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Document Review – Comment Sheet

Document commented: Common Safety Methods on the assessment of Safety Level and Safety Performance of railway operators at national and Union level (CSM ASLP)

<i>Requestor:</i>	Consultation.ERA1219@era.europa.eu
<i>Deadline for submitting comments:</i>	17 March 2021

	<i>Reviewer 1</i>	<i>Reviewer 2</i>	<i>Reviewer 3</i>	<i>Reviewer 4</i>	<i>Reviewer 5</i>
<i>Date:</i>	17/03/2021				
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Document History

<i>Version</i>	<i>Date</i>	<i>Comments</i>
0.1	17/03/2021	EPSF's answer to the consultation
0.2		
0.3		

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Conventions:

<i>Type of Comment</i>		<i>Reply by requestor</i>	
<i>G</i>	General	<i>R</i>	Rejected
<i>M</i>	Mistake	<i>A</i>	Accepted
<i>U</i>	Understanding	<i>D</i>	Discussion necessary
<i>P</i>	Proposal	<i>NWC</i>	Noted without need to change

Review Comments <if necessary add extra lines in the table>

<i>N°</i>	<i>Reference (e.g. Art, §)</i>	<i>Type</i>	<i>Reviewer</i>	<i>Reviewer's Comments, Questions, Proposals</i>	<i>Reply</i>	<i>Proposal for the correction or justification for the rejection</i>
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<p>1.</p>			<p>General comment :</p> <p>The main goal of our comments below is to propose a simplification of the text by focusing on the phased implementation of the CSM. To this aim it is necessary to:</p> <ul style="list-style-type: none"> - <i>Clearly state in the CSM the general objectives to be achieved in the first phase and for the next revisions</i> - <i>Simplify the CSM text by leaving only technical details regarding what is necessary for the implementation of the first phase, next phases would be subject to further revision of the CSM on the basis on the progressive return of experience</i> <p>Overall, we agree on a first phase which consists in:</p> <ul style="list-style-type: none"> - <i>Establishment of the GoA</i> - <i>Start of occurrences collection and sharing, limited to CSIs (Category A events, as described in Appendix A, Part A)</i> <p>Following that objectives, we therefore propose to :</p> <ul style="list-style-type: none"> - <i>Clarify the role of the GoA for both the sharing of information and safety</i> 	<p>A</p> <p>R</p> <p>A</p> <p>A</p> <p>A</p> <p>NWC</p>	<p>The Article 4 has been reviewed and it allows straight forward identification of the mandatory applicability for each implementation step.</p> <p>We have implemented the re-structuration you proposed and we find also some advantage with it. This re-structuration allows to clearly indicate what Appendix is applicable mandatorily or voluntarily for learning purpose.</p> <p>GoA is mandatory applicable in the first phase</p> <p>This is already the proposal contained in the submitted draft, it will be maintained in the final draft</p> <p>The GoA is legally established as a working party. The CSM provides high level orientation and should not provide to much details that are not usually introduced in a CSM. Agency working party, like the GoA, shall be defined with their terms of reference (called Working Arrangements in</p>
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2.			<p>General comment related to the economic impact:</p> <p>The French experience shows that the collection of safety related data and information represents an important effort and workload for the railway operators. The CSM proposed in the current consultation requires a more complete and complex collection of data by the railway operators compare to what is done today and will create therefore additional costs. In addition, according to our experience, the interfacing of digital IT tool (at national level between operators and the NSA) requires also important resources. Regarding the expected benefits identified in the impact assessment, French railway operators remain doubtful about the saving of 1% of the staff costs associated with monitoring and auditing the SMS.</p> <p>The cost-benefit ratio of this CSM in its consultation version does not seem ensured. Nevertheless, the overall impact for operators (in term of human resource and cost) is direct, substantial and certain, while the benefits are indirect, small and uncertain.</p> <p>For example, considering the low level of sharing between railway operators, the expected benefits in term of collective learning will be very low compare to the requirements regarding the data to be collected.</p>	<p>The impact assessment has been undertaken at both disaggregated level (per element of CSM ASLP) and for the recommendation as a whole. In particular, the focus has been to determine key costs drivers linked to the different requirements introduced by the CSM ASLP. In addition, possible drivers of benefits have been identified. The IA concluded based on recognising incurred costs and conservative estimates for benefits that the benefits are likely to outweigh costs considering 1) a phased approach for implementation; b) tightly controlled process for any adjustment to the CSM ASLP demonstrated through cost-benefit analysis.</p>
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				This supports the phasing approach we propose in the comments below, with a view to ensure a positive return on investments at each phase before moving towards the next phase.		

N°	Reference (e.g. Art, §)	Type	Reviewer	Reviewer's Comments, Questions, Proposals	Reply	Proposal for the correction or justification for the rejection
4.	Art. 4	G, P	1	<p>This article is deemed to set the specific objectives of the CSM. However, the collective sharing and learning is also one of the objectives of this CSM, as required by the mandate. The GoA is also established (at list partly) in this spirit of organising such collective sharing and learning taking into account return of experience following incidents/accidents.</p> <p>Proposal:</p> <p>Article 4 – Collection of data used for the assessments, collective learning and continuous safety improvements</p> <p><i>“1. For the purpose of collective learning, continuous safety improvements and of safety level and safety performance assessment, each railway operator shall provide the following data and information”</i></p>	A	<p>Article 4 is used to define the requirements in terms of data collection. The objectives are supported by Article 2.</p> <p>We have inserted ‘collective learning’ and ‘continuous safety improvements’ in Article 2</p> <p>In this way, Article 4 can really concentrate on the description of data collection requirements, in a direct and simplified manner.</p>

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5.	Art 4.1 (a)	G, P	1	<p>Each railway operator shall provide any “applicable occurrence”. The terms “applicable occurrence” refers to all categories (A, B and C) events listed in the appendix A – part A. However, as the first phase only require to provide the category A events (Cf. Article 11.3), we propose to clearly state this here. The next revisions of the CSM text, as expected in the draft multi-annual work plan of the GoA, will complement this Appendix and extend the scope of occurrences to be provided to category B and C.</p> <p>Proposal :</p> <p><i>“(a) any applicable occurrence of category A events with serious consequences as defined in Appendix A – part A in which the railway operator is involved and the relevant volume of operations, in accordance with the applicable method and requests defined in Annex I;”</i></p>	A	<p>We have re-drafted the Article 4 in a way that operators do not need to refer to the Appendices to understand the data collection requirements.</p> <p>This is combined with the restructuration proposal concerning the Annexes and the Appendices, which is also implemented.</p>

6.	Art 4.1 (b)	G, P	1	<p>The use of self-estimation only for the assessment of safety performance of railway operators still poses a lot of questions as it both implies a new and heavy burden for the operators to perform such self-estimation and is not sufficient to assess the safety performance of the railway operators as additional data and information should be considered for this (result of NSA supervision, residual concerns at the stage of certification and their treatments, etc.). Among the railway operators consulted at national level, their experience shows that such approach based on self-estimation depends on the maturity of the company (a more mature company would tend to challenge more its processes than a less mature one).</p> <p>We propose to leave room for more discussion and proposal inside the GoA in order to define later the methods to be used for the assessment of safety performance.</p> <p>Proposal:</p> <p><i>(b) the self-estimation of data and information to be used for the assessment of its safety performance in accordance with the applicable method and request defined in Annex II;</i></p>	R	<p>The responsibilities of all actors are clearly stated in article 4 of Directive 2016/798. The self-estimation is not a standalone tool. The aim is to provide assistance to the railway undertakings and infrastructure managers for self-estimating their performance and defining ways to improve their safety management system.</p> <p>This does not prevent NSAs to carry out their supervision activities, but can act as a supporting tool.</p> <p>The aim is explained in article 5 of the Annex II (Appendix B in the final version after restructuration).</p> <p>The aim is to provide a tool for the sector to improve the SMS of the operators:</p> <ul style="list-style-type: none"> • <i>For the operators: helping them to self-assess their level and find areas for improvement;</i> • <i>For the authorities to improve the dialogue with railway operators</i>
7.	Art. 5.3	P	1	<p>Aggregation of national IMs or RUs safety levels is not required by the mandate. The mandate requires a methodology for the assessment of</p>	NWC	<p>The text we propose and the methods applied is fully compatible with your explanation.</p>

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				<p>the safety level and the safety performance of railway operators at national and European level. This does not mean assessing a national safety level, which is the scope of the CSM CST. Confusion between assessment of operator at national level (which is one the object of the CSM) and assessment of national safety level by (aggregation of operators) which is the goal of the CST CSM should be avoided. In addition, the aggregation at national level of SP assessment based on self-estimation would provide biased results at national and Union levels.</p> <p><u>Proposal:</u></p> <p>3. The Agency shall aggregate the estimations provided to railway operators into national and Union level indicators for each type of operation.</p>		<p>The CSM ASLP does not duplicate CSI or CST that are merging all types of operations for judging on the MS Safety level.</p> <p>On the contrary the CSM ASLP, assess, per type of operation, the operators, alone or in a grouped manner.</p> <p>This is different from the CSI/CST regime and objectives.</p>

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8.	Art.6.4	G	1	Not all railway operators and not all NSAs can be represented in the GoA (e.g. due to resources availability). The Agency shall make sure that proposals from the GoA, in particular regarding the proposals made in accordance with §4 of Annex VII, are presented to sector representatives and to the national safety authorities through the appropriate communication channels (e.g. NSA network, GRB).	NWC	<p>The correct level of representation will be ensured by the Working Arrangements, allowing a clear distinction between the GoA decision-making and GoA technical development of proposals.</p> <p>It will not replace NSA network or NRB network roles.</p> <p>It will also allow an efficient use of resource allocated to the GoA, within the limits foreseen by the Impact Assessment, to the right workflows and technical groups.</p>

9.	Art. 7	G	1	<p>The regulation, in conformity with mandate, offers the possibility that the future ISS can be interfaced to pre-existing systems to facilitate the implementation of the required collection and sharing of information. However, some questions remain on how it will work:</p> <p>Will it be possible to use pre-existing systems to share only a part of the required data and information ? Today, most if not all, existing occurrence reporting systems (whether they are at national or company level) do not aim to collect all the information required, in particular regarding occurrence scenario, risk control measures and self-estimation by operators. This will inevitably impede a simple, cost-efficient use of such pre-existing systems and thus not facilitate the implementation of the CSM. It will create the risk of double reporting and/or creating two parallel channels of reporting for operators, which should be avoided.</p> <p>What is a pre-existing system ? Does it mean systems that have been established before the entry into force of the CSM ? What about existing system that will be updated/modified later, whether to be made more compatible to interface with the future ISS or to be modified/improved for the sake of their initial goal, which can be different from the goal of the ISS ?</p>	NWC	<p>The future ISS could allow for more than one system connected by a given entity.</p> <p>Double reporting is clearly avoided by the proposal. The ISS helps to manage properly the different inputs and will allow batch data management for quality assurance.</p> <p>This provision is included in the CSM because only pre-existing systems are known and only for them the Agency can arrange a practically feasible Common Digital Interface. Obviously the CSM cannot anticipate requirements for systems that are not known today.</p>
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				All these issues require more discussions and collaboration with the Agency in order to set up a clear roadmap for the development of the ISS in a real successful way.		We have started working with the 'ISS' work group of the CSM ASLP Working Party in order to design a practically feasible system for every parties.
10.	Art 7.1 and 7.2	P	1	<p>The purpose of the ISS is to be a tool supporting all the objectives of the CSM. It is not necessary to repeat here the objective and we propose to simplify the text in the following way:</p> <p><u>Proposal:</u></p> <p>1. For the purpose of railway safety collective learning and continuous safety improvement any entity may share applicable data and information in accordance with the applicable data sets, sharing requests and processes defined in this Regulation.</p> <p>2. To allow an efficient sharing of data and information according to the obligations established in this Regulation, the Agency shall establish an Information Sharing System.</p>	A	Article modified along these lines.

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11.	Art. 7.4	P	1	<p>In order to consolidate the taking into account of existing system and with the aim to answer the needs raised by the sector to avoid double reporting and additional burden compare to the current situation, we propose to clarify how the pre-existing systems will be considered when setting up the future ISS.</p> <p><u>Proposal</u> : New article 7.4a</p> <p>4a. With a view to the good functioning of interfaces between the ISS and pre-existing system(s) as foreseen by Article 7(6) and (7), the Agency shall make sure that the registered entities are properly informed and consulted about their needs as regards the functionalities of the digital interface, before this becomes operational and before any major updates of the system when this is in use.</p>	NWC	<p>While we agree your comment, we would like to point out that this is already covered by the Article 6 and 9 as, the ISS definition can only take place with the description of Appendix D, which is following a recommendation process, involving the GoA.</p>

N°	Reference (e.g. Art, §)	Type	Reviewer	Reviewer's Comments, Questions, Proposals	Reply	Proposal for the correction or justification for the rejection
12.	Art. 7.6	P	1	<p>The technical feasibility to interface pre-existing systems with the future ISS should be taken into account when elaborating the technical specification of the ISS and tested through the test version as foreseen in article 11.5 of the CSM.</p> <p>Proposal:</p> <p><i>6. The Information Sharing System shall offer the possibility to interface pre-existing digital systems, where this is technically feasible, in order to facilitate the implementation of this Regulation and avoid double-reporting.</i></p> <p><i>To this aim, a test version of the Information Sharing System shall be made available during a sufficient testing period. At the end of the testing period, the Agency shall address a report to the Group of Analyst containing the results of the tests performed, in particular regarding the interface with the pre-existing digital systems.</i></p>	<p>A</p> <p>NWC</p>	<p>Article 7(6) modified with ‘The Information Sharing System shall offer the possibility to interface pre-existing digital systems, where this is technically feasible, in order to facilitate the implementation of this Regulation and to allow the possibility for the operators to report only once the required datasets’.</p> <p>This proposal is covered by Article 11 (test version) and by the involvement of the GoA in the design and modification of the ISS at any stage, in accordance with Article 6 and 9.</p>

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13.	Art 7.7	G	1	The costs related to maintenance and/or update development of pre-existing systems may widely depend on the maintenance and development that would be made to the ISS. It is necessary to foreseen that these developments are made transparently and in a cost effective way with the concerned stakeholders to ensure that interfacings remain feasible and operational.	NWC	It is foreseen that the ISS is developed with non-proprietary and open source IT technologies in order to limit the ISS maintenance/ update and adaptation costs.

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14.	Art 7.9	P	1	<p>In order to ensure consistency and reliability of information and data collected between pre-existing system and the future ISS, it would be necessary to foresee a workflow also in the way “ISS towards pre-existing system”, in particular when the direct communication channel is chosen.</p> <p><u>Proposal:</u></p> <p>Art 7.9a new</p> <p>In order to ensure reliability of data and information and efficient sharing, the ISS shall offer the possibility to interface pre-existing systems with a view to update them when direct communication channel to the ISS has been chosen in accordance with Article 8.</p>	NWC	<p>We agree the objective.</p> <p>This is actually covered by the current proposal and described in the Annex VI part D. The generic process already foresees two directions of flows with the pre-existing systems.</p> <p>The update of systems is done independently of the chosen channel, and is valid for direct and indirect channels.</p> <p>The quality and consistency of information is in particular covered by Articles 7.10, 7.11, 7.12, 7.13.</p>

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15.	Art. 7.14	G	1	The rules regarding confidentiality and use of information collected through this CSM is an important issue for the operators that will report the information and data. In order to improve the clarity of the text we propose to transfer the related relevant requirements from Annex VI to a specific article. See also the aviation regulation (EU Reg 376/2014 Art. 15) as example.	NWC	The protection of personal and specific interest data is clearly indicated in Article 7.14. It is not needed to transfer one part to another as the Annex VI has the same legal value as a main article and provides more details in accordance with article 7(14).

16.	Art.9.1	P	1	<p>Up-to-date technical support documentation referred in appendices should not only be used to ensure technical and scientific progress, but also to allow a phased implementation of the regulation, in conformity with article 11. Such phased implementation, through the successive revisions of the CSM and related technical support documentation, would allow to take into account the return of experience gained through each iteration of the CSM.</p> <p>Proposal:</p> <p>1. To allow extension of the scope of the collection of data and information required for the full implementation of this Regulation and the development of methods to be used for the assessments required by the Article 5, technical support documentation referred to in this Regulation shall be developed and revised in accordance with the procedure set out in the following paragraphs, on the basis of the phased approach set out in Article 11.</p> <p>1 bis. To allow for the necessary adaptation of this Regulation to the technical and scientific progress, up-to-date technical support documentation referred to in this Regulation shall be used to support its implementation.</p>	A	<p>Note: We understand the objective to have a clearer connection between the updating of the Regulation and of the phased approach. However the scope is not changed by the implementation phase but only the application of sub-parts with a phased approach. Therefore in legal terms, there is no ‘extension’ of the scope of the Regulation.</p> <p>We propose to retain a simpler adaptation of the text, as following:</p> <p><i>1. To allow for the necessary adaptation of this Regulation to the technical and scientific progress and for an appropriate level of technical support, up-to-date Appendices shall be used at each implementation phase established in accordance with Article 11.</i></p>
17.	Art 9.2	P	1	Up-to-date technical support documentation referred in appendices should not only be used	A	

			<p>to ensure technical and scientific progress, but also to allow a phased implementation of the regulation, in conformity with article 11. Such phased implementation, through the successive revisions of the CSM and related technical support documentation, would allow to take into account the return of experience gained through each iteration of the CSM.</p> <p>Proposal:</p> <p>2. In accordance with Article 6(3), when necessary, the Group of Analysts shall address proposals to the Agency, in particular concerning the following technical support documentation referred to in the Appendices of this Regulation:</p> <ul style="list-style-type: none"> (a) Taxonomy of event types and types of risk control measures; (b) Operators’ self-estimation of safety performance; (c) Assessment of railway operators’ safety level and safety performance; (d) Information Sharing System. <p>According to its working arrangements and taking into account the return of experience following the implementation of applicable versions of the Appendices of this Regulation, the Group of Analysts shall address proposals for the revision of technical support documentation to the Agency.</p>		<p>The reference to the ‘working arrangements’ has been included in Article 6(3) because it is generally applicable to each proposal prepared by the GoA.</p> <p>The Article 9(2) is amended along the lines proposed, as following:</p> <p>“In accordance with Article 6(3), taking into account the return of experience following the implementation of applicable versions of the Appendices of this Regulation, the Group of Analysts shall address revision proposals to the Agency, in particular on the technical content of the Appendices to this Regulation.”</p>
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18.	Art 9.3	P	1	<p>Up-to-date technical support documentation referred in appendices should not only be used to ensure technical and scientific progress, but also to allow a phased implementation of the regulation, in conformity with article 11. Such phased implementation, through the successive revisions of the CSM and related technical support documentation, would allow to take into account the return of experience gained through each iteration of the CSM.</p> <p>Proposal:</p> <p>3. In accordance with Article 6(4), the Agency shall issue opinions on:</p> <p>(a) the Technical Support Documentation “Taxonomy of event types and types of risk control measures”, reported in Appendix A of this Regulation;</p> <p>(b) the Technical Support Documentation “Railway operators’ self-estimation of safety performance”, reported in Appendix B of this Regulation;</p> <p>(c) the Technical Support Documentation “Assessment of railway operators’ of safety level and safety performance”, reported in Appendix C of this Regulation;</p> <p>(d) the Technical Support Documentation “Information Sharing System”, reported in Appendix D of this Regulation.</p>	A	<p>Article 9(3) is modified in combination with Article 9(2) modifications, along the proposed lines.</p> <p>“With the aim to constantly maintain up-to-date those Appendices, taking into account the proposals received from the Group of Analysts, and, when necessary, the Agency shall issue opinions in accordance with Article 10 of Regulation (EU) 2016/796”</p> <p>Note: the article is general and it is not necessary to quote the title of every appendices.</p> <p>It simplifies further the readability of the article.</p>
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				<p>when necessary.</p> <p>With the aim to constantly maintain up-to-date the technical support documentation, when necessary, the Agency shall issue opinions on revisions of these technical support documentation.</p>		
19.	Art 10.1	P	1	<p>The control mechanism that regulates the future update of the Regulation should also be linked to the recommendation of the GoA, that should be taken into account in the recommendation the Agency would make.</p> <p>Proposal :</p> <p>1. Taking into account technical and scientific progress, and when necessary and in particular following a recommendation from the GoA in accordance with articles 6(3) and 9(2), the Agency shall address recommendations to the European Commission for revising or supplementing this Regulation.</p>	A	Article 10.1 amended along this proposal.

20.	Art 11	P	1	<p>In order to reflect the proposed phased implementation, we propose to clarify the Article 11, which should reflect that the first phase focus on establishing the GoA and start the data collection regarding category A events, whereas the later phases will be introduced by future revisions of the CSM that would be made on the basis of the GoA's proposals and Agency's recommendations.</p> <p>Proposal :</p> <p>3. The article 4(1)(a) of this Regulation shall apply from [date].</p> <p>with the exclusion of Article 4(1)(b) and (c) and Article 5, which shall not be implemented before the date referred to in Article 11(4) and (5)(10). During this period the implementation of this Regulation shall be performed, on behalf of the European Commission, with the help of an immediately available solution provided by the Agency, not requiring specific IT developments, and the scope of application shall be limited, for each type of operation defined by Article 3(31) of Directive (EU) 2016/798, to data and information relating to the occurrences of category A events with serious consequences.</p> <p>4. Taking into account the Group of Analysts proposals referred to in Article 9(2) the Agency shall issue recommendations on the first</p>	A	<p>We have clarified the phased approach in Article 11.3</p> <p>We have complemented this clarification by removing the part concerning non-mandatory applicable articles, as there is no need to indicate what is not applicable in a Regulation.</p> <p>Article 11(3) is also simplified due to the clarification of Article 4(1)</p>
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				version of the technical support documentation referred to in Article 9(3) (c) and (d) before [date].		

21.	Annex I	P	1	<p>To make clearer the first phase of implementation of the CSM, we propose to keep only what will be applicable at this stage. Next revisions of the CSM will add progressively the rest of details, in conformity with deadlines provided by article 11 and following the work plan of the Group of Analysts.</p> <p>Proposal:</p> <p>Annex I – Part A : to be transferred to Appendix A (reporting modes linked to the list of events defined in the Appendix A)</p> <p>Annex I – Part B : to be transferred to Appendix A and marked as “reserved” (to be publish with the revision of the CSM when scope is extended)</p> <p>Annex I – Part C : to be transferred to Appendix A and marked as “reserved” (to be publish with the revision of the CSM when scope is extended)</p>	<p>A (restructuration)</p> <p>R (removing part developed with the working party that are useful for the GoA)</p>	<p>As article 4 and 11 have been redrafted taking into account the proposed restructuration.</p> <p>The Annexes have been transferred into the Appendices as following:</p> <p>Appendix A – Collection of occurrence data and information</p> <p>Appendix B – Collection of safety performance data and information</p> <p>Appendix C – assessments of SL and of SP</p> <p>Appendix D – Information Sharing System</p> <p>We do not support the idea to remove parts developed with the working party, using long lasting EU development results and implemented with success in some countries or by the industry.</p> <p>Those parts of the proposed text – restructured Appendices version- contain clear requirements for the mandatory applicable article of the first phase and contains also the high level requirements for the assessments that are necessary for framing the work of the GoA.</p> <p>Part B and C in particular contain the baseline necessary for the GoA tasks, applicable from the first phase.</p>
22.	Annex II	P	1	As commented on Art. 4 above, the use of self-estimation only for the assessment of safety		The responsibilities of all actors are clearly stated in article 4 of Directive 2016/798. The self-estimation is not a

			<p>performance of railway operators still poses a lot of questions as it both implies a new and heavy burden for the operators to perform such self-estimation and is not sufficient to assess the safety performance of the railway operators as additional data and information should be considered for this (result of NSA supervision, residual concerns at the stage of certification and their treatments, etc.). As it is proposed in article 11 to leave the implementation of the SP assessment for a second phase, we propose to therefore leave room for more discussion and proposal inside the GoA in order to define later the methods to be used for the assessment of safety performance in the Appendix B.</p> <p><u>Proposal:</u></p> <p>Annex II : Replace “self-estimation” by “safety performance assessment” and move the detailed methodology to Appendix B</p>	<p>A</p>	<p>standalone tool. The aim is to provide assistance to the railway undertakings and infrastructure managers for self-estimating their performance and defining ways to improve their safety management system.</p> <p>To check the correct application and the effectiveness of all the processes and procedures in the management system, including the technical, operational and organisational risk control measures is already required from operators - CSM MO, Art. 2 (a). It is not new.</p> <p>This does not prevent NSAs to carry out their supervision activities, but it can act as a supporting tool.</p> <p>The proposed harmonised method is already implemented in several countries as it is derived from the Maturity Model.</p> <p>As required by the mandate Annex II (for operators) and Annex V (harmonised union rule) compose the high level description of the safety performance assessment. The two elements are reported in the Appendix B and are not mandatory in the first phase, as described in Article 11, only mandatory in the phase 3.</p> <p>In accordance with the CSM restructuring of annex into the Appendices, we have renamed the Appendix B ‘Collection of data and information for Safety Performance assessment’</p>
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23.	Annex III	P	1	<p>At the first stage of implementation of the CSM, it is not clear how the collection of occurrence scenarios and associated risk control measures will be used. It is important to clarify what is the objective behind as it represents a significant work for the railway operators to report that information. This needs to be further explained in the text, with clear objectives stated for these requirements.</p> <p>Furthermore, as already commented in our comment above, the use of the future ISS to collect this information will impede the possibility to facilitate the implementation of the CSM by interfacing pre-existing systems to the ISS, as the current pre-existing systems of occurrence collection do not aim to collect this information. This will create a risk to introduce a double reporting channel and/or deteriorate the reporting of information towards those pre-existing systems whereas their functioning is currently efficient.</p> <p>As it is proposed in article 11 to leave the implementation of the SP assessment for a second phase, we propose to therefore leave room for more discussion and proposal inside the GoA in order to define later the methods to be used for the assessment of safety performance.</p> <p><u>Proposal:</u></p>	(R) see comment 21.	<p>The systematic investigation of accidents and incidents to determine their causes is a requirement for operators as part of their SMS - CSM SMS, Annex I/II, Art. 7.1.1 (a).</p> <p>It also correspond to a clear requirements of the Mandate to facilitate the sharing of information with a harmonised and well-structured information on these elements.</p> <p>As already required, the structuration established by the CSM is a facilitation for the operators, and also for the NSAs who will have a standardised presentation of the information, facilitating potential audits.</p> <p>No double reporting is expected as structurally the CSM establishes sharing rules favouring forwarding of the harmonised and structured information to all interested parties but no duplication of the source of information reported.</p> <p>To check the correct application and the effectiveness of all the processes and procedures in the management system, including the technical, operational and organisational risk control measures is already required from operators - CSM MO, Art. 2 (a).</p> <p>As required by the mandate Annex III and Annex V compose the high level description of the safety performance assessment.</p>
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N°	Reference (e.g. Art, §)	Type	Reviewer	Reviewer's Comments, Questions, Proposals	Reply	Proposal for the correction or justification for the rejection
				Annex III : reserved		We consider it is necessary to keep this text in order to support the implementation of CSM MO requirements and to facilitate the work of the GoA as a baseline.
24.	Annex IV	P	1	<p>In order to reflect the first phase of implementation of the CSM in conformity with Article 11, we propose to keep in Annex IV the general principles for the assessment of safety levels. However detailed principles, in particular the implementing calculation should be left to the revised version of the CSM and should be therefore transferred to the Appendix C. The GoA and the Agency will propose the Appendix in accordance with Article 9 and 11.</p> <p>Proposal:</p> <p>Annex IV – From §4 to §8 : transferred to Appendix C and marked as reserved inside the Appendix C for the first version of the CSM</p>	A	<p>Annex IV, including section 4 to 8, provides only high level guidelines for the drafting of Appendix C.</p> <p>The formula is generic and was introduced to give a minimal understanding on what the SL assessment shall consider.</p> <p>It forms the baseline for the GoA work to define the remaining details, inspired also by the presentations made by WP members on – compatible - methods that have been experienced the last ten years.</p>

N°	Reference (e.g. Art, §)	Type	Reviewer	Reviewer's Comments, Questions, Proposals	Reply	Proposal for the correction or justification for the rejection
25.	Annex V	P	1	<p>In order to reflect the first phase of implementation of the CSM in conformity with Article 11, we propose to keep in Annex V the general principles for the assessment of safety performance. However detailed principles, in particular the implementing calculation should be left to the revised version of the CSM and should be therefore transferred to the Appendix C. The GoA and the Agency will propose the Appendix in accordance with Article 9 and 11.</p> <p>Proposal:</p> <p>Annex V – From §1 to §3 : replace the self-estimation of by “data and information to be used for the assessment”</p> <p>From §4 to 8 : transferred to Appendix C and marked as reserved inside the Appendix C for the first version of the CSM</p>	<p>NWC</p> <p>A</p> <p>(R) see previous comment 21</p>	<p>Annex V provides only high level guidelines for the drafting of Appendix C and do not specify implementing calculations.</p> <p>The actual implementation formulas/calculations are indeed to be considered by the GoA for potential inclusion in a future version of Appendix C.</p> <p>(new) Appendix C, including Annex V renamed</p> <p>As no detailed calculation, but only framing of the assessment process is described, we consider it is necessary to keep the current text as a baseline for the GoA work.</p>

26.	Appendix A	P	1	<p>The first version of Appendix A should reflect the first phase of implementation of the CSM. Therefore, it should be limited to category A events and leave the description of other categories events to the next revision of the CSM, when its scope can be extended following articles 9 and 11 of the CSM.</p> <p><u>Proposal:</u></p> <p>Category B events : reserved</p> <p>Category C events : reserved</p> <p>Contributing factors : reserved</p> <p>SMS factors : reserved</p> <p>New parts moved from Annex I (see comment xx above) :</p> <p>Annex I – Part A</p> <p>Annex I – Part B: reserved</p> <p>Annex I – Part C: reserved</p>	<p>(R) see comment 21</p> <p>A</p> <p>A</p>	<p>The taxonomy is based on previous harmonisation work as requested by the Mandate and has been reviewed with the working party. Only few concrete amendment proposals were made, despite recurring request from the Agency during 1 and half year. The Agency consider that it is necessary to keep these elements as a baseline for the first phase implementation, including for the development of concrete amendment proposals by the GoA.</p> <p>The CSM is restructured to offer a better support to the CSM implementation, in line with clarified phased approach.</p> <p>Because of the re-drafting of Article 4, stating directly what data and information shall be reported, the previous tables in Annex I – Part A, B and C are not needed anymore.</p>
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<i>N°</i>	<i>Reference (e.g. Art, §)</i>	<i>Type</i>	<i>Reviewer</i>	<i>Reviewer's Comments, Questions, Proposals</i>	<i>Reply</i>	<i>Proposal for the correction or justification for the rejection</i>
27.	Appendix B	U, P	1	<p>The article 11.3 foresees that the article 4.1(b) is not implemented during the first phase, in particular as it would require the establishment of the ISS. Therefore, we propose to reflect this in the first version of the CSM and to take the opportunity of time offered here to allow the GoA and the Agency to further work on this aspect. The actual appendix would be part of the revised version of the CSM, when it will be really possible to extend its scope to SP estimation.</p> <p><u>Proposal:</u> Appendix B : reserved</p>	(R) see comment 21	See answers to comment 21.

Note: This table could be changed according to the requestor's needs

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