



National Investigation Body (NIB) Network

Annual Report for 2024
and
Common Peer Review Programme
Version 1.0

DOCUMENT CHANGE RECORD

The following table records the complete history of this document.

Version:	Date:	Reason for change:	Parts of document affected:
0.1	10/01/2025		Draft to TF1.
0.2	17/01/2025	Comments from TF1.	-
0.3	29/01/2025	Second round of comments TF1.	Draft to TF1.
0.4	05/02/2025	Comments from TF1.	-
0.5	12/02/2025	None, draft version to NIB Network for comments.	-
0.6	13/03/2025	Comments from NIBs	Page 7 and 8.
1.0		Finalised annual report.	

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1 BACKGROUND

This Annual Report and Common Review Programme is published by the National Investigation Bodies (NIBs) to meet the requirements of Article 22 (7) of the Directive (EU) 2016/798 on railway safety. The Article states:

The investigating bodies, with the support of the Agency in accordance with Article 38(2) of Regulation (EU) 2016/796, shall establish a programme of peer reviews where all investigating bodies are encouraged to participate so as to monitor their effectiveness and independence.

The investigating bodies, with the support of the secretariat referred to in Article 38(2) of Regulation (EU) 2016/796, shall publish:

(a) the common peer-review programme and the review criteria; and

(b) an annual report on the programme, highlighting identified strengths and suggestions for improvements.

The peer review reports shall be provided to all investigating bodies and to the Agency. Those reports shall be published on a voluntary basis.

The peer review seeks to monitor the effectiveness and independence of a NIB by considering its organization, processes and outputs (eg accident reports, safety recommendations, annual reports). The peer review process also seeks to assist development of all NIBs by sharing with them strengths and suggestions for improvements identified during reviews.

The NIBs have appointed a Peer Review Task Force (Task Force 1) to manage and carry out the reviews. This Task Force comprises representatives from a range of NIBs and an observer from the Agency (The European Union Agency for Railways).

Since 2018, the Agency representative regularly participates as an observer in all peer review activities, including on-site visits, and actively contributes with assistance, opinions and advice to the development of the peer review programme and the work of the Task Force 1. This cooperation has been beneficial and the Task Force 1 supports its continuation in the future.

The peer review of each state is carried out by a Panel selected from the Task Force. The output of each peer review is based on information provided by the NIB being reviewed. This information is provided to the panel in a questionnaire and during interviews by the panel at the visit to the reviewed NIB. Details of the questionnaire and the review criteria are given in the NIB Peer Review Handbook. This can be found at the NIB Network webpage https://www.era.europa.eu/agency/stakeholder-relations/national-investigation-bodies/nib-network-european-network-rail-accidents-national-investigation-bodies_en.

The peer review relies on answers given by the NIB in the questionnaire and during the on-site visit. The peer review process is not intended to fully investigate all issues covered by the questionnaire and does not address all issues in the documents used as review criteria. It is targeted at issues where the reviewers believe there will be the most value to the reviewed NIB and to other NIBs. Peer review is a cooperative process involving trust between the parties. Peer reviewers will seek justifications for statements made but, unlike an auditor, will not seek evidence to verify the truth of statements.

The relevant Peer Review Panel has prepared a peer review report for each reviewed NIB. The Directive states that these are published on a voluntary basis and this is done by the reviewed NIB if it wishes to do so. Other NIBs and the Agency are not permitted to provide copies of the reports relating to individual NIBs. Any requests for a copy of a peer review report should therefore be addressed to the reviewed NIB.

The final peer review report for each reviewed NIB is prepared by the NIB peer review panel in the frame of the common peer-review programme established by the investigating bodies in accordance with Article 22(7) of the Directive (EU) 2016/798 on railway safety.

The NIB peer review team examines data during the peer review of the NIB using the process described in the Peer Review Handbook. The collection of data is based on the review of some documents, internal procedures or case studies provided on a voluntary basis, as well as on interviews with management and other staff members of the NIB.

The final peer review report reflects the collective judgement of the peer review panel regarding the findings resulting from the peer review process. However, the individual members of the peer review team and their NIBs are not liable for the contents of the report and/or for any omissions.

This 2024 annual report covers the peer reviews carried out in 2024 and it is the sixth annual report to be submitted to the Agency by the NIB Network.

The Task Force 1 would like to thank all the reviewed NIBs for their openness, for their courtesy and for the valuable feedback they have provided to help improve the peer review process.

2 NIB AND STATE DETAILS

NIBs reviewed				
State	NIB Name	NIB Type	Date of visit by Peer Review Panel	Number of rail mode investigators (full time equivalent)
The Netherlands	Onderzoeksraad Voor Veiligheid (Dutch Safety Board)	Multimodal	April 10 - 11	3
Switzerland	Schweizerische Sicherheitsuntersuchungsstelle (Swiss transportation Safety Board)	Multimodal	October 22 - 23	5
Spain	Comisión de Investigación de Accidentes Ferroviarios (Railway Accident Investigation Commission)	Single modal	November 6 - 7	4
France	Bureau d'Enquêtes sur les Accidents de Transport Terrestre (Land Transport Accident Investigation Bureau)	Multimodal	February 6 - 7	4,5

Statistics for railways in reviewed states			
State	Route length (kilometres)	Passenger train-kilometres/year	Freight train-kilometres/year
The Netherlands	3,035 (network length), 7,023 (track length)	16 billion (2022)	12 million (2022)
Switzerland	5 317 km (2020)	19 400 million	12 135 (million tonne-kilometres)
Spain	15 840	168, 75 million	26,02 million
France	27 700 km of lines in service, including 2 700 km of high-speed lines. 49 110 km of tracks (only railway, not metro, tram or other).	101 billion (2022)	59 million (2022)
NOTE: Data rounded and refers to the year before the peer review was undertaken.			

Types of investigation undertaken by reviewed NIBs									
State	Heavy rail			Metro railways*		Trams*		Other (trolley bus, cable car, etc)*	
	Investigations required by Directive 2016/798 Article 20(1))	National law requirement outside Article 20(1)*	Discretion to investigate other events*	National law requirement	Discretion to investigate other events	National law requirement	Discretion to investigate other events	National law requirement	Discretion to investigate other events
Netherlands	Yes	No	Yes	No	Yes	No	Yes	No	Yes
Switzerland	Yes	Yes	Yes	No	No	Yes	No	Yes	No
Spain	Yes	No	Yes	No	No	No	No	No	No
France	Yes	No	Yes	No	Yes	No	Yes	No	Yes

* Directive (EU) 2016/798 permits, but does not require, a NIB to investigate these accidents and events.

3 PARTICIPATING ORGANISATIONS

The following NIBs contributed investigators to the Peer Review Panel members during the period covered by this report. The panel members are required to treat information obtained during peer reviews confidential and must not share this information with their employers. All these investigators were a panel member in at least one peer review or one planned review.

- NIB BE
- NIB CZ
- NIB DE
- NIB FR
- NIB PL
- NIB RO
- NIB SE
- NIB UK¹

People from the following organisations attended a peer review as an observer. Observers are required to treat information obtained during peer reviews as confidential as panel members and must not share this information with their employers.

- NIB AT
- NIB BE
- NIB IE
- NIB LU

¹ NIB UK is a technical advisor to the NIB Network and also integrating Task Force 1. In this capacity, the NIB participates in peer review panels.

- NIB CH
- The Agency
- NIB Kosovo (IPA Country)

4 INTRODUCTION TO PEER REVIEW FINDINGS

- 4.1 This annual report gives an overview of findings from the NIB peer reviews in the year 2024 covered by this report. It concentrates on issues most likely to influence the effectiveness and independence of NIBs and does not cover every finding of the individual NIB reviews.
- 4.2 Directive (EU) 2016/798 requires that the peer review process considers effectiveness and independence, and that the annual report identifies strengths and suggestions for improvements. The table below links comments on effectiveness and independence with related strengths and suggestions for improvements.
- 4.3 The strengths and suggestions for improvements identified during the peer review process do not apply to all reviewed NIBs.

5 PEER REVIEW FINDINGS

5.1 Effectiveness of investigation activities and developing recommendations		
General comment	Strengths identified in at least one NIB	Suggestions for improvement applicable to at least one NIB
<p>Evidence supporting the overall finding that most NIBs were effective included the strengths tabulated in the adjacent column.</p> <p>All NIBs considered in this report appear to be generally carrying out 'mandatory' investigations and making recommendations effectively.</p> <p>Two of the NIBs have long processing times for the investigation reports, average of 19.3 and 25,5 months for 'mandatory' investigations.</p> <p>All NIBs are using manuals/handbooks that provides a very good support for all investigators and contains guidelines on how to carry out investigations. However, some improvement in effectiveness is possible.</p> <p>All NIBs follow the reporting structure stated in the COMMISSION IMPLEMENTING REGULATION (EU) 2020/572 as closely as possible.</p> <p>Greater effectiveness could be achieved by</p> <ul style="list-style-type: none"> ensuring that the NIB has sufficient resource available to meet the requirements of the Directive and any additional requirements of national law; and 	<p>Robust processes for timely notification of accidents.</p> <p>Rapid attendance at accident sites by deploying investigators from the office when needed</p> <p>Rapid access to railway industry data</p> <p>Structured approaches to investigating accidents. All NIBs are using an Accident Investigation Manual (or similar documents) that provides a very good support for all investigators and guidelines on how to carry out investigations.</p> <p>Findings and recommendations being well supported by evidence.</p> <p>Translation into English of at least parts of reports to assist both accident investigation and safety improvements in other countries.</p>	<p>Ensuring that the NIB has sufficient resources and that these resources are directed at events where valuable safety learning is likely to be found can include:</p> <ol style="list-style-type: none"> reducing the number of relatively minor events (ie events outside requirements of the Directive) which a NIB is required to investigate; increasing resources to ensure effective management of a major accident; and travel to accident sites and evidence before deciding whether to investigate an event. <p>NIB should consider the need for investigators to go to the accident site faster and more often in order to maintain their competence and ensure that all evidence are collected.</p> <p>Having the necessary resources, one NIB should consider investigating non-mandatory accidents to ensure that its investigators maintain their competence in investigating railway accidents, to improve railway safety and to follow the spirit of the Directive.</p>

5.1 Effectiveness of investigation activities and developing recommendations

General comment	Strengths identified in at least one NIB	Suggestions for improvement applicable to at least one NIB
<ul style="list-style-type: none"> greater coverage of some factors affecting accidents. Investigating 'non-mandatory' accidents or incidents to improve railway safety. <p>Even if the Directive (EU) 2016/798 seems to be implemented into the national legislation for all the NIBs, two of the NIBs may need approval from the judicial authorities to get access to the accident site and for example access to evidence and witnesses. Some of the NIBs has MoU's with the judicial authorities for the cooperation between the NIB and the judicial authorities.</p>	<p>Good cooperation with rail industry.</p> <p>Active participation in the NIB Network in order to exchange safety learning with other NIBs.</p>	<p>Ensuring coverage of all factors relevant to an accident can include giving greater consideration to:</p> <ul style="list-style-type: none"> a. human factors; and b. underlying factors including safety management systems and the role of the national safety authority. <p>NIB should consider ensuring an effective consultation process i.e. sending the draft report, including safety recommendations, to the NSA and to all involved parties.</p> <p>NIB should consider ensuring an effective notification process i.e. that all accidents and incidents that could be investigated are reported to the NIB to provide a meaningful benefit to safety.</p> <p>NIB should consider early engagement with the judicial authorities to facilitate a prompt exchange of information from one to the other and to ensure that no request is made for information which should be protected by law (eg: witness statements). If an MoU is already in place, steps should be taken to ensure that the principles defined in the MoU are followed.</p>

5.2 Effectiveness of recommendation implementation

General comment	Strengths identified in at least one NIB	Suggestions for improvement applicable to at least one NIB
<p>A NIB cannot be considered fully effective if its recommendations are not being properly considered and implemented in a timely manner when appropriate. There is evidence suggesting that this does not always happen.</p> <p>All NIBs reported that the NSA reported back periodically on measures that are taken or planned as a consequence of a given recommendation.</p> <p>One NIB addresses recommendations primarily to the party that have the mandate and the possibility to implement the recommendation (end implementer, which could e.g. be IM and RU).</p>	<p>The cooperation seems to be working good between the NIB and NSA.</p>	<p>If NIBs are not receiving meaningful and timely feedback on actions taken in response to their recommendations, appropriate state organisations or ERA should take the action needed to ensure that this happens.</p> <p>If recommendations are not being implemented in a timely manner when appropriate, the state organisations responsible for ensuring proper implementation should take the action needed to achieve implementation.</p> <p>The process for addressing safety recommendations primarily to the party that have the mandate and possibility to address the recommendation (which could e.g. be IM and RU) without addressing the NSA should be assessed. If a recommendation is not addressed to the NSA, it can affect the role of the NSA to apply safety learning more widely. In this specific case the NSA is actively involved with the addressing of the recommendations.</p>

5.3 Independence

General comment	Strengths identified in at least one NIB	Suggestions for improvement applicable to at least one NIB
All NIBs indicated that they were independent in its organisation, legal structure and decision-making from any infrastructure manager, railway undertaking, charging body, allocation body and conformity assessment body and from any party whose interests could conflict with the tasks entrusted to the investigating body.	Legislation making provision for independence. Working relationships with other parties which take account of NIB independence.	None.

6 PEER REVIEW COSTS

Although it is not explicitly required by the EU legislation, the Agency has been financially supporting the Peer Review Programme since 2022, reimbursing all expenses such as travel and accommodation for panel members when attending the on-site phase. This has continued in 2024, where the Agency assured a dedicated budget for the peer review activities.

This support has facilitated the participation as panel members of some NIBs who were initially reluctant to contribute to the Peer Review programme for budgetary reasons. In 2025, the Agency will continue to reimburse the peer review activities and this will hopefully lead to more NIBs participating as panel members.

The peer review process will not be fully effective without the participation by most of (preferably all) NIBs and will not be fully effective if some types of NIBs (eg small NIBs) are not represented in the peer review panels. If the peer review process is not fully effective, opportunities to improve railway safety by improving accident investigation will be lost.

Directive (EU) 2016/798 states that participation in the peer review programme is voluntary so there is no direct requirement for national governments to meet panel members' costs. Article 35 of the Regulation (EU) 2016/796 indicates that the Agency expects to receive information from an effective peer review programme.

For one planned peer review in 2025 and for one planned peer review in 2026 there is a need for interpreters during the on-site visit. There is a budget from the Agency available for 2025 for the peer review programme including costs for the interpreters. The Agency's budget for 2026 has not been set yet.

The NIB Network is willing to work with the Agency to look for an ongoing funding of the peer review programme. If the peer review programme does not have an ongoing funding plan, this may affect the peer review programme, which could result that the peer review programme not fully achieve the railway safety improvements that can be achieved through a fully effective review process.

7 AREAS OF ONGOING CONCERN

Since the start of the peer review programme in 2018, the Agency has also provided «NIB secretariat» support to the programme in accordance with Article 38(2) of the Regulation (EU) 2016/796 'The Agency shall support the investigating bodies in accordance with Article 22(7) of Directive (EU) 2016/798. To facilitate cooperation among the investigating bodies, the Agency shall provide a secretariat which shall be organised separately from the functions within the Agency...' and Article 22(7) of the Directive (EU) 2016/798 'The investigating bodies, with the support of the Agency in accordance with Article 38(2) of Regulation (EU) 2016/796, shall establish a programme of peer reviews where all investigating bodies are encouraged to participate so as to monitor their effectiveness and independence. The investigating bodies, with the support of the secretariat referred to in Article 38(2) of Regulation (EU) 2016/796, shall publish: (a) the common peer-review programme and the review criteria; and (b) an annual report on the programme, highlighting identified strengths and suggestions for improvements. This secretariat support included organising meetings, taking minutes of the TF1 meetings, uploading documents to the Sharepoint etc. Since 2023 this support from the Agency has decreased and this could have a negative impact on the peer review programme in the long term. It is important for the success of the peer review programme that the Agency still continues to support the programme with a secretariat, as the individual NIBs in Task Force 1 do not have additional funds to facilitate a secretariat.

The Peer review programme is voluntary and the aim is to get all NIBs to participate in the programme. Currently 17 NIBs have participated and there are 7 NIBs planned to be peer reviewed in 2025 and 2026. There are still 4 NIBs to volunteer to the programme.

There were also a few obstacles during the peer review programme. The first obstacle for participating to the programme was the budget; with a budget from the Agency NIBs who participate as panel members (not observers) can be reimbursed. The second obstacle is the level of English to participate to the peer review programme; with a budget from the Agency these NIBs can also participate in the peer review programme. Therefore, the NIB Network is satisfied that these two obstacles were removed from the process.

8 COMMON PEER REVIEW PROGRAMME

The programme below is published to comply with Article 22(7)(a) of the Directive (EU) 2016/798.

Year	NIBs	Status
2018	Romania, Czech Republic and Denmark	Completed.
2019	Norway and Lithuania	Completed.
2020	Sweden, Hungary and Croatia	Postponed due to the pandemic situation.
2021	Sweden and Croatia	Completed.
2022	Germany, Ireland and Hungary	Completed.
2023	Belgium, Finland and Portugal	Completed.
2024	France, Netherlands, Switzerland and Spain	Completed.
2025	Austria, Luxembourg, Bulgaria and United Kingdom	Planned.
2026	Greece, Latvia and Slovenia	Planned.
2027	TBA.	