

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)*

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| <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>         |                                 |                   |                   |                   |                   |
| <i>Name:</i>         | Lena Erixon                     |                   |                   |                   |                   |
| <i>Organisation:</i> | Director General, Trafikverket  |                   |                   |                   |                   |
| <i>Email:</i>        | susanne.kallman@trafikverket.se |                   |                   |                   |                   |

### *Document History*

| <i>Version</i> | <i>Date</i> | <i>Comments</i> |
|----------------|-------------|-----------------|
| 0.1            |             |                 |
| 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<br/>(e.g. Art,<br/>§)</i> | <i>Type</i> | <i>Reviewer</i> | <i>Reviewer's Comments, Questions, Proposals</i> | <i>Reply</i> | <i>Proposal for the correction or<br/>justification for the rejection</i> |
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| 1. | Applicable to the whole CSM | P | Trafikverket | <p>The purpose and objective described in the CSM is assessed to be more limited than the predicted benefits shown in the impact assessment. According to research and science there are limits in collective learning due to the different context of the IM's and RU's safety management systems respectively. For supporting arguments, please see the following references.</p> <p>Argyris, C., &amp; Schön, D. A. (1995). <i>Organizational learning II: theory, method and practice</i>. Reading, MA: Addison-Wesley.</p> <p>Rydstedt Nyman, M., Johansson, M., &amp; Liljegren, E. (2017). Systematic Knowledge Sharing in a Natural Hazard Damage Context: How Organizational Borders Limit Lessons Learned. <i>Risk, Hazards &amp; Crisis in Public Policy</i>, 8(4), 356-380.</p> <p>Rydstedt Nyman, M. (2018). Collective Learning – Opportunities and Constraints: Case Study of an Avalanche blocking a Railway line and actors coping. <i>Risk, Hazards, &amp; Crisis in Public Policy</i>.</p> <p>Davidsson, Å. (2020). Disasters as an opportunity for improved environmental conditions. <i>International Journal of Disaster Risk Reduction</i>, <a href="https://doi.org/10.1016/j.ijdr.2020.101590">https://doi.org/10.1016/j.ijdr.2020.101590</a></p> <p>Gerlak, A. K., &amp; Heikkila, T. (2011). Building a theory of learning in collaboratives: Evidence from the Everglades Restoration Program. <i>Journal of Public Administration Research and Theory</i>, 21(4), 619-644.</p> <p>Heikkila, T., &amp; Gerlak, A. K. (2013). Building a conceptual approach to collective learning: lessons for public policy scholars. <i>Policy Studies Journal</i>, 41(3), 484-512.</p> <p>Johansson, M., Nyberg, L., Evers, M., &amp; Hansson, M. (2013). Using education and social learning in capacity building—the IntECR concept. <i>Disaster Prevention and Management</i>, 22(1), 17-28.</p> |  |  |
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|  |  |  | <p>Le Coze, J. C. (2013). What have we learned about learning from accidents? Post-disasters reflections. <i>Safety science</i>, 51(1), 441-453.</p> <p>Trafikverket’s internal working group includes competence and knowledge through a PhD in risk and environmental management with specialty of Collective learning. We would, again, like to offer our support how the use of data and information are limited to the context.</p> <p>It is, for example, allowed to mitigate risks with different risk control measures, to design the organisation or processes in different ways. This means that the contexts are different for different railway operators. The national cultures are different in different countries. It is the risk mitigation as a whole which is important and makes the risk level as a whole acceptable. A risk control measure in one organisation could be inefficient or even useless in another when/if the context is different. As long as context is not the same or similar, collective learning is not possible or extremely hard to achieve.</p> <p>Trafikverket assesses that the benefits are not taking the limitations of the impact assessment into account. For example there is a Specific Objective 1 (SO1) “Contribute towards improving collective learning after relevant occurrences/accidents/ incidents”. According to the impact assessment, all the options addressed are assessed to contribute to fulfil the objective. There is no discussion or arguments addressing how the options fulfil, in particular, this objective. The limited benefits for learning, according to research and science, for the different contexts in different railway operators’ safety management systems cannot be found in the impact assessment.</p> <p>Proposal: Put additional work into the impact assessment in order to reflect all benefits and costs including up-to-date research and science for collective learning.</p> | <p>NWC</p> | <p>Many efforts have been put into the Impact Assessment and the Agency considers that benefits are not overestimated and cost are counted in a rather conservative manner.</p> <p>Despite a rather conservative approach the IA is positive. In the final version of the IA report an annex has been added setting</p> |
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|           |  |             |                 |  |              | out the Agency's understanding of the concept of collective learning and its importance for facilitating changes within organisations and more widely in the economy / society. |



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| 3         | Article<br>4(1)                        | P           |                 | <p>Trafikverket agrees that according to whereas (3) “evidence ... of th evolution of the safety performance and safety level” could be provided, which could support risk-based decision-making. When it comes to a more extensive use of the data and information, in particular collective learning, Trafikverket doesn’t agree with the analysis done in the impact assessment. For example, the context-issue that would limit the benefits for an infrastructure manager, is not reflected.</p> <p>Trafikverket assesses that costs are underestimated and benefits are overestimated. See also other comments.</p> <p>Proposal: Put additional work into the impact assessment in order to reflect all benefits and costs including up-to-date research and science for collective learning.</p> | NWC          | <p>The collective learning is a continuum, not isolated for one operator in one context.</p> <p>In general this is understood as ‘cross fertilisation’. This is even applicable between different industry sectors.</p> <p>So why it could not be achieved within a system even if the context are not exactly the same? We believe that you underestimate the learning possibilities offered by the CSM.</p> <p>Further reflections have been added in the final version of the IA report, incl. an annex on collective learning.</p> |





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| 6         | Article 11<br>and<br>Whereas<br>(30)   | P           |                 | <p>Trafikverket welcomes that experience gained in the first implementation phases is used. However, costs-/benefits need to be considered as a whole. For example, one-off costs for adjusting Trafikverket's own reporting system, is a cost not included for infrastructure managers in the table Annex EcoEv1 as a whole. Only parts of costs seem to have been taken into account.</p> <p>It is also predicted that, for example, railway operators could expect cost savings on resources devoted to auditing and monitoring. Trafikverket doesn't agree. All risks need to be monitored in the context of Trafikverket's operation. Therefore we assume that we cannot rely on the reporting system at EU-level only.</p> <p>Proposal: Put additional work into the impact assessment in order to reflect all benefits and costs in the phases respectively or as a whole. One option should be to re-write the CSM ASLP extensively if needed.</p> | A            | <p>The article 11 has been re-drafted, to clearly take into account lesson learnt from the Group of Analysts between each implementation phase. Leading to a better control of the potential benefits and costs during the implementation of the CSM.</p> <p>This has a positive effect on the IA which do not need to be adapted, as already positive.</p> |

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| 7  | Article 11                    | P    |          | <p>There are no dates included in the draft for consultation. However, we have seen a separate work plan.</p> <p>Trafikverket has a 2 year (at least) preparing process in order to change reporting systems. Budget also need to be planned for. Hence Trafikverket will have severe difficulties to implement the regulation from the date it should be applied. Trafikverket needs to create a special organisation for reporting directly to the ERA system as a transitional solution (for ERA final solution). This is assessed to give Trafikverket extra costs.</p> <p>It might have less impact on the transitional solution the Agency has planned for, but could be dependent on how the data and information are collected. However, the context issue is still in question.</p> <p>Proposal: Postpone the implementation date when ISS should be used until at least 2 years after ISS has a stable interface.</p> | <p>NWC</p> <p>A</p> | <p>The first phase can be implemented without ISS, as it is on a limited scope. It has also the advantage of allowing starting collective learning with the Group of Analysts.</p> <p>The re-drafted article 11 allows to start on a limited scope and to engage with other phases when the ISS will be ready.</p> |

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| 8         |  | G           |                 | <p>The impact assessment refers, for example, to the aviation industry to support the notion that a common reporting system is beneficial and would fulfil an objective like learning. One should take into account that the process for landing a plane or the rules to fly are the same/similar for all actors. This means that the context is same or similar. This means that the comparison could be done with less limitations and collective learning could apply to a greater extent compare to railway.</p> <p>Proposal: Put additional work into the impact assessment in order to reflect all benefits and costs including up-to-date research and science for collective learning in order to assess what is applicable to the railway business or not.</p> | NWC          | See the three first comments' answers   |
| 9         | Comments to earlier drafts             | G           |                 | <p>NB! Trafikverket has sent, via EIM, comments to earlier drafts. Rejected comments or comments which have not been solved are still applicable. Trafikverket would like the Commission and the Agency to take them into account.</p>  | NWC          | <p>EIM has received a reply to each comments they sent to the Agency. Please make contact with EIM.</p> <p>Please note also that the Agency has provided justifications when comments have been rejected.</p> |

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

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