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:	9/3/2021	9/3/2021			
Name:	Johan Broos	Erik Francq			
Organisation:	NSA BE	NSA BE			
Email:	johan.broos@nsarail.fgov.be	erik.francq@nsarail.fgov.be			

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/P	1	The text of the CSM is very complex to understand. Only some parts of the CSM are applicable in the 1st phase. Moreover, several parts of the text that are not directly applicable are susceptible (and likely) to be changed before application.		
				⇨ *The text of the CSM should be simplified by removing all parts that are not applicable in the 1st phase and that are susceptible (and likely) to be changed before application.*	A	A simplification of the text will be implemented, notably in simplifying the structure and establishing requirements to operators directly in the core part (Article 4 redrafted)
					R	We do not agree to remove from the text the parts that are not directly concerning requirements to operators because all the annexes developed with the working party form a consistent approach to the CSM mandate and are sufficiently mature and supported by former EU development and current practices. It means that those elements constitute a very good starting point (baseline) for the future improvements proposed by the GoA. From the GoA perspective, all the parts are applicable as they serve as a baseline.
				⇨ *Future parts of this CSM could be communicated outside the CSM in an appropriate way and accompanied by a description of the current status.*	A	Any new proposal modifying the baseline will be notified with the ISS or another information channel (Technical opinions, Agency website), and when necessary will be formally processed as recommendation to actually amend the CSM with an improved version of the annex.

| 2. | | G/P | 1 | In essence, there are only 2 implementation dates for the operators to respect the application of reporting. Especially the second step, the full application of the CSM, is a big step. Unfortunately, this step is not preceded by smaller steps, on a voluntary basis, to confirm the successful implementation of the corresponding part described in the concerned technical supporting document (TSD). | A | Article 11 is redrafted to provide a step by step implementation, controlled by conditions to ensure practicability (mainly the availability of appropriate ISS versions), and also taking into account GoA inputs concerning the learning gained from previously applied phases.

GoA specific contributions are introduced in Article 9 and 10 explicitly for the improvement of technical support and CSM itself.

More steps have been added in Article 11. |
| | | | | ⇨ *The full application of the CSM should be preceded by a step by step approach allowing to test each TSD before implementation. Therefore, the applicability of the CSM should be divided into more and smaller steps preceded by successful test phases.* | A | |
| | | | | ⇨ *The criteria to conclude for a successful test phase should be described before the test takes place. This will not only help to improve the quality of the (further) development of the TSD, but also the understanding of the objective of the TSD, including the control of the attended cost-benefits. The support of the sector will be improved.* | A | Modification of the CSM is controlled by the adoption of a recommendation, which in accordance with the Agency Regulation implies an Impact Assessment.

In addition, revision of the CSM (including the technical support) shall take into account lessons learnt by the GoA. This is clarified in articles 9 and 10. |

3.			G/P	1	The reporting of occurrences to the ISS (can) cause(s) several issues:		
					- *Double/Triple reporting for the operators (1 time to BE NIB, CSI to BE NSA and 1 time to ISS);* - *Additional costs, especially when modifications are made (for example: new occurrences to be reported in ISS, modified taxonomy, updates of operators IT system, ...);* - *Only when it is technically feasible it is possible to have an interface between a pre-existing digital system and the ISS (see article 7 (6)), and the requesting entity must bear this cost, including the necessary updates (see article 7 (7));*	NWC	The IA is considering the costs you mention and the cost-benefit ratio is positive. It is incorrect to say that multiple reporting is required as the ISS will forward the information, on the basis of only one reporting by the operators. The information reported will be shared with the help of the ISS but not reported several times. This is a safeguard sentence compatible with the Mandate requirement, however we see no reason why such interfacing would be impossible as many ICT solutions exist nowadays.
					⇨ *The data sets to be reported should be comprehensively tested on a voluntary basis, and a broadly supported agreement by the GoA should exist before the CSM becomes mandatorily fully applicable.*	NWC	Full application comes only after ISS is duly tested and shall take into account GoA proposals
					⇨ *When the CSM is fully applicable, the separate reporting of the CSI can be removed, because all the information available through the reporting of the CSI is also integrated in the CSM.*	NWC	We agree in principle, this is an action for the future work plan of the GoA. It is proposed to implement this simplification when possible.

N°	Reference (e.g. Art, §)	Type	Reviewer	Reviewer's Comments, Questions, Proposals	Reply	Proposal for the correction or justification for the rejection
4.	Appendix A – Part A	G	1	There is a lack of definition and clarity on what to report. For example: it is necessary to have a definition of what kinds of events are considered as 'B1.2.1/B.1.2.2 SPAD'. A reference to the RSD AppAnnexI isn't satisfactory, because there is also no definition. (Some examples of different interpretation: in the main track or not?, a train number is available or not?, …).	A	Article 4 is re-drafted and will provide straight forward information on reporting requirements.

Those requirements are fully consistent with RSD definitions.

The supporting taxonomy is consistent with RSD definitions (possible clarifications are already introduced).

Then, the taxonomy will enter in the process of continuous improvement by the GoA which will raise proposals that were not proposed yet by the Working Party. |
| *5.* | Appendix A – Part A | G | 1 | Event type C: the number of occurrences to report is huge. And since the reporting of simple CSI is already complicated, this reporting will be difficult and time consuming, for both the operators and the NSAs. It is not possible for an NSA to support the operators with reporting the appropriate data. | NWC | The actual version of the CSM does not require the systematic reporting of type C events. This is clarified in the redrafted Art. 4. The current proposal only requests reporting with the reporting of type C events as part of the scenario reporting, meaning around 1700 scenario for the SERA per year.

It actually means less than two scenarios per year / per operator on average. |

N°	Reference (e.g. Art, §)	Type	Reviewer	Reviewer's Comments, Questions, Proposals	Reply	Proposal for the correction or justification for the rejection
6.	ANNEX I – GENERAL PART COLLECTION OF DATA AND INFORMATION	G/U	1	2. Applicable process for the management of any data and information 2.1. Any sharing of data and information shall be implemented in accordance with the sharing request types defined in the previous section and shall be managed in accordance with the rules defined in Annex VI. ⇨ *This text is not a process.*	A	We agree, but with the simplification of the CSM text this text is not used anymore. Covered by new Article4)

N°	Reference (e.g. Art, §)	Type	Reviewer	Reviewer's Comments, Questions, Proposals	Reply	Proposal for the correction or justification for the rejection
7.	Appendix A	P	1	"*Applicable taxonomy* *1. Part A of this Appendix defines <u>the initial version of</u> the applicable taxonomy of event types.* *2. Part B of this Appendix defines <u>the initial version of</u> the applicable taxonomy of risk control measures.*" This appendix should define the (final/latest) applicable taxonomy, not the initial version. When a proposal to modify the taxonomy is accepted, this appendix should be modified in order to show the new version. It must be clear which is the correct mandatory taxonomy to use. ⇨ *Proposal to modify the text to:* "*1. Part A of this Appendix defines the applicable taxonomy of event types.* *2. Part B of this Appendix defines the applicable taxonomy of risk control measures.*"	A	Corrected as proposed

N°	Reference (e.g. Art, §)	Type	Reviewer	Reviewer's Comments, Questions, Proposals	Reply	Proposal for the correction or justification for the rejection
8.	Annexe II art 1.4	U/P	2	*"The data and information collected for assessing the safety performance of railway operators are limited to the domain of the management of risk control measures and aim to encourage the development of maturity levels higher than* **the maturity level corresponding to the minimum necessary to obtain a certificate/authorisation**.*"* The assessment of the SMS according to the Commission Delegated Regulation UE/2018/762 doesn't include an evaluation of the maturity level. A comparison with a non-determined maturity level necessary to obtain a certificate/authorisation is not possible. ⇨ *Proposal to modify the text to:* *"The data and information collected for assessing the safety performance of railway operators are limited to the domain of the management of risk control measures and aim to encourage the development of a continuously increasing maturity level."*	A	The text will be reworded as proposed: *"The data and information collected for assessing the safety performance of railway operators are limited to the domain of the management of risk control measures and aim to encourage the development of a continuously increasing level of safety performance."*

N°	Reference (e.g. Art, §)	Type	Reviewer	Reviewer's Comments, Questions, Proposals	Reply	Proposal for the correction or justification for the rejection
9.	ANNEX I – Part A /appendix A-part A A6.3 Dangerous goods occurrence not related to another type A event	U/P	1	The reference to the "RID 1.8.5 report" in this place may be confusing. It is correct that all A6.3 accidents will fulfil the criteria of RID 1.8.5. But this could also be the case for other types of accidents. The link with RID is already made in a general way in Annex I ⇨ *Proposal to discuss this linkage topic (RID 1.8.5/CSMASLP) in the JCGE (joint coordination group of experts organised by DGMOVE and OTIF).*	A	The discussion will continue and potential amendments of RID and of CSM can be adopted, even after the first version of the CSM, for example full alignment for RID 2023.
10.	ANNEX I – GENERAL PART - section 3.1.2. Data set applicable for the simple reporting	P	1	Geographical coordinates are the most accurate information but when a report is received it would be easier to have: ⇨ *Country* *Location name* *Station name or line number* *And then only the geographical coordinates*	D A	The Agency MB has adopted a decision on 'once only' reporting. We consider that in principle the Geo coordinates will give access to all the other information. In the medium / Long term, We propose Geo Coord mandatory, other attributes optional as they can be retrieved automatically. Accepted for the first phase implementation

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