



National Investigation Body (NIB) Network

NIB Peer Review Report for NIB NL

Review date: April 10 – 11 2024

Peer Review Report - Record of changes

The following table records changes **during completion of individual NIB Peer Review Reports**. Modifications to the template (ie modifications to the report template) are tracked through the Handbook document control record.

Version	Date	Changes
V0.1	30/04/2024	Draft version sent to NIB NL
V0.2	27/05/2024	Second draft version sent to NIB NL. Adjustments after feedback from NIB NL.
V0.3	28/06/2024	Adjustments after feedback from NIB NL.
V0.4	21/08/2024	Draft copy for approval in the Panel.
V1.0	2024-09-06	Final version.

PART 1 – INTRODUCTION

This report describes a Peer Review of a National Investigation Body (NIB) undertaken to meet the requirements of Article 22.7 of the European Directive on Rail Safety dated 11 May 2016 (EU 2016/798). 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 Peer Review is based on the NIB responses to a questionnaire and on a site visit in which peer reviewers visit the NIB. Details of the questionnaire and the review criteria are given in the NIB Peer Review Handbook for the year in which the review was carried out. This can be found at [\[https://www.era.europa.eu/agency/stakeholder-relations/national-investigation-bodies/nib-network-european-network-rail-accidents-national-investigation-bodies_en\]](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 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 greatest value to the NIB being reviewed and to other NIBs.

This peer review report has been prepared by the NIB peer review team 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 examined data during the peer review of the NIB using the process described in the Peer Review Handbook. The collection of data was 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 report reflects the collective judgement of the peer-review team 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.

The peer review report will be provided to all investigating bodies and to the European Union Agency for Railways. It is owned by the reviewed NIB and shall not be published or supplied to other parties without the prior written consent of this NIB.

PART 2 – BACKGROUND AND STATISTICS

The information in the following tables is taken from the completed questionnaire.

Table A – NIB & Review Information	
National Investigation Body (NIB)	Onderzoeksraad voor Veiligheid (Dutch Safety Board)
NIB type (e.g. multi-modal)	Multimodal
Date questionnaire completed by NIB	February 19 th 2024
Date of site visit	April 10 – 11 2024
Date of draft report for consultation	April 30 th 2024
Date of comments by NIB NL, first draft	May 17 th 2024
Date of comments by NIB NL, second draft	May 30 th 2024
Date report finalised by Peer Review Panel	September 6 th 2024
Peer Review Panel members (name/state)	<ol style="list-style-type: none"> 1. Johan Gustafsson, NIB SE, Panel coordinator 2. Rafal Leśniowski, NIB PL, Panel member 3. Marc Antoni, NIB FR, Panel member
Observers (name/state)	<ol style="list-style-type: none"> 1. Anita Koprivnjak, the Agency 2. Ian Lake, NIB IE 3. Bruno Pletinck, NIB BE
Route length of track in NIB's country	3035 kilometres (network length), 7023 kilometres (track length)
Traffic in NIB's country (train-kilometres per year)	Passenger train: 145,3 million train kilometres Freight train: 11,6 million train kilometres

Table B – NIB Staffing		
B1	Number of permanently employed rail investigators (including part time workers).	3
B2	Full time equivalent number of permanently employed rail investigators.	3
B3	Full time equivalent number of administrative staff permanently employed on rail investigators.	The NIB is multimodal and has 25 persons that work for all investigation domains.
B4	Number permanently employed rail investigators who can act as Investigator in Charge.	3
B5	Are there investigators not permanently employed by the NIB who can be employed on an ad hoc basis. Briefly explain the contractual arrangements.	No.
B6	Full time equivalent number of investigators from other modes that can assist rail investigators	<p>The NIB has 9 persons dedicated for 24/7 on call duty.</p> <p>The NIB can use investigators from other domains. A total of 37 persons.</p>

Table C – NIB Activity in the Last 3 Years (includes any joint investigations)

		Heavy rail			Metro railways		Trams		Other (trolleybus, cable car, etc.)	
		Article 20(1) accidents	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
C1	In NIB scope?	Yes	No	Yes	No	Yes	No	Yes	No	Yes
C2	Number of notifications per year averaged over last 3 years	0,3	Not applicable; no obligation.	23 ¹	Not applicable; no obligation.	23 ¹	Not applicable; no obligation.	23 ¹	Not applicable; no obligation.	0
C3	Average number of accidents investigated per year*	0,3	Not applicable; no obligation.	0	Not applicable; no obligation.	0	Not applicable; no obligation.	0	Not applicable; no obligation.	0
C4	Average number of incidents investigated per year*	Not applicable to Article 20(1) investigations	Not applicable; no obligation.	0	Not applicable; no obligation.	0	Not applicable; no obligation.	0	Not applicable; no obligation.	0
C5	Average number of full investigation reports published per year	0	Not applicable; no obligation.	0	Not applicable; no obligation.	0	Not applicable; no obligation.	0	Not applicable; no obligation.	0
C6	Average number of briefing notes (or similar short documents) published per year	0	Not applicable; no obligation.	0	Not applicable; no obligation.	0	Not applicable; no obligation.	0	Not applicable; no obligation.	0
C7	Average number of recommendations produced per year	0	Not applicable; no obligation.	0	Not applicable; no obligation.	0	Not applicable; no obligation.	0	Not applicable; no obligation.	0

* includes accidents and incidents for which the NIB carries out significant investigation work (e.g. attends site and/or obtains significant amounts of evidence) but no full report, briefing note, etc. is published

¹ Rail notifications are not further categorised. The provided number indicates the total number of immediate rail notifications to the NIB. Note that the NSA is notified of all accidents and incidents. The non-immediate notifications are provided to the NIB by the NSA on a regular basis and discussed with them. In addition to that the NIB receives information from the IM on regular basis by factsheets with safety notifications

Table D – Outcome of recommendation made during the last 5 Years

		Heavy Rail		Metro railways	Trams	Other (trolley bus, cable car etc.)
		Article 20(1) accidents	Other investigations ²			
D1	Proportion of recommendations implemented effectively within a reasonable* time period	Not applicable, no article 20(1) accidents.	67%	Not applicable, not investigated.	Not applicable, not investigated.	Not applicable, not investigated.
D2	Proportion of recommendations implemented effectively but after an excessive delay*	Not applicable, no article 20(1) accidents.	33%	Not applicable, not investigated.	Not applicable, not investigated.	Not applicable, not investigated.
D3	Proportion of recommendations reported as implemented but not implemented effectively*	Not applicable, no article 20(1) accidents.	0	Not applicable, not investigated.	Not applicable, not investigated.	Not applicable, not investigated.
D4	Proportion of recommendations reported as not implemented	Not applicable, no article 20(1) accidents.	0	Not applicable, not investigated.	Not applicable, not investigated.	Not applicable, not investigated.
	Total	100 %	100%			

² One investigation with three recommendations, *Veilig toelaten op de weg – Lessen naar aanleiding van het ongeval met de Stint (Safe admittance onto the public roads – Lessons learned from the Stint accident)*, 2019.

Table E - Number of joint investigations with other NIBs - Averaged over 3 Years

E1	Deployed (Some or all work undertaken out of the office)	0
E2	Not deployed (All work undertaken from the office)	0

Table F - Number of ongoing investigations and average times to complete investigations

		<i>At the time of completing the questionnaire</i>
F1	Investigations required by Article 20(1)	1
F2	National law requirement outside Article 20(1)	Not applicable
F3	Non-mandatory accidents and incidents	0
F4	Other investigations (e.g. class investigation)	0
F5	Average time to complete mandatory investigations (average of investigations completed in previous three years) Reports published 2020 - 2022	Not applicable, no article 20(1) rail investigations during the last three years.
F6	Average time to complete non-mandatory investigations ((average of investigations completed in previous three years) Reports published 2020 - 2022	Not applicable, no article 20(1) rail investigations during the last three years.

Comments of NIB on data provided in tables A to F and strengths and difficulties that it identifies itself
<p>Optional comments (e.g. comment about why proportion of recommendations implemented is particularly high or low).</p> <ul style="list-style-type: none">• The asked periods of three and five years are not representative for the long-term average of the DSB. Between 2005 and 2018 the DSB published one rail investigation per year. Some art 20(1), some none-obligatory and some thematic.

PART 3 – COMMENTS FROM PEER REVIEW PANEL

Legal framework (100 series questions in questionnaire)

- Directive (EU) 2016/798 of the European Parliament and of the Council of 11 May 2016 on railway safety (recast) has been implemented in the national legislation.
- The NIB is financed by the Ministry of Justice and Security (state budget).
- The NIB has their own budget and it is up to the discretion of the NIB Board (management) to spend the money effectively. According to the NIB it's possible to get extra funding from the Government for handling "big" investigations.
- The legislation states that the NIB is an independent federal authority. The work of the NIB is clearly separated from the judicial authorities and the NSA.
- The chairman of the NIB is appointed by a Kingdom Order. Dismissal of the chairman can only be by Kingdom Order or by request by the chairman.
- The NIB has general coordination protocols with the Public Prosecution Service and with the government inspectorates.
- National legislation provides for the NIB to act independently and gives the NIB the powers needed to access sites and collection information needed for accident investigation.
- The NIB has good cooperation with railway technical police at the accident site and gathers some factual evidence together with them and the involved railway parties. Think of train data, photos and measurements of infrastructure elements, and documents. Interviews are always performed independently.
- National legislation requires railway organisations to interact appropriately with the NIB in connection with an accident investigation.
- According to the national legislation, the NSA also investigates (almost all) railway accidents and incidents.

Type of investigations undertaken & NIB organisation (200 series questions in questionnaire)

- The NIB is a multimodal organisation that can investigate all accidents and incidents that happen in the member state, not only accidents and incidents related to transport.

- The NIB is led by a Board consisting of one Chairman and two Board members. The NIB is headed by the secretary director, and organised along the lines of the four managers, two investigation managers, one manager for Corporate Affairs and one manager is Head of Administration and Finance.
- The NIB normally only investigates serious accidents, but has discretion to investigate all accidents and incidents in the whole rail system.
- The NIB gathers factual information of less serious accidents and incidents and makes a proposal to the Board whether the NIB should open an investigation or not. For accidents that are not serious accidents, the Board sets the scope for the investigation.
- The NIB has opened thematic investigations.
- The NIB has developed a handbook for accident investigation.
- The Board meets every second week to decide which investigations to open or not.
- The NIB has a department of communication.
- There is a secretary in every investigation team that focuses on the readability and consistency of the investigation report.
- The NIB takes part in the NIB Network meetings, provides comments on guidance documents provided by the Task Forces of the NIB network, takes part in the Peer review programme, takes part in the German speaking NIB Network meetings. The NIB has also provided presentations for the online ERA EuroMedRail Workshop.
- The NIB is active in the Railway community, attends to relevant meetings with the sector, presents outcomes of investigations at sector seminars or conferences.
- Investigations within the NIB are led by 'triangles'. This means that there is a project leader, an assigned Board member and an assigned investigation manager who together determine the course of the investigation. The project leader manages the day-to-day leading of the project.
- Every fifth year there is an evaluation of the NIB regarding the effectiveness and efficiency. The ministry of Justice is responsible for the evaluation and has to share the results with the parliament.
- The internal investigation process for regular investigations includes evaluations. Lessons learned that are relevant for the rest of the organisation, are shared afterwards.

Processes and Resources (300 series questions in questionnaire)

- The NIB has three rail investigators. All investigators are competent to act as investigator in charge.

- One of the three investigators has a background in the railway sector.
- The NIB is a multimodal NIB, which means that the NIB can use resources from other ‘investigation’ modes for rail investigations and vice versa.
- The NIB has a secure working location at its headquarters including storage facilities for small objects.
- The NIB has the equipment, competence and permissions to use drones for accident site surveys.
- The NIB has a procedure to plan the investigation and the next steps in the investigation process (handbook).
- The NIB has two cars that are dedicated for travelling to all kind of accident sites. Investigators are also permitted to use their private vehicles where expedient.

Training arrangements (400 series questions in questionnaire)

- The NIB has one generic training plan for all investigators and also an individual training plan for the individual investigator.
- The NIB provides training for investigators that don’t have a railway background, for example training at the Delft University of Technology on railway engineering and equipment, visits to traffic control centres and maintenance facilities etc.
- The need for refresher and other further training is discussed, and appropriate actions taken, based on regular discussion between staff and their managers.
- The NIB reports that its budget is sufficient to meet training needs.
- The NIB has an annual multimodal on-site investigation refreshing course.

Notification & decision process (500 series questions in questionnaire)

- Investigators are on-call 24/7, 365 days a year on a rotating weekly basis. Normally there are two investigators on call for rail, industry, construction and ‘other’ occurrences. In addition to that, there are always two aviation and two maritime investigators on call.
- The NIB has a matrix for notifications to the NIB.
- The NIB receives notifications for serious accidents timely from the IM and NSA by phone and/or email. The NIB is also notified by the National Crisis Centre regarding major incidents.
- The NIB classifies the events into ‘Mandatory’ and ‘Non-mandatory’ investigations. The ‘mandatory accidents’ are the serious accidents as defined in the ‘RSD’.

- The NIB (Board) uses an assessment framework (Afwegingskader) to base the decision to investigate the 'non-mandatory' occurrences or not.
- The NIB uses the spreadsheet that is developed by the Agency to notify the Agency when opening an investigation.
- When the NIB decides to open an investigation, all interested parties are informed.

Evidence collection and analysis (600 series questions in questionnaire)

- The NIB has good cooperation with the judicial authorities. The NIB receives the information they gathered.
- For serious accidents where there is no judicial investigation or where it is finished, there is a CTF (coordination team factfinding). This is an informal initiative from the NIB, NSA, largest RU's, IM and railway technical police for coordination at the accident site to gather factual information together, for example measurements and photos of the accident site.
- The NIB has developed guidance in the handbook for collecting evidence onsite.
- The NIB informs the victims and relatives at the start of the investigation, during the investigation and at the end of the investigation process. The NIB informs the victims and relatives before the publication about the content of the investigation report and the publication date.
- Each investigation team has one advisor from the 'investigation and development' department who supports the team with selecting appropriate investigation methods and guides the investigators through the different methodologies.

Report preparation and publication (700 series questions in questionnaire)

- There are guidelines in the NIB handbook for writing the report.
- The draft report is reviewed internally by investigators that are not part of the investigation team, the technical advisor of the Board and some investigations have an ad-hoc team of external experts (guidance committee) that reviews the draft version of the investigation report (and later also the recommendations).
- The draft report and the final report are sent to the victims and relatives and involved parties. The Board decides who to include in the consultation of the draft report.
- The draft report is not always sent to the NSA.
- The draft report does not contain recommendations.
- The NIB tries to follow the COMMISSION IMPLEMENTING REGULATION (EU) 2020/572 of 24 April 2020 on the reporting structure to be followed for railway accident and incident investigation reports as close as possible for the investigation reports.
- The Board approves on the final report before publication.
- Victims and relatives are informed before the report is published. Often, the main conclusions are shared one or two days before the report is published.
- The final report includes an appendix of the comments on the draft report that has been amended in the final report and also why the comment has not been amended in the report.
- The final report and annual report are published on the NIB website.
- Investigation reports and annual reports are submitted to the Agency

Handling safety recommendations (800 series questions in questionnaire)

- The NIB has guidelines in the handbook for drafting recommendations.
- The addressees (NSA and end-implementers) have to react to the NIB on each recommendation within six months after the publication of the report.
- After six months the NIB publishes a 'follow-up note' on the status of the recommendations. In this note the NIB describes what the addressed parties have indicated to have done and what they are planning to do with the recommendations and to what extent that is satisfactory to the NIB.

- The NSA monitors the follow-up of the recommendations and takes action if possible. It reports yearly to the NIB about the follow-up.

Health & safety of investigators (900 series questions in questionnaire)

- Health and safety hazards are defined in the handbook, and also how to mitigate them.
- The NIB has a system for risk assessment for the accident site.
- The NIB performs a last-minute risk assessment before going on-site.
- The NIB has an annual training for the use of personal protective equipment (PPE).
- The NIB provides good level of health & safety protection to the NIB investigators. The investigators have two sets of PPEs, one set at the office and one set at home.
- The investigators are informed about any risks at the accident sites by the IM and the emergency services.

Panel comments on effectiveness

- The NIB is performing the work that it is required to by the National Legislation.
- The NIB normally only investigates the serious accidents.
- The notification procedure seems to work well.
- If the NIB notices that an on-going investigation takes longer than 12 months to finalise, the NIB publishes an interim statement at the anniversary of the accident.
- The NIB informs the victims and relatives, that an investigation is opened and engages with them through the investigation process.
- The investigation process is fully documented in the Handbook.
- The investigators have good provision of PPE.
- Annual reports are published in the required timescale time (before 30 September every year).
- The NIB is an active participant in the NIB community.
- The NIB publishes a 'follow-up note' on the status of the recommendations. In this note the NIB describes what the addressed parties have indicated to have done and what they are planning to do with the recommendations and to what extent that is satisfactory to the NIB.

Panel comments on independence
<ul style="list-style-type: none"> • The work of the NIB is clearly separated from the judicial authorities, the NSA and other actors in the railway sector. • The NIB operates with its own budget through the Ministry.
Actions taken by the NIB relevant to the Peer Review findings (if any).
Identification of strengths
<ul style="list-style-type: none"> • The NIB uses different kind of Handbooks for the investigation process and for collecting factual information. • The NIB has different kinds of competences, psychologists', engineers etc. which helps to strengthen the organisation and also the investigation reports. • The investigations are led by 'triangles'. This means that there is a project leader, an assigned Board member and an assigned investigation manager who together determine the course of the investigation. • The NIB webpage seems to be very informative. There is a lot of information about investigations, organisation etc. A short description is posted on the webpage when an investigation of an accident or incident is opened. • There is a CTF (coordination team factfinding) for some of the on-site investigations. This is an informal initiative from the NIB, NSA, largest RU's, IM and railway technical police for coordination at the accident site.
Identification of areas where improvements are suggested
<ul style="list-style-type: none"> • The panel suggests that the NIB, for the improvement of railway safety and to comply with the spirit of the directive, to have more focus on investigating less serious accident and incidents. • The panel suggests that investigating less serious accidents and incidents can achieve safety improvements of similar value to recommendations from serious accidents. Given the resourcing of the rail investigators, there is capacity to investigate those accidents and incidents which under less slightly conditions might have led to a serious accident for the improvement of the railway safety. These investigations can be effective in preventing future serious accidents in the railway sector. • The panel suggests that for the investigators that not have a railway background, the NIB develops a more structured railway training programme that encompasses technical training as well as site visits, cab rides and other exposure etc.

- The panel suggests that the NIB in the consultation process of draft investigation reports always send the draft report to the NSA who is the supervising authority. The panel thinks that sending the draft report, with recommendations, to the NSA is an important step in the consultation process and also gives the NSA the opportunity to improve the quality of the investigation report. The NSA can also comment upon the recommendations, to improve the quality of the recommendations, to be useful in the NSAs supervision activities.
- The panel suggests that the NIB in the consultation process of draft investigation reports also includes the recommendations in the draft report. By doing this, the involved parties can comment upon the recommendations and therefore it is likely that the recommendations are effective and will be accepted.
- The panel suggests that the NIB sets up a Memorandum of Understanding with NIB Belgium and NIB Germany for facilitating cross-border investigations.
- The panel suggests that the notification matrix could be extended in order to ensure notification of all accidents and incidents that could be investigated and deliver a meaningful benefit to safety. The Panel considers that the number of notifications received is very low relative to the amount of infrastructure and rail traffic.

Additional comments by the Panel (if any).

- The national legislation also permits the NSA to investigate accidents and incidents - this could prevent railway safety learning on a European level for less serious accidents and incidents since the NIB normally only investigates serious accidents. This may also inhibit investigation of the NSA's own activities and supervision.

PART 4 – COMMENTS FROM NIB

Comments by the NIB (if any).

- The statement that '*The final report includes an appendix of the comments on the draft report that has been amended in the final report and also why the comment has not been amended in the report.*' correctly describes the situation for the two shared investigation reports during the peer review. Later, however, the approach was changed. Nowadays, the final report includes an appendix with all comments on the draft report and for each comment an explanation why the comment was or was not amended in the report.