for the implementation and measurement of Safety (Key) Performance Indicators (SKPIs)' Issue 2

The AMC/GM for Safety (Key) Performance Indicators will be amended for the second time. In order to provide for better readability, the AMC/GM to SKPIs is reissued as a consolidated version. This Decision repeals Decision 2011/017/R and is published as 'AMC and GM for the implementation and

<sup>9</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 L121, 9.5.2013, p. 1).

<sup>10</sup> As defined in Article 2 of the performance scheme Regulation, "performance indicators" means the indicators used for the purpose of performance monitoring, benchmarking and reviewing'.

<sup>11</sup> According to Article 8 of the performance scheme Regulation 'The first reference period for the performance scheme shall cover the calendar years 2012 to 2014 inclusive. The second reference period shall cover the calendar years 2015 to 2019 inclusive.'



measurement of Safety (Key) Performance Indicators (SKPIs) — Issue 2'. It introduces some new AMC/GM based on the consultation on NPA 2014-08 and it rectifies some formatting errors in Decision 2013/032/R.

### 2.5.1 New AMC/GM

#### GM1 SKPI General

A new definition of 'airspace infringement' is proposed in order to clarify the text in the AMC/GM where this term is used. The definition is based on the 'European Action Plan for Airspace Infringement Risk Reduction', but it also reflects some elements defined in Regulation (EU) No 923/2012<sup>12</sup> such as Radio Mandatory Zones and Transponder Mandatory Zones (RMZ and TMZ) and uses the term 'restricted airspaces' to be consistent with the definitions in Regulation (EC) No 2150/2005<sup>13</sup>. During the consultation, a new definition was added for 'Separation minima infringement'.

Also several acronyms/initialisms were added in the relevant table based on the input during the consultation.

#### AMC11 SPI Application by the air navigation service providers of automated safety data recording systems where available, which shall include, as a minimum, monitoring of separation minima infringements and runway incursions

This AMC provides high-level technical requirements for the automated safety data recording systems which are capable of detecting events like separation minima infringements (SMIs) and runway incursions (RI). It also defines the minima information to be reported.

#### GM16 SPI Automated safety data recording systems for monitoring of separation minima infringements (SMIs)

This GM is mainly focussed on the automated systems detecting SMIs. It emphasises the need of such systems to be used in a just culture environment to improve the information used by the organisation's SMS. It provides guidance for the practical implementation of such systems.

#### GM17 SPI Automated safety data recording systems for monitoring of runway incursions (RI)

Like in GM16, this GM provides guidance for the practical implementation of the processes such as:

- interface with ATC operational systems;
- filtering for genuine events; and
- recording.

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<sup>12</sup> Commission Implementing Regulation (EU) No 923/2012 of 26 September 2012 laying down the common rules of the air and operational provisions regarding services and procedures in air navigation and amending Implementing Regulation (EU) No 1035/2011 and Regulations (EC) No 1265/2007, (EC) No 1794/2006, (EC) No 730/2006, (EC) No 1033/2006 and (EU) No 255/2010 (OJ L 281, 13.10.2012, p. 1).

<sup>13</sup> Commission Regulation (EC) No 2150/2005 of 23 December 2005 laying down common rules for the flexible use of airspace (OJ L 342, 24.12.2005, p. 20).



**GM18 SPI The reporting by the Member States and air navigation service providers on the level of occurrence reporting, on an annual basis, aiming at measuring the level of reporting and addressing the issue of improvement of reporting culture**

This GM proposes indirect methods for evaluating the reporting levels using both qualitative and quantitative information. It also provides an example of how such an evaluation should be structured in the relevant report of the level of occurrence reporting.

Also, this GM provides an example for the document outline for the annual assessment of the level of occurrence reporting which includes:

- an introduction containing qualitative information relevant to occurrence reporting;
- data analysis with quantitative information including some examples of the use of rate of occurrences of other data (e.g. number of RI/number of arrivals and departures); and
- conclusions containing the assessment of the level of occurrence reporting.

**AMC12 SPI The reporting by the Member States and air navigation service providers on the level of occurrence reporting, on an annual basis, aiming at measuring the level of reporting and addressing the issue of improvement of reporting culture**

This AMC provides the minimum content of the reports on the level of occurrence reporting on an annual basis, aiming at measuring the level of reporting and addressing the issue of improvement of reporting culture. These reports should include:

- quantitative and qualitative analysis of the reporting level (examples are given in GM18 SPI); and
- actions identified to improve the reporting culture.

**GM19 SPI Process for submitting the number of, as a minimum, separation minima infringements, runway incursions, airspace infringements, and ATM-specific occurrences at all air traffic services units**

This GM is developed to provide information on the process of evaluating the relevant performance indicator.

Based on the data available, an analysis report of the data submitted by them will be sent by the Agency and Performance Review Body (PRB) to the Member States (MS) by the end of April each year. The analysis of EASA/PRB may contain some observations regarding the quality of the data that the State submitted.

The MS should check the report provided by the Agency and the PRB, confirm the numbers presented in the report and respond to the observations.

**AMC13 SPI The number of, as a minimum, separation minima infringements, runway incursions, airspace infringements, and ATM-specific occurrences at all air traffic services units**

This AMC follows the logic in the process as described in GM19 SPI, providing means of compliance for the MS as follows:

- to validate the numbers presented in the report and advise of any identified discrepancies;
- to respond to all the observations in the report; and



- to send a confirmation of the numbers presented and the responses to the observations to the Agency.

### 2.5.2 Corrections

In addition to the changes introduced based on the consultation of NPA 2014-08, this Decision also makes some corrections<sup>14</sup> to ED Decision 2013/032/R. There were software errors during formatting the text for the publication resulting in inconsistencies between:

- Appendix 1 to AMC 3 SKPI — EoSM ANSP Level and Appendix 1 to GM 5 SKPI — Verification of ANSP EoSM by NSA, for question SA8-2 which is missing in the AMC document;
- Appendix 1 to AMC 10 SKPI — Just Culture Questionnaire — ANSP level and Appendix 1 to GM 14 SKPI — Just Culture — ANSP level — possible evidence, for the questions ANSP.O.5 and ANSP.O.6;
- Appendix 2 to AMC 2 SKPI — List of Weightings for Evaluation of Effectiveness of Safety Management Questionnaire — State level and Appendix 1 to AMC 2 SKPI — Questionnaire for Measurement of Effectiveness of Safety Management KPI — State level in the numbering of questions Q1.8 to Q1.16.

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<sup>14</sup> Please refer to 1.7 of [CRD 2014-08](#).



### 3. References

#### 3.1. Related regulations

- 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 provision of air navigation services (OJ L 201, 3.8.2010, p. 1) as amended by Commission Implementing Regulation (EU) No 1216/2011 of 24 November 2011 amending Commission Regulation (EU) No 691/2010 (OJ L 310, 25.11.2011, p.3)
- Commission Implementing Regulation (EU) No 390/2013 of 3 May 2013 laying down a performance scheme for air navigation services and network functions (OJ L121, 9.5.2013, p. 1)

#### 3.2. Affected decisions

Decision 2013/032/R of the Executive Director of the Agency of 20 December 2013 amending Acceptable Means of Compliance and Guidance Material for the implementation and measurement of safety Key Performance Indicators (SKPIs), 'AMC/GM for SKPIs — Amendment 1'

#### 3.3. Reference documents

N/A

