

Terms of Reference & Rules of Procedure

[Text approved by the Permanent Commission on 7 November 2003. Updated PRC Rules of Procedure approved by the Permanent Commission on 14 November 2007]

Performance Review Commission

Terms of Reference

1. The Performance Review Commission (PRC) is a Commission established by the Permanent Commission to provide advice in order to ensure the effective management of the European air traffic management system through a strong, transparent and independent performance review and target setting system.
2. The PRC will advise on the development of the performance review and target setting system, which will be implemented and enforced by the Member States.
3. The PRC will advise the Permanent Commission through the Provisional Council on all matters related to performance review and target setting, including recommendations for the improvement of these functions.
4. The PRC will report through the Provisional Council to the Permanent Commission, which will approve and may amend its functions.

Organisation

5. The PRC will be composed of twelve members, including the Chairman and Vice Chairman, to be appointed by the Provisional Council, according to a selection process to be included in the PRC Rules of Procedure.
6. The PRC will determine its own rules of procedure, subject to approval by the Permanent Commission.
7. The PRC will maintain a close and permanent consultation with Air Traffic Management (ATM) service providers, representative organisations of airspace users and airport authorities, representatives of ECAC government regulatory bodies and/or other bodies or international organisations which can contribute to the work of the Performance Review Commission.
8. The PRC will adopt its Work Programme and associated budgetary estimates relating to performance review.
9. The PRC will be supported by the Performance Review Unit (PRU) operating under the EUROCONTROL Agency with the appropriate level of independence.

Functions

10. In the exercise of its advisory functions, the PRC shall:
 - a) propose overall objectives for improvement of ATM system performance;
 - b) propose performance indicators for monitoring and analysis of ATM system performance;
 - c) approve the format, structure and frequency of performance review reports and the extent of dissemination;
 - d) propose targets to be set for ATM system improvements;
 - e) propose guidelines for economic regulation of ATM service providers;

- f) address the proper functioning of the PRU, its work programme and the quantity and quality of its output and adopt the budgetary estimates relating to performance review to be included in the Agency's draft budget;
- g) ensure widespread circulation of the remedial recommendations for ATM system improvements, after their approval by the Permanent Commission through the Provisional Council;
- h) review and, as appropriate, make recommendations to the Permanent Commission through the Provisional Council on ATM performance issues submitted to it by authorised parties: ATM service providers, Airports, Airspace users (civil, military), EUROCONTROL Agency, Government regulatory bodies and other Agencies and International Organisations which can contribute to the work of the PRC;
- i) undertake such other functions within the sphere of performance review as the Permanent Commission may specify.

Performance Review Unit

Terms of Reference

1. The Performance Review Unit (PRU) is responsible for monitoring and reviewing the performance of the European ATM System. As part of the EUROCONTROL Agency with the appropriate level of independence, the PRU will support the PRC. It will report, for administrative purposes only, to the EUROCONTROL Director General who will be accountable to the Permanent Commission for the Unit.
2. The PRU shall:
 - a) evaluate, monitor and report on ATM System including the Agency, from a gate-to-gate perspective for airspace mentioned in Annex II of the revised Convention in regard to agreed and defined parameters which could include productivity (e.g. traffic handled); standards of safety performance; efficiency (e.g. cost per flight); operational performance (e.g. delays, additional route mileage, costs); relevant military requirements; system enhancement (e.g. implementation projects and programmes); and other related factors; a balanced approach is essential;
 - b) propose, monitor and report on ATM related performance parameters which could include compliance with ATM procedures, airlines slot wastage (e.g. multiple flight planning); airlines ATM delay inducement (e.g. near simultaneous flight scheduling for same route(s)); airports (e.g. inadequacy of airside facilities); and other related factors;
 - c) work with ATM service providers, the Agency, airports, individual users, and representative organisations of airspace users and airports in cases of ATM related activities, in setting targets for achievement in areas under (a), (b) and (c);
 - d) develop guidelines for economic regulation of ATM service providers by national administrations, and monitor their application;
 - e) make recommendations to the PRC, on the basis of its analyses, for performance improvements of the European ATM System relating to and supporting ATM service provision, the EUROCONTROL Agency and representative organisations of airspace users and airports, or individual users and airports where appropriate;
 - f) prepare, and submit for the PRC's adoption, the budgetary estimates relating to performance review.
3. In order to carry out these functions the PRU will develop and maintain working arrangements with service providers, representative organisations of airspace users and airports, and industry, and other appropriate bodies. These arrangements will be submitted through the PRC and the Provisional Council to the Permanent Commission.

Performance Review Commission

Rules of Procedure

Article 1 Composition

- 1.1 In accordance with the PRC's Terms of Reference, the PRC shall have twelve Members in total (including the Chairman and one Vice-Chairman), appointed by the Provisional Council from among candidates submitted by the Member States.

Article 2 Term of Office

- 2.1 The twelve PRC Members shall be appointed jointly for a common term of office of two years.
- 2.2 The Members of the PRC shall take office at the first meeting of each term of office.
- 2.3 Any PRC Member may be submitted to the Provisional Council as a candidate for a second consecutive term of office of the PRC, on the understanding that no PRC Member can serve for more than four consecutive years. In order to ensure continuity in the work of the PRC, a complete changeover of members at the same time should be avoided. Normally one-half (6), never less than one-third (4), of the Commissioners serving a given term of office, shall therefore be retained for the following term of office of the PRC.
- 2.4 Where, during a given term of office, a PRC Member can no longer exercise his/her office, the Provisional Council will decide whether the position should remain vacant or be filled by a new member, based on the procedures laid down in Article 4, for the remainder of that PRC Member's term of office.

Article 3 Eligibility criteria

- 3.1 Candidates shall have the nationality of a Member State.
- 3.2 Candidates shall have professional experience of air traffic management (planning, technical, operational or economic aspects), safety or economic regulation in one or more of the following areas:
- Government regulatory bodies;
 - air navigation services;
 - airports;
 - aircraft operations;
 - military;
 - research and development.
- 3.3 Candidates may include representatives of user or airport organisations.
- 3.4 Candidates may include independent experts.

- 3.5 Candidates holding key managerial positions in aviation, airports or the military may be eligible in exceptional cases only, where their independence can be guaranteed.
- 3.6 Candidates must provide a written undertaking with their application stating that, if appointed to the PRC, they will act independently and will abide by the provisions of the PRC's Terms of Reference and Rules of Procedure.

Article 4 Selection Process

- 4.1 During the second year of each PRC term of office, the Provisional Council shall select the twelve PRC Members who shall form the PRC for the next term of office.
- 4.2 The Director General shall invite the Members of the Provisional Council to put forward candidates, there being no obligation for all Members to nominate a candidate.
- 4.3 In parallel, the Director General shall arrange for the Provisional Council Secretariat to publish a "call for expression of interest" for candidates. Such publication may include, but not necessarily be restricted to, websites, advertisements in specialist aviation journals.
- 4.4 Applications received via the "call for expression of interest" for candidates shall be sent to the Provisional Council Secretariat who shall send each application to the appropriate Member of the Provisional Council, based on the candidate's nationality.
- 4.5 All applications received from nationals of each Member State, shall be reviewed by the Member of the Provisional Council for that State.
- 4.6 Member States shall submit nominations with the candidates curricula vitae and written undertaking of independence (as described in § 3.6 above) to the President of the Provisional Council at least nine months before the end of the PRC's term of office.
- 4.7 The President of the Provisional Council shall make a preliminary assessment of the balance of expertise available amongst all the candidates, in consultation with the Director General.
- 4.8 In the event of a dispute in relation to the application or interpretation of the eligibility criteria described in Article 3, the decision of the President of the Provisional Council shall prevail.
- 4.9 The President of the Provisional Council shall notify the Provisional Council of the list of eligible candidates, including existing PRC Members eligible and willing to run for a second term. S/he may call for additional candidates if a specific area of expertise is missing among candidates.
- 4.10 With this list as a basis, the President of the Provisional Council, after broad consultation, shall submit a list of twelve proposed PRC Members to the Provisional Council. If consensus is reached, the Provisional Council shall then approve this proposal and appoint the PRC's Members for the following year.

- 4.11 If there is no consensus on the twelve members proposed, the Provisional Council shall vote on the whole list of candidates put forward, each State expressing no more than one vote per candidate, and having a maximum of twelve votes. Candidates receiving the greatest number of votes shall fill the open positions in descending order of votes received.

Article 5 PRC Officers

- 5.1 At its first meeting, the PRC shall select a Chairman and a Vice-Chairman from amongst the twelve members, and shall submit its choice to the Provisional Council for approval.
- 5.2 In the absence of the Chairman, the Vice-Chairman shall chair meetings of the PRC.
- 5.3 The Chairman and the Vice-Chairman shall, between PRC meetings and in close co-operation with the Head of the PRU, follow-up the regular and timely implementation of the PRC Work-Programme and shall ensure the working liaison of the PRC with the EUROCONTROL Agency and with the advisory bodies to the Permanent Commission.

Article 6 PRC Secretariat

- 6.1 The Secretariat of the PRC shall be provided by the PRU. A member of the Secretariat shall be appointed to serve as Secretary to the PRC.
- 6.2 The Secretary to the PRC, under the supervision of the Head of the PRU, shall, inter-alia:
- convene the PRC meetings;
 - prepare and ensure the timely distribution of the documentation for PRC meetings;
 - assist the Chairman and keep an accurate summary record of the discussions at PRC meetings;
 - prepare and ensure the timely distribution of PRC meeting reports;
 - follow-up and co-ordinate the Secretariat actions, between PRC meetings, in co-ordination with the Chairman, Vice-Chairman and PRC Members, as required.

Article 7 Attendance at PRC Meetings

- 7.1 The PRC meetings shall normally be held in closed session.
- 7.2 In order to preserve their independence, PRC Members cannot be represented at PRC meetings by a substitute or be assisted by advisors.
- 7.3 The Chairman may invite representatives of authorised parties (i.e. Government regulatory bodies, Air Traffic Service Providers, airport authorities, airspace users, international civil aviation organisations, EUROCONTROL Agency, the advisory bodies to the Permanent Commission, representatives of airspace users, airports and staff organisations and other agencies or international organisations which may contribute to the work of the Commission) to participate in the discussion of specific agenda items at PRC meetings.

- 7.4 The PRC may decide to call extraordinary meetings, open to authorised parties, in order to debate specific subjects.
- 7.5 The PRC may establish ad hoc taskforces as required to help it fulfil its responsibilities. PRC Members may be represented at these taskforces by a substitute or be assisted by advisors.

Article 8 Working Methods

- 8.1 The work of the PRC shall be directly supported by the Performance Review Unit (PRU).
- 8.2 The PRU shall act both on its own initiative and under the directives of the PRC. The PRC and PRU work-programmes shall be kept aligned.
- 8.3 The Head of the PRU, assisted by PRU staff-members as required, shall attend the PRC meetings, as the PRC Secretariat.
- 8.4 The work of the PRC shall continue between PRC meetings. This may take the form of assignment of specific tasks to selected individual Members and/or the formation of small ad-hoc taskforces to conduct studies or prepare supporting material on defined subjects for consideration by the PRC. These taskforces will include the participation of PRC members and/or persons delegated by them. Actions by PRC Members shall be supported by the Secretariat and/or the PRU, as necessary.
- 8.5 The PRC will maintain a close working liaison with the Director General as well as with the advisory bodies to the Permanent Commission.
- 8.6 The PRC may request the EUROCONTROL Agency to provide information on matters of interest to the PRC, through the submission of information papers or oral presentation at PRC meetings.
- 8.7 The PRC shall, at all times, work with a minimum of formality and paperwork. Full advantage shall be taken of communication methods such as electronic mail, facsimile etc. to keep PRC Members, the Secretariat and the PRU in contact with each other.

Article 9 PRC Decisions

- 9.1 Decisions shall be adopted by a PRC meeting attended by at least two thirds of the PRC Members.
- 9.2 Decisions will normally be adopted by consensus. Voting, which will be on a simple majority basis, should be exceptional.

Article 10 Consultation

- 10.1 The PRC shall, as a condition of its independence, take account of the views and interests of ATS providers, airport authorities and airspace users.
- 10.2 To this end, the PRC shall maintain, directly or through the PRU, full and open consultation with all authorised parties.

- 10.3 As part of this consultation process, all authorised parties and, in particular, ATS providers, airport authorities and airspace users, shall be invited to participate, as required, in the work developed by the PRU for fulfilment of the PRC work-programme, and in the open meetings as called for by the PRC in accordance with Article 7.4.

Article 11 PRC reports

- 11.1 In the exercise of its advisory functions, the PRC shall produce the following categories of report:
- (i) performance review reports which monitor the performance of ATM stakeholders within the airspace described in Annex II of the revised Convention;
 - (ii) reports commissioned by the PRC;
 - (iii) working papers to the Provisional Council, and through the Provisional Council to the Permanent Commission, which, in the light of actions and decisions taken by PRC meetings shall, as appropriate, include:
 - a progress report on the results achieved by the PRC in the fulfilment of its Work-Programme;
 - recommendations on the development of the performance and target setting system for the management of air traffic and/or the improvement of the performance of the ATM system;
 - proposals for remedial actions to specific ATM performance issues;
 - relevant PRU matters.
 - (iv) ad hoc reports on specific issues;
 - (v) reports of PRC meetings.
- 11.2 PRC reports containing recommendations to the Provisional Council shall be submitted for decision to the Provisional Council, or through the Provisional Council to the Permanent Commission, where appropriate.
- 11.3 Other reports should be submitted to the Provisional Council, or through the Provisional Council to the Permanent Commission, where appropriate.
- 11.4 The PRC shall submit performance review reports at least one and a half months prior to the Provisional Council Session concerned to allow time for Member States to consider it and for the Director General to respond as appropriate.
- 11.5 The approval of the Permanent Commission via the Provisional Council may be sought through the approval by correspondence procedure, in accordance with the relevant provisions of the Rules of Procedure of these bodies.
- 11.6 The PRC may make all its reports publicly available in printed and electronic form after consideration by the Provisional Council, unless the latter requests otherwise.
- 11.7 The PRC shall track the follow-up of the implementation of its recommendations, and report the results systematically to the Provisional Council.
- 11.8 The PRC shall respond to requests for advice from the Provisional Council.

Article 12 PRC Meetings - Documentation

- 12.1 Documentation submitted to PRC Meetings shall be in the form of Action Papers and Information Papers.
- 12.2 Action Papers deal with matters requiring action by the PRC or leading to a PRC decision. Action Papers shall always include, as a conclusion, a concrete proposal for action and/or decisions to be taken or amended or rejected, as the case may be, by the PRC, preceded by a lead-in text. Such a lead-in text will serve subsequently as the basis for the material reporting of the subject in the corresponding PRC Meeting Report.
- 12.3 Information Papers are submitted in order to provide PRC meetings with information on which no specific action is required. Information Papers are not submitted for discussion.
- 12.4 Documentation to be considered at PRC meetings shall be presented by PRC Members, or the PRC Secretariat.
- 12.5 According to its Terms of Reference, the PRC shall review ATM performance issues submitted by authorised parties in the course of the consultation process described in Article 10 or by letter addressed to the Chairman of the PRC, including the appropriate documentation, through which such items shall be considered by the PRC.
- 12.6 Prior to each PRC meeting, the Secretary shall draw up a provisional Agenda and submit it for the Chairman's approval. This Agenda shall be limited to those items which are sufficiently mature for discussion and documented for action, or for the adoption of a decision, by the PRC.
- 12.7 The notice convening PRC meetings shall be issued four weeks in advance of the meeting. It shall include the proposed Agenda (as approved by the Chairman) with the respective Background Notes and the list of supporting documents.
- 12.8 Documentation for PRC meetings shall be distributed to PRC members and interested parties, at least one week before the meeting.

Article 13 PRC Meeting Report

- 13.1 A meeting report shall be drawn up by the Secretary after each PRC meeting. It shall contain a summary of the discussions, the conclusions reached and decisions adopted at the meeting.
- 13.2 PRC meeting reports are intended to serve as a record of PRC proceedings for the use of Members and Observers of the Provisional Council, PRC Members and as a brief for the PRU.
- 13.3 There shall be no formal minutes of PRC meetings.
- 13.4 The draft report of each PRC Meeting shall be prepared and sent to the Chairman and Vice-Chairman, for review, within two weeks of the meeting. It shall then be circulated to PRC Members for comments. The final version, including the comments of PRC Members, shall be submitted to the Chairman for

approval. The Report shall be distributed, not later than one week after the Chairman's approval, to Members and Observers of the Provisional Council, PRC Members, PRU and the EUROCONTROL Agency.

- 13.5 Except where decided otherwise by the PRC, Action and Information Papers submitted to PRC meetings shall not be made available outside the PRC and PRU.

Article 14 Communication

- 14.1 The Chairman of the PRC shall liaise from time to time with the President of the Provisional Council and with the Director General to discuss progress and significant items of business.
- 14.2 PRC's relations with the Provisional Council, the EUROCONTROL Agency, ATM stakeholders and other interested parties shall normally be conducted by the Chairman and/or the Vice-Chairman, assisted by the Head of PRU, as required. This function may be delegated to other PRC Members.
- 14.3 PRC Members and PRU staff-members should not provide information on PRC activities other than that contained in PRC meeting reports. The content of any article, presentation or interview to be given by a PRC Member or a PRU staff-member shall be first agreed with the Chairman, the Vice-Chairman or Head of the PRU.

Article 15 Expenses

- 15.1 PRC Members, or persons delegated by them to attend working meetings in accordance with Article 7, may claim reimbursement of expenses for attending PRC-related meetings. Mission expenses will be based on rules applying to "A3" grade Agency staff.
- 15.2 PRC Members who are not remunerated from any source, such as their parent organisation where applicable, may be remunerated for attending PRC-related meetings. The process for the determination of such remuneration shall be developed by the Director General and submitted for approval to the Provisional Council.

Article 16 Working language

- 16.1 The PRC's deliberations shall be conducted in the English language.
- 16.2 General correspondence and all working papers will be presented in the English language.

Article 15.2: Process for the determination of remuneration of PRC Members

- approved by the Provisional Council, April 2004

ELIGIBILITY

- 1 As stated in Article 15.2 of the Rules of Procedure, PRC Members who are not remunerated from any source for attending PRC-related meetings may receive a flat-rate payment.
- 2 PRC members who are in receipt of a pension as their main source of income, or who are wholly self-employed and not remunerated for attending PRC-related meetings, are eligible for this payment. In other cases, eligibility shall be the subject of a decision by the Director General, valid for the term of office.
- 3 Persons delegated by PRC members for attending PRC task forces in application of Article 7.5 of the Rules of Procedure are not eligible to receive this flat-rate payment.
- 4 The status and duration of PRC-related meetings shall be certified by the Head of PRU.

RATE

- 5 From 1 January 2004, the flat-rate payment shall be EUR 600 per day for PRC Members and EUR 750 per day for the PRC Chairman.
- 6 In addition, payment may be made for preparing for PRC-related meetings (no more than one preparation day per day of PRC-related meeting).
- 7 The total amount of payments shall not exceed EUR 24.000 per calendar year for PRC Members and EUR 37.500 per calendar year for the PRC Chairman.
- 8 The above amounts shall be automatically adjusted at the same time and according to the same method as for the annual review of the Agency's Staff remunerations.
- 9 The funds to cover such payments shall be obtained from the PRS budget (Article 1.7, GL code 62).

PROCEDURAL MATTERS

- 10 PRC Members who consider that they may be eligible to receive this flat-rate payment will be required to make a signed declaration to this effect, giving supporting information where necessary. In the event of any ambiguity or dispute, the Director General's decision will be final.
- 11 The flat-rate payment shall be claimed using a standard claim form on which the claimant shall declare that they are not remunerated from any source for attending PRC-related meetings. Full bank account details must be provided to enable the money to be transferred. No cash payments shall be made in any circumstances. The claim will be signed by Head of PRU or by a person designated by him.
- 12 Should there be any material change in the claimant's circumstances in relation to remuneration from other sources, the claimant shall be required to inform EUROCONTROL immediately and, if necessary, to repay any amounts that may have been unduly received.
- 13 Any sum overpaid shall be recovered if the recipient was aware that there was no due reason for the payment (for instance because he/she was remunerated from another source) or if the fact of the overpayment was patently such that he/she could not have been unaware of it.

FISCAL OBLIGATIONS

- 14 Persons in receipt of this payment shall be solely and completely responsible for dealing with their fiscal authorities.