



## Terms of Reference

for a rulemaking task

### Development of AMC/GM for safety key performance indicators (ATM performance IR) for reference period 2

RMT.0518 — ISSUE 1 — 23/04/2013

| Applicability                       |  | Process map                                |               |
|-------------------------------------|--|--|---------------|
| Affected regulations and decisions: | ED Decision 2011/017/R   | Rulemaking lead                            | R5            |
| Affected stakeholders:              | NSAs and ANSPs   | Concept Paper                              | No            |
| Driver/origin:                      | Commission Letter dated 14 December 2012;<br>Draft Commission Regulation (EU) No .../... laying down a performance scheme for air navigation services and network functions, voted during SSC/49 on 7–8 March 2013 | Rulemaking group                           | Yes           |
| Reference:                          | A/258 of 7 January 2013  | RIA type                                   | None          |
|                                     |  | Technical consultation during NPA drafting | No            |
|                                     |  | Publication date of NPA1                   | June 2013     |
|                                     |  | Publication date of NPA2                   | November 2013 |
|                                     |  | Duration of NPA1 consultation              | 6 weeks       |
|                                     |  | Duration of NPA2 consultation              | 3 months      |
|                                     |  | Review group                               | No            |
|                                     |  | Focused consultation                       | No            |
|                                     |  | Publication date of the Opinion            | 2013/Q4       |
|                                     |  | Publication date of the Decision           | 2014/Q2       |

## 1. Issue and reasoning for regulatory change

Commission Regulation (EU) No 691/2010 (hereinafter referred to as the 'performance scheme Regulation') implements Article 11 of Regulation (EC) No 549/2004 (the framework Regulation) and includes a mechanism also for safety performance monitoring. The Single Sky Committee during its 49th meeting on 7–8 March 2013 voted positively the new performance scheme Regulation (draft Commission Regulation (EU) No .../... laying down a performance scheme for air navigation services and network functions) which will replace Commission Regulation (EU) No 691/2010. With this revision three new safety performance indicators (SPIs) were introduced for the second reference period (RP2) and the SPIs from RP1 were defined as key SPIs (whose targets will be established for RP2). With its letter dated 14 December 2012 the Commission instructed the Agency to update ED Decision 2011/017/R on Acceptable Means of Compliance and Guidance Material for the implementation and measurement of Safety Key Performance Indicators (SKPIs) (ATM performance IR) and possibly to supplement it with further AMC/GM in accordance with the new provisions of Regulation (EU) No .../.... Having in mind that technical input from the stakeholders will be needed for the task, it was decided that a rulemaking group should be established for the purposes of this task.

## 2. Objectives

- To update, where necessary, the AMC/GM of ED Decision 2011/017/R;
- To develop new AMC/GM for the newly developed SPIs for RP2.

## 3. Specific tasks and deliverables

### 3.1. Tasks

**3.1.1.** Review and update, where necessary, the AMC/GM of ED Decision 2011/017/R. This review, based on the already gained experience during the implementation of the SPIs, shall refine the AMC/GM and shall improve the clarity and provide further guidance where deemed necessary for the following SKPIs as defined in draft Commission Regulation (EU) No .../...:

- the minimum level of the effectiveness of safety management;
- the percentage of application of the severity classification based on the risk analysis tool (RAT) methodology to the reporting of, as a minimum, three categories of occurrences: separation minima infringements, runway incursions, and ATM-specific occurrences at all air traffic service units;
- the reporting by the Member States and their air navigation service providers of the level of presence and corresponding level of absence of just culture.

**3.1.2.** Develop new AMC/GM for the following SPIs as defined in draft Commission Regulation (EU) No .../...:

- 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 by the Member States and air navigation service providers of 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;
- the number of, as a minimum, separation minima infringements, runway incursions, airspace infringements, and ATM-specific occurrences at all air traffic service units.

### **3.3. Deliverables**

#### **3.2.1. For the task from point 3.1.1.:**

NPA publication in June 2013.

#### **3.2.2. For the task from point 3.2.1.:**

NPA publication in November 2013.

### **3.4. Focussed consultation**

N/A

## **4. Profile and contribution of the rulemaking group**

Participation is on the basis of technical expertise and experience. This, however, does not prevent members from liaising with affected parties and coordinate their position with the organisation/authority that nominated them, so as to ensure that they give the best contribution possible and reflect in the discussions the view of their authority/organisation (as affected stakeholders). The leading goal shall be to allow the group to fulfill its tasks in the best possible way.

Rulemaking group members should:

- attend all group meetings from start to end on a regular basis, in order to ensure continuation and efficiency;
- participate in discussions whenever relative views and/or information could be given and contribute with proposals to the planned deliverables, as appropriate;
- assist in the efficient planning of the meeting, inform the chair and secretary before the meeting of non-availability for a group meeting.

Profile of the rulemaking group and its members:

- experience in NSA and/or ANSP, in particular in safety management;
- experience in measurement and validation of safety performance indicators;
- the group shall mainly be composed of NSAs and ANSPs representatives; one to maximum two members may be representatives of professional organisations or unions in ATM/ANS;
- role, responsibilities, and duties of the rulemaking group members specific to this task:
  - to contribute with written proposals to the planned deliverables;
  - the proposals shall be of good quality and shall be delivered in time in accordance with the deadlines established by the group.

## **5. Annex I: Reference documents**

### **5.1. Affected regulations**

N/A

### **5.2. Affected decisions**

- ED Decision 2011/017/R of the Executive Director of the European Aviation Safety Agency of 16 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)'

### **5.3. Reference documents**

- Commission Regulation (EU) No 691/2010;
- Draft Commission Regulation (EU) No .../... laying down a performance scheme for air navigation services and network functions, as voted by the Single Sky Committee during its 49th meeting on 7–8 March 2013;
- ED Decision 2011/017/R on Acceptable Means of Compliance and Guidance Material for the implementation and measurement of Safety Key Performance Indicators (SKPIs) (ATM performance IR).