**EUROPEAN
UNION
AGENCY
FOR RAILWAYS**

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)

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

	Reviewer 1	*Reviewer 2*	*Reviewer 3*	*Reviewer 4*	*Reviewer 5*
Date:	15.03.2021				
Name:	Magnus Just Hansen				
Organisation:	DSB				
Email:					

Document History

Version	*Date*	*Comments*
0.1		
0.2		
0.3		

Conventions:

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

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

N°	*Reference (e.g. Art, §)*	*Type*	*Reviewer*	*Reviewer's Comments, Questions, Proposals*	*Reply*	*Proposal for the correction or justification for the rejection*
1.		G		It is crucial that ASLP is established as a value adding instrument which secures a good quality in common reporting and supports the gaining knowledge on company, national and EU-level. For ASLP to work it should in no way expand the burden on the companies e.g. the companies' time spent on reporting of incidents and accidents. Furthermore, the implementation of ASLP should not lead to a higher economic burden for the companies.	NWC	We believe that the CSM proposal is fulfilling your comments. The proposal does not impose much new reporting requirements that is already covered by a pre-existing requirement in CSM MO or CSM SMS or CSM on Supervision. It is also fully consistent with CSIs. After the requested adaptation to share information in a harmonised structured manner it will support safety related information exchange and improvements for all actors. It will be supportive to the development of a genuine SERA. The Impact Assessment of our proposal is positive.

N°	Reference (e.g. Art, §)	Type	Reviewer	Reviewer's Comments, Questions, Proposals	Reply	Proposal for the correction or justification for the rejection
2.		G		Today the RU's are expected to register all safety related incidents. This means that every company has established their own incident register. The registers in the companies are different to each other. They are not built in the same way and they are stored on different IT-platforms. Furthermore, RU's and IM's must report the incidents on a yearly basis to the Danish NSA. It is crucial that it is clarified if ASLP is going to be another database for the reporting of incidents or if it is replacing the current reporting structure, and thereby the NSA database and subsequent the companies' own databases.	NWC	The ISS Common Digital Interface will be simple and easy to use, allowing an efficient the connection of existing systems.

The CSM is setting the harmonised sharing of information without preventing broader monitoring in accordance with CSM MO.

The ISS will allow forwarding information between connected systems in either ways. (direct or indirect channel) |

N°	Reference (e.g. Art, §)	Type	Reviewer	Reviewer's Comments, Questions, Proposals	Reply	Proposal for the correction or justification for the rejection
3.		U		According to the current legislation companies need to have their own risk profile, which entails registering risks and barriers. According to the draft, registering an incident in ASLP requires that the companies register risks according to a structure enclosed in the ASLP. Accordingly, it seems in the draft that this registration shall happen based on a risk/barrier register, which contains a conditional formatting. Every company's risk profile and risk and barrier register are built up based on the company's specific risks and barriers which don't have to be congruent with other companies' risks and barriers. A company can for example setup technical barriers where another company doesn't have the same resources and therefore must settle with a human barrier. It is unclear how the risk and barrier registration can happen in a specific and all-embracing way, so all the companies' risks and barriers are covered in a generalised form. This again supports the difficulties mentioned in no 2, as a registration should be made in accordance with a company's inherent risks and barriers.	NWC	The CSM ASLP is collecting risks and barriers of operators. Yes, correct, and allowed by the CSM proposal. Any barrier inherent to a given operator can be reported as such. Then barriers of all operators will be categorised in accordance with a harmonised logic facilitating sharing of relevant information.
4		U		It is unclear what the deadline is for the implementation of the database and the corresponding adjustments of DSB's registration and reporting to the Danish NSA.	NWC	The starting date on implementation will be notified to operators and authorities in advance to allow the right level of information and preparation.

N°	Reference (e.g. Art, §)	Type	Reviewer	Reviewer's Comments, Questions, Proposals	Reply	Proposal for the correction or justification for the rejection
5		U		Categorisation – It is unclear if the Danish NSA's current categorisations is going to be changed or if DSB should report in two categories.	NWC	If you are talking about events category, it is fully compliant with pre-existing accident and incident definitions of the Railway Safety Directive and thus should not disturb much your current categorisation. At the dedicated NSA Network meeting on the CSM proposal it has clearly be concluded that the national rules should progressively be cleaned to comply with one single harmonised reporting system, after a transition period. Additional national requirements should enter in a further development of the harmonised reporting, discussed with the GoA.
6		G		On Request reporting. The request for data is much larger compared to the other reporting formats. The requested extra data is volatile, and it needs to be gathered when the incident takes place. It will be difficult to gather the data after the incident for example specific weather conditions or track related issues. It will not be possible to report all the requested data in connection with DOR. For example, logfiles or track conditions.	NWC	A deadline is a maximum time limit to deliver information. The CSM ASLP and the ISS will allow for preparation of the reporting and then the submission of it. It means that a DOR reporting can be started the day of the accident (draft report) and the supplemented until it is reported officially before the deadline.

N°	Reference (e.g. Art, §)	Type	Reviewer	Reviewer's Comments, Questions, Proposals	Reply	Proposal for the correction or justification for the rejection
7	3.1.2		G	The geographical coordinates: - Latitude - Longitude Is not applied today and it can create problems when the companies shall report them to ERA and the NSA. Location data is today reported to the NSA per line, station, kilometre, and track number.	A	Geographical coordinates are already used by IMs in accordance with RINF. From this information and from RINF the information you mention could be retrieved automatically facilitating the reporting for RUs. In the first phase the element of location you mention can be used with the corresponding harmonised RINF datasets. The CSM has been amended in this direction. Further adaptation will still be possible and may be further discussed based on a GoA proposal.
8	3.2.2.	U		The sharing deadline is 72 hours. It would be very difficult to report the causes for an incident within such a timeframe, as causes may not be clear prior to further and in-depth investigation. Registering a cause pre-maturely can have a detrimental effect on the quality of reporting. What is the deadline for the reporting?	NWC	In the discussions on the CSM ASLP it was indicated that a high reporting accuracy can be achieved within 72 hours after an event occurs. Moreover, the CSM ASLP allows for the validation of the provided information up to 1 month after the end of the reporting period (4 months from the occurrence date) and also allows for corrections. If for some event types there is a higher risk of reporting inaccuracies, it shall be part of any discussion in the concerned subgroups, including on how the SL estimation should handle such data.

N°	Reference (e.g. Art, §)	Type	Reviewer	Reviewer's Comments, Questions, Proposals	Reply	Proposal for the correction or justification for the rejection
9	5.1.2.1	G		Temperature and weather conditions should only be registered when necessary.	R	We do not think it is a good idea because one cannot determine in advance if patterns could not be detected from those information when grouped with other occurrences, even if from the isolated viewpoint from a single occurrence it may be perceived as unnecessary.
10	5.1.2.2	G		It is not consistent with the GDPR-rules that personal data shall be reported in connection to deaths/personal injuries. DSB is not allowed to receive the before mentioned data. We can only register the data we know but we can't request personal data related to a victim's health conditions from the police/authorities/the victim themselves.	NWC	The CSM proposal is consistent with DGPR and it does not require to operators to receive personal data (meaning persons' name or element that could link for sure personal data to the reported information) The reporting of fatalities and injuries number (not personal data) is already an existing request of other legal texts. Both WP meeting (14-15/04) and NSA Network (27/04) considered that an estimation of fatalities and injuries can be reported without difficulties by operators with a simple reporting (SR).
11	6.1.1 and 6.3.2	U		In 6.1.1 the following is stated: Any 'Detailed On request Reporting' shall contain the same data items as the one required for Detailed reporting. In 6.3.2 the following is stated: Any 'Detailed On request Reporting' shall contain the data items specified in the following section. Which of the two articles is applicable?	A	A clarification is made in the final CSM text in regards the processing of on request reporting.

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