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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)

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Deadline for submitting comments:	17 March 2021

	Reviewer 1	Reviewer 2	Reviewer 3	Reviewer 4	Reviewer 5
Date:	15.03.2021				
Name:					
Organisation:	NSA Norway				
Email:					

## **Document History**

Version	Date	Comments
0.1		
0.2		
0.3		

Conventions:						
Type of Comment	Reply by requestor					

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

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

EUROPEAN UNION AGENCY FOR RAILWAYS

Comment sheet

Final Draft CSM ASLP <ERA 1219 >

N°	Reference (e.g. Art, §)	Reviewer's Comments, Questions, Proposals	Reply	Proposal for the correction or justification for the rejection	
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1.	Article 7 (8)	G	The Norwegian railway sector has a high reporting percentage	NWC	Operators are allowed to continue reporting via the
			of safety related events. NSA Norway have a good working		NSA with the 'indirect' channel established by the
			relationship with the RUs and IMs on incident reporting.  Approximately 30 000 incidents are reported annually, giving		CSM ALSP.
			a good overview of the safety levels and trends. It has taken		In this case, the NSA will be required to forward to
			years of hard work to develop this positive reporting culture.		the ISS the harmonized datasets required by the CSM ASLP.
			While acknowledging the needs to harmonize, enhance and		ASLF.
			aggregate information in Europe, it is important for NSA		
			Norway that the Norwegian system is not in any way disturbed or degenerated in the process.		
			NSA Norway wants to keep this system functioning and therefore applaud that the national reporting system can be kept and have interactions with the planned ISS system in the proposed CSM ASLP draft. However, for NSA Norway some clarifications are required (see below).		
			The gradual implementation of the full CSM ASLP will necessitate that NSA Norway retains the existing national system, in order to, in a satisfactory way, record, analyze and follow up the annual 30 000 reports.	NWC	The CSM implementation is introduced with phases, ensuring the correct interaction btw the ISS and the connected systems.
			NSA Norway strongly request that CSM ASLP text clarify whether it will be possible for the NSAs to impose on the various parties that they use a pre-existing notified system.	D	In general it is not foreseen that an EU harmonized regulation is asking for the implementation of national rules. The possibility to collect data outside
			Also, NSA Norway would like to know if there is anything in the CSM ASLP or elsewhere, which prevents the member states from making reporting through the preexisting systems		the scope of the CSM at national level will however continue to exist. Which channels to use for this additional reporting is a technical issue.
			mandatory?		It is to be noted however that for operators operating
			Will it be allowed for national authorities to have national rules which are more stringent than in CSM ASLP?		in many countries it is an additional complication as
			raics which are more stringent than in estimate;		they would have to adapt their reporting method to

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				For instance, the deadline for sharing information in Norway currently is 8 days for other than category A type events. With the introduction of CSM ASLP, this deadline seems to be extended to once each quarter year. For the work NSA Norway does, it is important to be hands on the railway sector and to have information on all type of events shortly after they occur and once each quarter is not frequent enough.		each country depending on the location of occurrence to be reported.  We suggest that this topic is discussed during the legal adoption process with the Commission.  The CSM approach is proportional to the risk, it is trying to prevent reoccurrence of severe accidents and gives 4 days for reporting on such events in case the prevention of reoccurrence can be obtained in the short term with appropriate information, notably on the occurred scenario.  For other less severe events, e.g. cat B events, it is considered that more time for reporting can be allowed, based on the fact that the analysis of all occurrences can be given the same level of attention and that operators are already required by the CSM MO to monitor in a day to day basis their risks.

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2	Article 7(8)			Article 7 (8) states: "For the implementation of this Regulation, the railway operators shall notify the Agency whether they will share the applicable data and information - directly - with the Information Sharing System or – indirectly - via a pre-existing system notified by a third party."  Please define and explain "third party" mentioned in this article.	А	The text indicates that it is to the operator to decide as it is a requirement addressed to the operator.  The term of 'third party' is used with reference to the operator, meaning another entity than the operator. This third party entity may be the NSA or another entity. The Article 7(8) has been clarified to better reflect this.
						In any case, the NSA will be notified of the reported occurrence from the supervised operators by the ISS. It is independent of the chosen channel.
				Are there any rules which determine who approves for instance RUs/IM to act as third party, or will it be up to NSA to decide?	U	See answer above and to comment 1.

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3.		G		In general, CSM ASLP is allowing large numbers of groups and sub-groups. It could be difficult to the point of not being economically feasible for the NSA's to contribute with time and money to these groups to a degree which will give NSA NO and potentially other NSAs a good overview and influence. For instance, facilitating the implementation of effective collective learning, the Agency shall establish a Group of Analysts (GoA). NSA Norway would like to emphasize that the costs of contributing in GoA should be covered by ERA.		The GoA is established as a working party and therefore the rules applicable to working parties in general apply.  The IA is taking into account a level of contribution amounting to 11 FTEs for all GoA members, in total.  An appropriate allocation of these resources will allow both working contributions to each Goa subgroups and an appropriate level of representation, mixing new ways of working, including remote meetings, and more traditional steering and formal representation.  Coverage of expense is a topic considered for every working party, and currently, no working party is applying reimbursement.

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4	Annex VI – Part A. nr. 2	G		NSA Norway is concerned that the common information sharing rules, which are to be developed, will compromise the high level of the confidentiality level the railway companies enjoy today.	NWC	In accordance with established sharing rules of the CSM, RU A will neither see RU B number of incident reported, nor any other specific information concerning one RU in particular.
				If the level is compromised, and the various parties are, in some way, able to access the reporting of each other, the high reporting level in Norway might be reduced.		This is obtained by a strict application of the sharing rules.
				The experience from our well-functioning system in Norway is that the successful and consistently high level of reporting is conditional upon the requirement to keep reported issues confidential. For instance, RU A should not be able to see the number of incidents reported by RU B. This includes the specific events and aggregated numbers.  NSA Norway would like to know in detail how this will be resolved.		
5	Article 7, nr 6 -9.	G		The experience of NSA Norway is that the operators make mistakes in reporting of the incidents. NSA Norway is therefore very concerned about the almost total absent of quality checks of the validity of the data shared in the ISS.	NWC	The level of checking possibility for the NSAs is unchanged by the CSM, as NSAs are in the loop of the reported data, independently of the channel used.
				NSA Norway would like to point out the importance of developing a system with high level of user-friendliness. Much effort should be laid into the language, the pedagogics of the layout and technical solutions as to minimize the number of incorrect reporting or erroneous choice from the taxonomy.	A	We agree that the user friendliness is important, and it is also an objective pursued by the Agency  The ISS will also allow for a certain number of automatized checkings, facilitating the tasks of the users.

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

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