

Making the railway system
work better for society.

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>	09.03.2021	11.03.2021			
<i>Name:</i>	Krzysztof Kądzioła	Michał Zięcina			
<i>Organisation:</i>	PKP PLK SA				
<i>Email:</i>	krzysztof.kadziola@plk-sa.pl	michal.ziecina@plk-sa.pl			

Document History

<i>Version</i>	<i>Date</i>	<i>Comments</i>
0.1		
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.	Applicable to the entire CSM ASLP	G	MZ	<p>CSM ASLP Regulation was prepared at incredibly fast pace, which resulted in the inability to reliably and thoroughly determine the real benefits and consequences resulting from the project requirements.</p> <p>Improving the level of railway traffic safety - which is the strategic goal of the PKP PLK S.A. – upon acceptance of the proposed Regulation, will become even more difficult. It will oblige the company to allocate significant resources (both financial and human) to new tasks related to reporting events. Unfortunately, in our perspective, these obligations will not bring benefits indicated in the formal justification of the regulations. The reason for this are overly optimistic forecasts in terms of limiting the number of occurrence and too roughly calculated costs.</p> <p>The regulation in its current version, will result in high costs for IM and RU and worsen our competitiveness with other transport modes. Moreover, implementation of the regulation in question shall force to increase mandatory reporting, while some aspects are too complicated and unclear. Increased number of mandatory data / scenarios reporting does</p>	NWC	<p>The Agency observes that many claimed costs are in fact relating to already adopted legislation that should already be implemented, for example, understanding the accidents scenarios and their causes as well as the monitoring of the SMS functioning.</p> <p>Therefore, in itself the CSM ASLP is only establishing a structured sharing of information which will allow for collective learning, and also the strict necessary to allow non-discriminating assessment of operators.</p> <p>The Impact Assessment has carefully taken into consideration all the implications of the CSM ASLP in a very conservative manner.</p> <p>The additional required information are limited to the need for sharing structured information and are very limited, especially in the first phase which is considering serious consequence accidents.</p>

				<p>result in collective learning and accident avoidance.</p> <p>That will affect the entire railway industry and have a negative impact on inter-sector competitiveness, moreover, it will be particularly acute for these entities who have not employed specialists in railway statistics so far.</p> <p>Both collected data and information must be comparable, otherwise they cannot be useful for implementing efficient collective learning.</p> <p>In our opinion, ongoing costs for maintaining the interfaces to the ISS are underestimated. The costs of adaptation the internal system, processes and staff-competence should be specified.</p>		<p>Moreover, any future adjustments to the CSM ASLP will be tightly controlled and require justification through cost-benefit analysis</p> <p>The added value for small operators who have not required competences on statistics will be that the ISS will allow to directly sharing well-established statistics relevant for this operator, without having the need to invest in own systems and competence to access such information.</p> <p>The assessments and any analysis will be comparable as no bias will be introduced by the application of incomparable methods.</p> <p>The associated costs will be very limited and the common digital interface will be simple and easy to use human interface facilitating the understanding of shared information between operators</p> <p>It will also enable the possibility of automatic sharing of information on a very simple digital interface specifications.</p>
2.	Art. 7.9	P	KK	<p><i>“Independently from the chosen communication channel – direct - or - indirect - each railway operator shall be responsible for the validity of the data and information they share with the Information Sharing System.”</i></p>	NWC	<p>The choice of using the indirect channel is to be made under the Operator responsibility.</p> <p>The CSM ASLP fully consider the operators as reporters, independently from the channel (direct or indirect chosen). In case the operator would not trust the possibility for the NSA to act as an indirect reporter, then the operators has the</p>

				The operator can only be held responsible for the validity of data that it shares directly with another party/system. If the other party/system is sharing that data with the ISS, the operator cannot be held responsible anymore for that transfer (and thus validity) of data (with the exception of parties that are contracted by the operator to act on their behalf). This applies in particular for indirect reporting by the operator through the NSA and their system(s).		<p>possibility to opt for the direct channel, unless a national rule would impose to use the indirect channel (not a CSM requirement)</p> <p>In this later case, the ISS will forward the information of the operator to the NSA without amendments, with a high reliability and traceability level, which will allow also the NSA to access this information in accordance with the sharing rules described in Annex VI.</p> <p>Please note also that national rules on the CSM scope will not be accepted anymore after a transition period.</p>
3.	Annex I Art 3.1.2	P	KK	A date and time (in seconds) of occurrence or occurrence cause is not relevant for all events (e.g. broken rail, type C event).	NWC	<p>The date and time is required for event cat. A and B only in case of simple reporting.</p> <p>We agree that in some case it might be difficult define precisely the time of occurrence however it is compensated by the possibility to correct the information when the information is available or more precise. For some event it might correspond to the time when the event is discovered. It will be possible to clarify this in guidance.</p>
4.	Annex I - General Part 3.2 (same for 5.2)	U	KK	<p>It is difficult to get the overview of the timeframe for reporting.</p> <p>Does e.g. the 72 hour reporting deadline include all steps of a reporting (e.g. it is impossible to meet the requirement of 72 hour window when reporting requires contacting NSA or there is a need to report measured data.)?</p>	NWC A	<p>The required deadline is independent of the channel chosen, direct or indirect.</p> <p>The article 4 has been re-drafted to be clear on the applicable requirements and deadlines.</p> <p>The NSAs are required to forward information within the deadline for the operator, in case the indirect channel is used.</p>

						The operator should ensure that when opting for the indirect channel the NSA is actually able to immediately forward the information within the deadline.
5.	Annex I – 5.1.2.1	U	KK	The table is not as clear as it could/should be. It contains unnecessary, imprecise and ambiguous elements e.g.: words in capitals, location details, multiple equal rows for the heading, lightning conditions.	NWC	We do not see any duplication of rows. The type of required information is also used in other modes of transport.
6.	Annex I – 5.1.2.2	U	KK	The table is not as clear as it could/should be. It contains ambiguous and imprecise elements e.g.: “damage to the environment”, “total length of track damaged” compared to other parameters.	NWC	We do not think that the terms are ambiguous, as they are already applied in other regulation/modes of transport. However, the CSM ASLP establish a process in which the GoA will have the possibility to propose further clarification of terms that are used, including in guidance. We propose to input your comment in this process of the GoA.
7.	Annex I – 5.2.2	U	KK	Unclear definition of “Targeted data set” term. Does it specify a reporting obligation or something else?	NWC	This could be further clarified in a guide that the targeted dataset is the object on which a sharing request apply. However the Annex VI Part C article 2.1 (c) and (d) already explains what action can be done on the dataset that is subject to the action of the sharing entity.
8.	Annex I – GP – 8.2	U	KK	<i>“The applicable data sets for reporting occurrence scenarios are defined in Annex III – Part A”</i> Annex III – Part A contains the data set for reporting a ‘building block’ whereas Annex III – General Part section 4.1 contains the dataset for reporting occurrence scenarios.	A	The CSM ASLP is simplified in its final version and the applicable datasets are directly accessible in the appendix referred to in the core CSM Articles. The reporting of scenarios will be further supported by the ISS interface and guidance.

	Annex I – GP – 8.3	U	KK	<p><i>“The applicable sharing request for reporting occurrence scenarios is defined in Annex III – Part A”</i></p> <p>Annex III – Part A does not contain any sharing request, but Annex III – General Part section 4.2 does (for ROS).</p>	A	The reporting request are all present in the core CSM text in the final CSM proposal (redrafted article 4).
9.	Annex I – Part A, B, C	U	KK	Proposed reserved event types seems not to be consistent.	A	With the restructured final CSM text and the re-drafted article 4, the Tables of part A, B, C are removed, as not needed anymore.
10.	Annex I – Part B	U	KK	Proposed name for B-1.1 and B-2 seems not to be consistent.	NWC	After checking we confirm that terms are consistent.
11.	Annex I – Part B	U	KK	Proposed grouped categories “Operation failures” and “Technical failures” seem not to be consistent.	NWC	After checking we confirm that terms are consistent.
12.	Annex I – Part C	M	KK	Different definitions of “Category C events” in art. 3 (g) and Annex I – Part C.	A	Annex I – Part C was removed, due to the simplification of the CSM final text.
13.	Annex II - 1.4	U	KK	There is no definition of “the maturity level corresponding to the minimum necessary to obtain a certificate/ authorisation”.	NWC	<p>The CSM on SMS sets the minimum maturity level to obtain a certificate/authorisation. Elements of proof are already described in the guidance on SMS requirements and management maturity model.</p> <p>In that context, level 1 here is consistent with level 1 of the MMM guidance.</p>
14.	Annex II - 3.4	U	KK	<p><i>At the Comment for Data item ‘Self-estimation’ the phrase ‘situational aspect’ is mentioned.</i></p> <p>This phrase is not used elsewhere and not explained.</p>	A	This will be reworded to ensure consistency.

15.	Annex III – General Part – 3.1.3	U	KK	<p><i>“It is understood that a category A event can be caused by one or multiple direct causes and one or multiple indirect causes and that an occurrence scenario may involve only one risk control measure, several risk control measures or no risk control measures.”</i></p> <p>This should state more clearly that category C events could act as direct causes to category A events and that this can/may be described in the ROS. (See also comment at Annex I – Part C).</p>	NWC	<p>Scenarios reporting will be accompanied with guidance.</p> <p>The CSM text is consistent and has been further simplified.</p>
16.	Annex III – Part A – 2.2	U	KK	<p>Term “systemic factor” is not explained.</p>	A	<p>Reference to the definition in Regulation (EU) 2020/573 is made</p>
17.	Annex VI – Part A – 3.1	U	KK	<p><i>In the column ‘Applicable rules for data and information not specified as mandatory by the CSM ASLP.’ it says ‘In such a case ...’.</i></p> <p>It is not clear if ‘such a case’ refers to ‘Any other data or information’ or to ‘Sharing of information ... and where necessary, completed by a confidentiality agreement ...’.</p>	A	<p>It has been re-phrased to clarify the sentence in the final CSM proposal</p>
18.	Annex VI – Part A – 3.4	U	KK	<p><i>“Voluntary reporting ... 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>A distinction must be made between voluntary reporting by an operator with the intention to A) implement its reporting activities through the ISS</p>	NWC	<p>In the context of the CSM it is to be understood that VR reporting is corresponding to the sharing of information that is not mandatory to report in accordance with the CSM.</p> <p>It corresponds to your point B, however the annex VI indicates as well that when a voluntary reporting is made, applicable sharing rules have to be defined.</p>

				thereby not needing their own system and B) share data additionally to the mandatory data for collective learning purposes.		It means that an operators may also use the ISS for covering your point A, when feasible, for example when the type of datasets can be covered by the ISS.
19.	Annex VI – Part D – 7.2	U	KK	<p><i>“Personal data are kept the time necessary for processing the related sharing requests, after data and information will be kept in a dis-identified form for statistical and analysis purposes.”</i></p> <p>The part of the sentence starting with ‘after ...’ is not clear/understood, likely because of the grammar (not because of the content).</p>	A	It is proposed to change ‘after’ with ‘then’
20.	Appendix A, 2.2.a.i	U	KK	The term ‘reference risk control measure’ is not explained.	NWC	It will be further clarified when the taxonomy of risk control measure is finalised with the subgroup A. Then a Technical Opinion and guidance will be issued by the Agency.

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

Please read carefully the Data Protection Notice below before submitting your comments.

<https://www.era.europa.eu/content/data-protection#meeting1>

I have read the Data Protection Notice and I accept the processing of my personal data accordingly.

I accept that the comments I have submitted can be published on the ERA website along with: my name my e-mail address