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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>	11 March 2021				
<i>Name:</i>					
<i>Organisation:</i>	NSA PT				

Document History

<i>Version</i>	<i>Date</i>	<i>Comments</i>
0.1		Version sent to ERA.
0.2		
0.3		

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>
1.	-	G	1	<p>CSM structure</p> <p>The structure of the CSM makes it difficult to understand the obligations of the railway operators. The information should be presented with a structure that does not require going back and forth through a significant number of annexes and appendices. It would be very much useful if a CSM ASLP guide would be published and training would take place before the its entry into force.</p>	A	<p>The CSM will be simplified and restructured in order to ease its reading, in accordance with the agreement at WP9. In addition, guidance and training will be provided.</p>
2.	-	G	1	<p>CSM burden on operators</p> <p>The CSM represents a significant increase in the railway operators' reporting obligations which might prove challenging at least to some of them. In addition it might require significant changes in the operators' working methods and processes.</p>	NWC	<p>The existing legislation already require the operators to implement a very large part of what is required by the CSM ASLP. From this perspective there are nearly no new requirements.</p> <p>In most of the cases, the requirement are actually concerning the request to structure the information in one harmonised way which is the basis to establish an efficient sharing of information and collective learning at all level (operator/national/EU).</p> <p>The adaptation costs concerning the working method are counted in the IA, which results are positive.</p>

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3.	-	G	1	<p>Reporting language</p> <p>The CSM does not specify the language that should be used for reporting. While that might not pose a problem when dealing with, for instance, occurrences that are already foreseen in the taxonomy and will be translated in all the EU languages, what about the free text fields? Is there an automatic translation functionality foreseen for the ISS in these cases?</p>	NWC	<p>This functionality may be part of the ISS design, <u>if feasible</u>. This is not defined yet.</p> <p>At the minimum, the users of the ISS will be able to copy and paste free text they have access to, and use their own translation tool.</p>
4.	Art 7, §7 §8	U	1	<p>ISS interfaces</p> <p>It is not clear if the entities registered in accordance with Article 7(3) will be able to develop their own interfaces with the ISS (at their own cost). Is this the case? Will these entities be provided, if requested, the specifications needed to build their own interfaces?</p>	NWC	<p>The ISS is not fully specified yet, however some principles already establish the framework.</p> <p>The CSM will clearly indicate that the entities will have access to all the data they are entitled to see for free. This will include the possibility to upload these data.</p> <p>Then, outside the ISS, the data may be processed by another tool/interface.</p> <p>In case an interface of the ISS would be of common interest for the GoA and in case resources are allocated, harmonised improvements of the ISS interface may be envisaged. However it is to be considered on a case by case basis.</p>

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5.	Annex VI – Part A - §3.4	U	1	<p>Voluntary reporting fees</p> <p>This point states that “3.4 - <i>Voluntary reporting shall be subject to an agreement between the concerned entity or entities and the Agency and may be subject to a specific fee-based regime in order to cover, when necessary, the expenditures incurred by the Agency related to the design, setting, operation, and maintenance of the shared data and information. (...)</i>”.</p> <p>Currently, the only event type which reporting is voluntary is suicides/attempted suicides. Does this mean that reporting this events will entail a specific fee? What is meant by voluntary reporting in this point?</p>	NWC	<p>No, the reporting of what is required or voluntarily reported is free of charge at the conditions that 1) it is covered by the CSM ASLP taxonomy and data structure implemented by the ISS and 2) the voluntary reporting has a negligible impact on the volume of data (operating cost) that can be foreseen with the mandatory application.</p> <p>Outside these conditions, significant impact on development, maintenance or operation cost of the ISS and Agency staff service should be compensated by fees. This case is meant to protect the possibility to guarantee a good functioning of the ISS for all parties, and primarily for covering the mandatory requirements of the CSM.</p>

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6.	Appendix A – Part A, Part B	U	1	<p>Reporting entities</p> <p>The last column of these tables indicates the allocation of the related occurrences by default. How will the duplication of reports be prevented in the ISS in the cases where these column is either blank, RU+IM or RU/IM? (Or in the case where the allocation by default is not followed)</p>	NWC	<p>The column has been established with the aim to facilitate by default allocation of causes counts as indicated in comment 8. The aim is not to determine which operator shall report.</p> <p>The reporting obligations are indicated in article 4 “each operator involved in an occurrence” taking into account the definition of ‘involvement’ in Article 3.</p> <p>It is considered that in case of disagreement (different causes reported for the same event) the ISS can assist the NSA in notifying the detected ‘disagreement’. Then the NSA may act toward the involved operators and define with them the causes to be reported.</p> <p>If the disagreement persist, the SL estimation will be based on Article 5.1.3 (c) of draft Annex IV.</p>

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7.	Annex IV - §5.1.3 b)	U	1	<p>Counting of occurrences for SL estimation - Several combined causes</p> <p>Different category B event types might have different contributes to originating a category A event. Given this, how are the applicable proportion(s) of the counting of the occurrence for the SL estimation per railway operator calculated? And by who? What if the different parties involved do not agree on how the responsibility/contribution to the outcome is split? Will a methodology be developed in the GoA?</p>	NWC	<p>The CSM proposal already contains rules in Annex IV article 5.1.3 which have been agreed with the working party and which cover the cases you mention.</p> <p>A clarification can still be made in the final text, highlighting that Articles 5.1.3 (a) and (b) assume that operators involved agree the reported causes. In case of disagreement the cause counting is attributed evenly to involved operators.</p> <p>The ISS will automatically implement these rules by default. Exceptions reported by NSAs may also apply in accordance with draft article 4.2 (review request).</p>

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8.	Art. 3 – i) j)	P	1	<p>Serious/Significant consequence event definition</p> <p>These two definitions stem from the serious accident / significant accident in the RSD.</p> <p>To improve the understanding of the definitions, I propose harmonizing the wording between the two by replacing,</p> <p><i>“or in damage to stock, track, other installation or environment that is equivalent to EUR 150 000 or more.”</i></p> <p><i>with</i></p> <p><i>“or damage to rolling stock, infrastructure or environment that is equivalent to EUR 150 000 or more.”</i></p> <p>in the “significant consequence event” definition.</p> <p><i>In addition, there seems to be an overlap between the two definitions in the case where there is only damage to rolling stock, infrastructure or environment over EUR 150 000. Shouldn't the “significant consequence event” damage to rolling stock, infrastructure or environment be between EUR 150 000 and EUR 2 million? This shouldn't be the case, however, if this definition will replace the current “significant accident” definition in the RSD CSIs.</i></p>	A	Your proposal is implemented in the final CSM proposal as it further clarify the definitions and is consistent with RSD definitions that remain unchanged

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

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