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:	2021-03-17	2021-03-17			
Name:	Lena Ecström-Ärlig	Ryo Yamazaki			
Organisation:	Transportstyrelsen (NSA Sweden)	Transportstyrelsen (NSA Sweden)			
Email:	Lena.Ecstrom-Arlig@transportstyrelsen.se	Ryo.yamazaki@transportstyrelsen.se			

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.		P	NSA SE	**Summary** To summarize NSA SE appreciates the effort put by CSM ASLP team on ERA and the ASLP WP-participants. However, we do not deem this legislation to be a draft that is ready to be implemented. We consider that a large factor behind this is due to the unrealistic scheduling of the project which did not sufficiently consider the complexity and novelty of the scope on the regulation. Deciding to implement an ASLP according to the current proposal will be a risk in terms of potential cost and loss of opportunity. NSA SE agree that the sharing of safety information, both on voluntary and mandatory basis, in analysable formats, is something that is necessary for the integration and safety improvement of SERA. However our experiences indicate it can be done more parsimoniously, more consistently with existing regulation and based on tested well understood method. We recommend this method is significantly simplified from its current state in the draft. **We recommend removing appendices, annexes and obligations relating to ROS/RRCM, SP, SOR/DOR, as these are untested. We suggest the initial phase of CSM ASLP only contains parts relating to SR/DR/VR-reporting, as well as SL-evaluation, together with ISS and GoA.** As further tests and experiences are shared, the GoA and ERA ASLP team should be tasked to suggest further modular additions to the CSM ASLP in subsequent revisions.	R	The agreed phased approach allows to introduce progressively the implementation of the solutions that have been developed by the working party, consistently with the Mandate request. The ROS/RRCM methods correspond to already applied approaches that have been tested in many industries and that are consistent with existing standards. SP method is derived from a combination of existing requirements in EU legislation with process capability standards and is compatible with the already applied MMM model. SOR and DOR are the same as SR and DR applied on request. The feasibility will be ensured by the ISS design. Finally, it is also because the railway sector learning curve, in collaboration with the GoA, and because the sector and the NSAs requested a test phase that there is a big added value to keep ROS/RRCM/SP and the possibility for SOR and DOR in the 1st version of the CSM.

2.	Impact assessment Annex EcoEV 1	P	NSA SE	**Limitation of IA, cost calculations,** Before going into the detailed comments, we would like to highlight some limitations of the impact assessment. The IA we consider, generally provides reasonable and motivated calculation of costs. A particular source of error is however the training cost for operator. We have initially speculated this to be sufficient with 2 days, but upon rereading the regulation and consulting with industry experts, we believe there is a need to revise this estimate. This is illustrated by the fact that there is still widespread confusion about the details, and sometimes even the broader principle, of the regulation even for WP members who have spent significant portions of 2020 work hours into reading the regulation and consulting with ERA. The confusion is even larger for the industry experts who have had the chance to read the draft but have not had the opportunity to discuss the content with the authors directly. CSM ASLP in its current form could more reasonably estimated to have a training cost of 20 study days, rather than 2 days. Even then, this estimate is only reasonable given that there is good guides and documentation for staff available in many languages. We believe there really is no reason for this regulation to be as complex and hard to understand as it is, and therefore many of our subsequent comments will focus on methods how to reduce this cost. A gated or gradual approach of increasing the scope of CSM ASLP such as our initial comment would also provide simplification for this process (see comment 1). Another issue is that the cost calculation does not take into account the cost of operators needing to rework monitoring system or reporting system from that of current method to a CSM ASLP compatible method. Even if you have some individual staff members who are well versed in CSM ASLP, that does not mean that translation of variable value from the operator reporting system can be done so that is matches the SR/DR/ROS/SP requirements. This is not only a technical issue but an organizational cost, as the chains of incident reporting requires reworking of staff, all the way	U NWC	Clarifications have been brought at the WP 9 on the actual level of reporting imposed by the CSM. After clarification, Swedish representative indicated that it was actually acceptable and that IA had a good quality. It was agreed to insert the clarifications discussed in the IA and in the Accompanying Report to the recommendation. The comment does not require specific change to the CSM requirements, but clarifications only.

N°	Reference (e.g. Art, §)	Type	Reviewer	Reviewer's Comments, Questions, Proposals	Reply	Proposal for the correction or justification for the rejection
				from how drivers or traffic control centres work to how this information is later funnelled through the organization. Such a cost should be included and considered based on input from the sector. The IA furthermore does not take into account cases in which the same event requires separate reports from RU and IM, which is in fact most, if not all SR/DR/ROS according to Annex 1. This would mean that the cost of SR/ DR/ROS reporting estimated in the IA should be at least double than the current estimate given using otherwise the same methods.		

3.	Impact assessment 1.4	G	NSA SE	**Limitation of impact assessment benefit calculation,** There is a clear effort in the impact assessment to attempt a benefit calculation, but the basic premise of this regulation makes this very difficult. We recommend the Commission to consider the benefits written in the IA not as hard statistical prediction, but more as thought experiments. This is because, *a) References given to motivate safety and SMS efficiency gains are almost exclusively studies based on precursor reporting systems at operator level. Precursor reporting is only a portion of the CSM ASLP, and operator level monitoring already exists in CSM Monitoring, hence the studies does not provide evidence of additional benefits of SR/DR on top of existing operator monitoring.* *b) Slow implementation and low maturity among operators regarding CSM Monitoring is used as an argument for the necessity of CSM ASLP. However the obvious risk of CSM ASLP adding more complex regulation, leading to low maturity of understanding among operator is not considered.* *c) Benefits of confidential reporting is also given, but we believe such reporting is not equivalent to DR/SR/SOR/DOR/ROS. Confidential reporting indicating concrete immediate risks should have a separate process than reporting for the purpose of evaluation of safety level. As the former is qualitative, requires immediate action and particular, while the latter is quantitative, only assessed at certain intervals (quarterly or annually) and general.* *d) Generally speaking, safety in almost any industry in the developed world keeps improving. This is likely due to a compound of many activities in safety management at operator, regulator and supervisory systems. Thus examples such as "after this industry/country created this system, accident reduced by 70 %" can be very misleading, as this is likely just one factor behind improvement. For examples, the rate of serious accidents have*	NWC	See previous comment. Also, in the final version of the IA report an annex has been added setting out the Agency's understanding of the concept of collective learning and it's importance for facilitating changes and improvements in organisations and more widely within economic structures / society.

N°	Reference (e.g. Art, §)	Type	Reviewer	Reviewer's Comments, Questions, Proposals	Reply	Proposal for the correction or justification for the rejection
				reduced with roughly 50 % in SERA the last decade, and by more than 90 % in the last 30 years, even without ISS. *e) Neither in the evidence section in 1.4 or in the explanation of mechanic of benefits do we see any explanation of benefits of SOR, SP, RRCM or ROV. Rather, the references given appear to exclusively be related to SR/DR/VR reporting at what can be considered category B or C level.* *f) In the efficiency calculation, the average annual cost of SMS handling UK department of transport post-implementation review. Looking at the tables from the sources values given by operators is highly varied. This could be because the operation volume is greatly varied, or because the interpretation of what costs should be included in the answer may not be uniform.* *g) A large portion the costs of accidents, excluding suicides, in the European railway system is related to accidents involving trespassers or level crossing accidents. This makes comparison with industry such as aviation or production plants, in which accident causes are largely internal, quite difficult. This acknowledged in the IA itself.*		

4.	Impact assessment	G	NSA SE	**Interpretation of the conclusion of the impact assessment,** While arguments can be given about the uncertainty of benefit calculations, there is indeed a counter-argument that can be made, that the benefit calculations are still conservative. That is, any expert could argue that the potential safety benefit of a well working incident reporting system would be greater than 0.1% safety improvement assumed in the impact assessment. This is an idea that we can principally stand by. However, the crucial aspect here is that the benefit of a system is dependent on the successful design and implementation of it. The current impact assessment cannot take into consideration design choices and their practical risks for implementation being made, which we will point out in the subsequent comments of this document. We cannot expect an Impact Assessment to take into consideration consequences of putting occurrence context in a separate table from taxonomy documents. We cannot expect an impact assessment to take into account what a proper definition of an OR-gate, distinction between category B/C, or whether “Broken wheel” should be a category A or the correct grouping of IM/RU operation types, or the consequence of serious injury using MAIS. These are however examples of many hundreds of different questions a sharing system needs to consider to actual create a usable and beneficial system. Taken together, we believe that one therefore cannot point to the impact assessment and claim that the benefits of CSM ASLP draft has been proven by it. **At most, we can consider that there is some evidence that indicates that well working precursor information sharing systems have benefits that outweighs a general estimates of the costs of it. The question of whether the CSM ASLP proposes a well working system however remains to be answered.** We argue through the following comments that there are serious concerns for why this risks not being the case.	NWC	See answer to comment 1.

5.	Article 7.9	P	NSA SE	**On responsibilities of data quality management,** In the mandate given to ERA for drafting this regulation the following point is given, *(4) The recommendation shall define the responsibility of the actors (including the national safety authorities and the Agency) in relation if necessary to defining occurrence taxonomy, training of operators' staff in reporting scheme, registry keeping, and other control mechanisms required to guarantee the exchange of harmonised and comparable data between the involved actors both on national and EU level.* Based on, *(3) the feedback on the practical application and use of the common safety indicators and common safety targets referred to in Articles 5 and 7 of Directive (EU)* We do not consider that this has been convincingly achieved. One of the foremost observations from looking into the CSI:s is that some indicators are obviously not comparable between member states. No reflection about the cause of this been done in the working party meetings by ERA. For example, when taking into account the high variability of track buckles between some member states, it is quite likely that the variation is due to the methods employed by the major IMs in these countries in monitoring track buckle and the threshold for considering these as reportable. This means, that even though the CSIs are filled in correctly from the perspective of each IM, they are not comparable or harmonized between IMs and subsequently by MS. This is arguably a limitation caused by how the system is designed and no mechanisms has been put into place to avoid similar situations for the CSM ASLP. Clearly, the responsibility to coordinate, inform and guide users to make sure that reporting is harmonized should lie on the agent which has most	NWC	This issue is not newly imposed by the CSM, it is pre-existing. In theory, the data quality issue you mention may have been solved by the NSAs supervision and related enforcement actions. However the impact of the NSAs appears to be limited, as after many years of CSI implementation it was not possible to solve this issue with nationally based actions. We agree that the harmonised taxonomy, the implementation learning curve, and the activities of

				ability and incentive to ensure this. This should be either ERA or GoA as these are the parties with super-national perspective. Here we can note that NSA do not have any special role within CSM ASLP to work for data quality improvement and harmonization. The NSA can only in a supervision control that reporting is done "correctly" but not necessarily harmonized according to international standards and practices. This is even further an issue, as NSA do not even have access to specific interested data of incidents outside their country, and operators cannot access specific interest data from other parties. However, above risks have not been considered in the draft or IA, in which all responsibility essentially is put on the individual operators. The IA mentions the following, *"Data quality control is mainly the responsibility of the railway operators as determined in the drafts of the CSM ASLP recommendation. It is expected that the role of the Agency would be relative limited with main quality control being implemented through the ISS using algorithms to check consistency and validity of the data."* Experiences from member states with mature reporting schemes will indicate that correct and valuable information sharing requires cooperation, dialogue and feedback between sector and the reporting system administrators. We see this as a major risk. Here we can also note, that the data quality difficulties will likely become more apparent the more novel the requirements are in relationship to commonly set minimal standards in the CSIs (which, as mentioned are quite difficult enough). Thus category B and C will likely require more effort than only category A; SOR, RRCM, SP more novel than SR/DR and so on. **This is a further argument for the gated and step wise approach we mention in comment 1.**		the GoA should have a positive impact, especially if it successful in learning from national experiences and convert them into EU harmonised solutions. With the proposed CSM, ERA is actually establishing the EU level you are suggesting. We believe that the new CSM processes will have a positive impact on the cooperation and dialogue between actors, as it will be possible to collectively define improvement actions, based on harmonised approach and proposals from the GoA, not limited to silo IMs or NSAs approach in each country.

6	Article 4.1.C)	P	NSA SE	**General remarks about ROS/RRCM,** There are many issues regarding ROS/RRCM reporting which is unclear or unconvincing, 1. *No references to evidence is given for the benefit in the IA (see comment 3)* 2. *The method is mostly untested and novel (see comment 5)* 3. *The method when tested briefly in the WP by sector representatives resulted in un-harmonized reporting* 4. *The method does not match industry standards for FTE, notably in confounding OR-gates with undeveloped gates* 5. *It is extremely hard to tell when ROS is mandatory; (Is it only for significant consequence category A with DR? Or is it for all significant consequence events, even those only with SR?)* 6. *RRCM reporting appears mandatory even when IA suggests voluntary reporting for some parts*	NWC	See answer to comment 1. In addition we would like to stress that the Agency has tested the approach on several tenths of accident report and found the method to allow for the structured classification of both simple as well as more complex investigation results. We thus consider that the issue is lying with the low maturity of the sector. The method is consistent with existing standard. Reviewed article 4 clarifies when ROS is required Reviewed article 4 clarifies when RRCM is required

N°	Reference (e.g. Art, §)	Type	Reviewer	Reviewer's Comments, Questions, Proposals	Reply	Proposal for the correction or justification for the rejection
				7. *ROS/RRCM isn't crucial for safety level or safety performance assessment, in fact the data is not used at all in the assessment processes* In conclusion we do not consider the ROS reporting in annex 3 to be tested, mature nor motivated in its current stage. **We propose this annex is removed as well as article 4.1.C in the initial version of CSM ASLP to possibly be included in the next revision as GoA develops a tested and mature method.**		Those requirements are covering a clear Mandate request to collectively learn on accident causes. The CSM introduced a structured approach while the railway legislation already contains this basic requirement. We consider that the harmonised method proposed is not only valid but will support a structured reporting which in turn will assist collective learning on the causes of accidents, at each Operators / National / EU level.

N°	*Reference (e.g. Art, §)*	*Type*	*Reviewer*	*Reviewer's Comments, Questions, Proposals*	*Reply*	*Proposal for the correction or justification for the rejection*
7	Annex 4 5.1.3 b)	M	NSA SE	**On allocation of event to operators** Allocation of events to operator can only be done based on entered category B types, and if not entered it is to be split equally. Yet there is a "default allocation" written in Appendix A part A. How should one interpret this? Also how does the allocation work if the same event is reported by both RU/IM with different B or A choices? In general there appears to be very little mention of any matching of SR/DR reports. This poses concern as it will require manual effort to calculate event frequency based on report frequencies.	NWC	It allows the fair estimation of SL when the direct cause is not well known or disagreed. From our point of view the main concern it would reflect is the inability of operators to understand and report the causes of occurrences. The process in draft Annex IV covers the case you mention as well. In addition such discrepancy can be reviewed by the NSAs in accordance with draft article 4.2. Then it will allow discussion between operators involved and then will allow a validation of the reported A and associated B events. No manual effort is expected for the SL counts, as the ISS will perform them automatically, based on the validated reporting.

N°	*Reference (e.g. Art, §)*	*Type*	*Reviewer*	*Reviewer's Comments, Questions, Proposals*	*Reply*	*Proposal for the correction or justification for the rejection*
8	Article 9	U	NSA SE	**Technical support documentation** The interpretation and consequences of what technical support documentation process entails is obscure. For one, does technical support document refer to the appendices themselves, or are these separate things? If they are separate, what does Agency opinion on support document mean? How are these opinions documented? This solutions appears to mimic the process of technical documents in TSIs. The CCM process for TSI has the benefit to be able to solve technical issues iteratively and relatively in an "agile" manner. However, if reworking of appendices in the CSM ASLP requires a costly revision process, the benefit of such an approach is arguably lost. If that was the case, the distinction between appendix and annex is only confusing if there is no clear legal motivation behind these.	NWC	It refers to the Appendix themselves. The terms have been chosen based on the fact that the harmonised taxonomy, the reporting methods for SP, the detailed assessment description, the ISS description are supporting the implementation of the core requirements. The flexibility to adapt the appendices influenced the content of the CSM and resulted in the establishment of an agile review of the CSM functioning, and the possibility to regularly amend the CSM starting with the GoA proposals. We have simplified the CSM keeping only the Appendix level.

N°	Reference (e.g. Art, §)	Type	Reviewer	Reviewer's Comments, Questions, Proposals	Reply	Proposal for the correction or justification for the rejection
9	Annex 5	M	NSA SE	**Estimation of safety performance and assessment** Despite repeated pointers in working party meetings, there appears to still be confusion about the basic nature of safety performance assessment. It is even on a theoretical level quite complex, almost circular. Firstly, one is suggesting that operators self-esimate their performance. Then, the Agency is to provide an estimate of safety performance back based on the self-estimate score. Then it is mentioned that the estimate is to be assessed statistically. On a statistical level, self-estimate results are not stochastic, although likely biased, so it's either impossible or meaningless to make statistical inferences about safety performance. Statistical inferences are only necessary and meaningful when the population parameter is hidden, and there is observable data that can be assumed to have a stochastic relationship to the hidden parameter. Annex V needs to be remade as there is confusion and misuse of basic statistical concepts. **We propose annex 5 is removed from the initial version of CSM ASLP until correct methods are tested by GoA.**	NWC/D	We want to emphasize that several checks and balances are in place (e.g. provision of evidence, guidelines, and requests for review by a national supervisory authority) to mitigate the risk of inaccurate SP self-estimations. As such, while risks are acknowledged, we think that the self-estimation shall not lead to biased results. As such, SP data shall at the very least be meaningful. On the point that self-estimate results are not stochastic and therefore not appropriate data for conducting statistical inferences, we want to contend this point and further explore the limitations and possibilities of statistical analyses on SP data within the framework of Subgroup C. The discussions would concern both the nature of the SP assessment data and potential self-estimation errors. Annex V does not preclude any of these discussions and therefore can remain in place.

10	Article 7	M	NSA SE	**Interaction with national systems** In the annex to the drafting mandate given to ERA the following is mentioned *(2) the collection by railway operators of the safety occurrences information […] This collection of information shall be carried out through the existing national occurrence reporting systems […]* This is not consistent with the actual draft product, where article 7 only allows for reporting through a third party channel, but does not obligate or prescribe or specify any further role for national systems. As it is written, we can envision situations where, either the national system holders are incapable to fill the role of a third party channel, or when an operator is unwilling to indirectly report, or a situation when both parties have interest but the administrative, public policy and legal consequences are unclear. Take for example the demand set on a third party channel as of the current draft. Each operator is responsible for its own report, meaning that any modification of information or consolidation between separate sources, which can be done in some NSA systems today, and indeed done in civil aviation reporting of national incident data to ECR, needs to be approved by the operator. If operators wish a NSA to fulfil the role of a third party channel, then it is up to the NSA to bear the cost to integrate systems and regulation so that it is CSM ASLP compatible. However, it is not obvious that publically funded organisations can motivate the budgeting for such an endeavour. Currently, there is no national system which reports incident in the manner of ROS or RRCM format, if an NSA wants to offer the ability to be a third party channel only for SR/DR, but not for ROS, VR, DOR, SOR, ROV or SP, on what grounds can such a decision be made? The current proposal creates a grey area in which the future and obligation of national systems become unclear. Keep in mind, that even if a member state wishes to fully abandon their national system with ISS, that also is likely not possible. Currently CSM SMS and RSD prescribes the minimal	NWC	The CSM must take into account the diversity of current national situations. However the CSM shall establish the EU harmonised rules, as requested by the Mandate. The CSM proposal is taking into account both constraints, in offering the possibility of direct and indirect channel. The indirect channel is resulting from a strong request of authorities. It should be considered that the ISS will cover the needs to implement the CSM ASLP and will allow to feed the National systems. Therefore the issue should be looked in the other way round. Namely the ISS will offer the same implementation environment for each operators, possibly preventing small operators from developing any system on their own. In the same time, authorities having no system

				reporting of some accidents and safety related information from operators to NSA. There is also reporting channels from operators to NIB or TDG and requirements of NSA to use accident data systematically to create supervision strategies. The SR/DR reporting is likely not enough to create a sufficient supervision strategies from. This is natural as it has never been the functional requirement of CSM ASLP to fulfil this role. However, the consequences are that it is near impossible to create a national system which fully contains the reporting information of CSM ASLP, while it still is equally difficult for CSM ASLP to replace well working national systems. On a more principal manner, it is unclear whether CSM ASLP is to be taken as a European regulation for accident reporting. If such, then there will be little availability for more strict national regulations to be updated without this being deemed redundant and against the notion of the single market. **Specific writings should be included in the regulation so that MS with more strict reporting criteria should be allowed to keep these national rules, and that reporting through national system for such MS is to be the default choice for RU/IM.** CSM ASLP should find inspiration from 376/2014 in which the role and obligation of national databases are made explicit. To simply allow for a third party channel does not solve the myriad of compatibility issues. Furthermore, the minimal reporting threshold in some ways are specified in RSD. The possibility to revise the CSI in the RSD is also noted in the mandate to take into consideration. Arguably, a more parsimonious solution would be to let RSD dictate the minimal reporting threshold each member state should fulfil, and then let a CSM ASLP regulate the conditions of sharing such information between member states, ERA and operators. Instead, reporting thresholds, taxonomy and sharing obligations currently exist overlapping and redundantly in RSD, CSM ASLP, CSM CST, which from an outsider perspective may appear ad hoc and ill-planned.		established today will benefit for the same ISS service. This approach is more effective than requiring every operators to develop their own systems to report to Authorities which may also have to develop their system when it is currently missing. At the end it means developing and maintaining one harmonised system, instead of developing many systems that will be more costly and not needed with the existence of the ISS. Based on the above: *1) The national system cannot be the default choice* *2) The currently existing arrangement between operators and NSAs are not impacted by the CSM, as the indirect channel is allowed.* We agree that we should find inspiration from 376/2014. The above is completely compatible with this approach, a central system (ECCAIRS2, connected to National systems).

11	General	P	NSA SE	**Terminological complexity of this regulation,** The draft CSM ASLP introduces a plethora of novel terms and abbreviations. For example, the following concepts are both specific and new to this regulation and form a central concept in it, - *SL* - *SP* - *SP/SL-assessment* - *SP/SL-estimation* - *SOR* - *ISS* - *RRCM* - *ROV* - *DR* - *SR* - *DOR* - *SOR* - *VR* - *TSD* - *GoA* - *Significant consequence event (not to be confused with "Significant accident" in RSD)* - *Serious consequence event (not to be confused with "Serious accident" in RSD)* - *Category A events* - *Category B events* - *Category C events* - *Category F factors* - *RU-1/2/3/4/5* - *IM-1/2* - *Reporting period* - *Sharing request*	A	The alternative you propose for Article 4 has been carefully considered also with regards to other proposals for simplifying the draft CSM Text. **The article 4 is reviewed in the way you propose.** Abbreviations SOR/DOR/VR will not be used anymore. A certain number of new terms will be kept to allow better categorisation and classifications necessary for the harmonisation of the taxonomy and reporting requirements. In the long term these terms may allow a simplification of the current RSD definitions. Every new term introduced is consistent with the existing legislation.

				- *Serious injury (not to be confused with the identically named concept of "Serious injury" in RSD)* - *Grouped SR reporting (undefined but mentioned)* - *Default event allocation entity (not to be confused with applicable reporting entity)* - *Specific interest data* This inflation of abbreviations and regulation specific terminology should immediately raise red flags for regulators. Overly complex terminology may appear undemocratic and alienating. The authors of the regulation should prioritize the perspective of an individual citizen who's primary concern should be "what should I report, to whom and when?" Not all significant consequence events are significant accidents. Not all significant accidents are significant consequence events. Some significant accident are neither Category A, B or C. IM/RU type may both be applicable SR for an event type, but only one of them may be default event allocation entity. All DR events are SR events, and most ROS events are DR events, but not all (this one is I'm not even sure about whether DOR events can be ROS). The mandate states that, *(2) the collection by railway operators of the safety occurrences information to be used [..] be consistent with the events defined in the list of the common safety indicators.* So the introduction of new definition of category A/B/C events should be less preferred than the use of "accident" and "incident" defined in RSD. **In particular we recommend that terms Category A event, Significant consequence event, Serious consequence event, Risk control measure, Serious injury to be removed and instead replaced by pre-existing terminology from RSD and CSM RA.** A potentially more parsimonious solution has not been considered. For example, one could consider the following alternative,	A	

N°	Reference (e.g. Art, §)	Type	Reviewer	Reviewer's Comments, Questions, Proposals	Reply	Proposal for the correction or justification for the rejection
				Article 4 1. *All significant accidents except for level crossing or accidents to person involving rolling stock in motion should be reported according to [DR template]* 2. *All other accidents involving vehicle in motion than those mentioned in 1, resulting in either human injury or material damage above 5000 euro, should be reported either individually or grouped according to [SR template]* 3. *All indicators related to incident frequencies monitored in accordance with CSM Monitoring should be reported, either individually or grouped according to [SR template]* 4. *Any other accident or incident may be reported voluntarily by the operator, grouped or individually, using [SR or DR-template]* 5. *For any event reported according to 1,2,3,4, ERA/GoA/NSA may ask operator for additional information necessary fulfil their supervisory or regulatory roles* The above formulation is consistent with RSD, CSM monitoring and removes all needs for introducing terms such as CAT A/B/C, SR/DR/SOR/DOR, Annex I, Significant/serious consequence etc. The requirement of damage threshold and mention of vehicle in motion will be discussed in later comments.		

N°	Reference (e.g. Art, §)	Type	Reviewer	Reviewer's Comments, Questions, Proposals	Reply	Proposal for the correction or justification for the rejection
12	Article 3. e	P	NSA SE	**On the definition of category A** It is not possible to create a reporting system that encompasses all accidents resulting in damage or injury. There is a reason for "Significant accident" being limited to accidents involving vehicles in motion with a certain damage thresholds. Without this, any and all accident may be included, regardless whether they can reasonably be considered relevant from the perspective of monitoring and improvement of railway safety. Based on current definition in article 3.e, a passenger dropping their smartphone and breaking it should fulfil the criterion of category A event (and thus be SR). Neither should incidents such as "broken rail" be excluded from 3.e, as a broken rail per definition involves damage to infrastructure. Yet for this is put among category B. A shunting set colliding with a buffer so that a slight dent is formed should also be considered a type A as there is material damage. All instances of trains colliding with animals must then also be considered category A and be SR. These issues are not only theoretical but will have practical consequences and lead to comparability issues. Sufficient discussion has not been had regarding this in the working party, despite it being raised as an issue in the very first meeting. **Some general damage threshold for SR/DR should be specified for category A events so that material damage accidents with little risk for health and safety are excluded.**	NWC A	The categorisation of events allowing a structured approach to causes and indirect causes is needed and required by the Mandate. Cat A, B, C have this objective to distinguish causes and indirect causes in a well structure taxonomy. This needs to be made consistently with historical definitions in RSD. The Cat A, B, C are consistent with the RSD definitions. In reviewing article 4 we have introduced the general impact threshold you propose (5000 euros), in addition to the pre-existing threshold defined by the RSD.

13	Annex 1 General part	P	NSA SE	**On detailed reporting and incident reporting in general** When designing databases and reporting systems there are many aspects to take into consideration. One would like to distinguish variables which contain information about linearly independent types of information. This has not been done. For example, place type can exist in the DR and be filled in separately, but place type also influences the choices of detailed event type (as per Appendix A). Similar relationship exist with movement type, where the presence of trains can occasionally influence event type, but sometimes also be filled in separately in the SR/DR values. This create situations where we could risk to see level crossing accidents not having value "level crossing" in place type, and situation where "movement type" does not match the chosen event type, or where "Environmental external event" (why are these even C?) may be indicated in event type but not entered in meteo DR condition. The current separation of variable fields and taxonomy has potential for inconsistent and redundant data. No motivation is given behind which elements which are put as separate variables in DR/SR templates and which elements which are "hard-coded" as separate event types in the appendix. **Linearly dependant variables should be split into several fields or variables, in particular we recommend the separation of "Event type", "Place type", "Movement type", "Weather/light condition" be non-overlapping.** Significant emphasis has also been put on weather conditions in DR, but no information about the technical details of human factors, vehicle or infrastructure appears to be mandatory to fill in. **A voluntary field of European vehicle number should be included to allow for analysis of vehicles in accidents.**	NWC NWC NWC	The SR and DR reporting is compatible with the approach you support. The current SR and DR reported parameters are generally agreed with working party members. Such exceptional situations may exist, however it has a marginal impact on the reporting implementation. In any case, if it would prove being a significant issue, the process of improvement of the reporting requirements and taxonomy in general is embedded in the CSM review principle which will allow improvement based on collective learning and proposals by the GoA. Furthermore, the issue can be analysed in detail when the technical specifications for the ISS tool are established. Vehicle Number is a parameter already requested in the Detailed Reporting dataset, as is it useful for occurrence involving only one vehicle. The applicable values (for example

N°	Reference (e.g. Art, §)	Type	Reviewer	Reviewer's Comments, Questions, Proposals	Reply	Proposal for the correction or justification for the rejection
						EVN, is a detailed specification concerning the future ISS)
14	Article 1	P	NSA SE	**Regarding the "interested party"** What the scope of this CSM is appears rather diffuse. The mandate is clear that the sharing of information is to be done on IM/RU, but the CSM ASLP draft indicates any party listed among the interested party may partake in information sharing. Yet, in the actual applicable sharing tables, it is again only RU/IM that are mentioned and indeed only reporting from RU to ERA or IM to ERA is explained. The sharing request VR appears only to be applicable to RU/IM still, when looking at the table. ECM are specifically mentioned in the interested party table, but it is not mandatory for them to report, and unclear whether any sharing request, even VR, is applicable for them. **We suggest the scope of this draft be reworked so that it only contains RU / IM reporting, removing all references to other entities for reporting.**	R A	The question of allowing any entities to report is in line with the philosophy that any safety related information that is valid should not be ignored, independently from the source, if it can prevent victims or damages. It has no impact on the fact that the assessments will be performed based on the data and information provided and validated by the operators We have redrafted the article 2 to focus first and clearly on the obligations of railway operators.

15	Annex 1 Part A	P	NSA SE	**On the interpretation of "applicable reporting mode"** The annex and appendix of sharing requests and applicable sharing modes being separated into several tables hinders readability and understanding. One cannot understand from reading one table which events are mandatory to report according to which templates for whom. This is because one needs to look at the sharing request targeted data set together with this table to understand. Neither the targeted data set rows, existing in separate tables, nor annex 1 can satisfactorily answer that question "what should I report?" For example, a satisfactory condition for an event being mandatory to report in SR is that "SR" is indicated in the Annex 1 Part A or Part B. On the other hand, DR being mandatory requires one to know that Annex 1 part A "DR" is not sufficient, but rather only necessary. Similarly, this is the case of DOR. On the other hand, ROS being mandatory requires one, not only to understand that ROS are occasionally mandatory for event types in Annex 1 part A, also understand that the "ROS" values in part B or C indicates that these events are neither necessary or sufficient triggers for ROS, but only that they can be used as building blocks for a subset of part A "ROS" events. On the other hand, for VR, it is quite obviously neither sufficient nor necessary that "VR" is put in the table for this reporting to happen. Rather there is no logic behind which cells have "VR" value, as clearly an event with only SOR or DOR is still VR as there is nothing hindering an operator from reporting it. Furthermore, we cannot find any row in which any of the columns have different values. This makes one question, what was the reasoning behind this? Why for example is RU an SR applicable for infrastructure failure? DOR is specified in the sharing request targeted dataset to only apply for category A significant consequence Level crossing and accidents to person	A	In combination with the simplification of the CSM text and with the re-drafted Article 4, directly specifying what needs to be reported, we consider that the tables in annex I part A, Part B and Part C are not needed anymore.

N°	Reference (e.g. Art, §)	Type	Reviewer	Reviewer's Comments, Questions, Proposals	Reply	Proposal for the correction or justification for the rejection
				involving rolling stock in motion. Yet DOR is repeatedly mentioned in category B in the table. There are furthermore several rows which are indicated as "reserved" which makes it impossible for us to have an opinion on. **This table is confusing, we recommend to change the terminology like that in aviation (also suggested in comment 11), of "mandatory" and "voluntary" instead of "SR/DR/DOR/SOR/VR applicable". One table should sufficiently describe which events to be mandatorily reportable for whom.**		
16	Article 7	G	NSA SE	**Importance of funding for ISS** Everything written in CSM ASLP presupposes that a well working IT system, ISS is ready before the reporting initiates. Securing funding for developing such a system, and having sufficient technical staff to maintain the system in ERA is absolutely crucial. We are not sure what "Immediately available solutions, not requiring specific IT development" that is to be used in the absence of ISS, referred to in article 11.3, refers to. Naturally, the complexity of the regulation will also influence the cost and development time of ISS. This is a further argument for why we suggest a gated approach in comment 1**. Removing the more complex technical modules, such as ROS building block reporting and handling of DOR communication, we believe we mitigate the risk of complications arising in the ISS development phase.**	NWC	We agree that the securing of a well-functioning ISS and supporting ERA staff is key. This is included in the Impact Assessment. The Agency is already investigating the possible options and is confident that an ISS can be made available to implement the CSM in due time, at least for the first implementation phase, if resource is allocated. In the longer term, other phases to come, all the categories of foreseen reporting modules will be manageable with the solution under investigation.

N°	*Reference (e.g. Art, §)*	*Type*	*Reviewer*	*Reviewer's Comments, Questions, Proposals*	*Reply*	*Proposal for the correction or justification for the rejection*
17	Appendix A	G	NSA SE	**Complexity and novelty of taxonomy** We are unsure whether the taxonomy and appendix A is sufficiently well understood by the industry so that it can be filled in harmoniously. In particular we do not see that category C events can reported meaningfully as SR/DR, rather they appear to make sense only as building blocks in ROS. In some types of events the choice of category A/B/C appears counter-intuitive. An earthquake or an assault is coded as indirect causes, when they should indicate either direct causes or actual injury events. For especially technical failures in category B, there needs to be clearer thresholds for reporting so that the data is not hugely dependent on the particular monitoring scheme of an individual operator.	NWC A	The proposed taxonomy is not really novel and not really complex. It is in a large extent a taxonomy approach which has been studied in previous Union level working groups, as required by the Mandate, notably influenced by COR project developments and HOF network inputs. A collective learning requires to share structured data and information and requires an harmonised taxonomy. The proposal is to be considered as the starting point of a collective learning curve. We anticipate that guidance and training will be provided. We have introduced the general threshold you have proposed. See comment 12.

N°	*Reference (e.g. Art, §)*	*Type*	*Reviewer*	*Reviewer's Comments, Questions, Proposals*	*Reply*	*Proposal for the correction or justification for the rejection*
18	Article 8.1	P	NSA SE	**On applicable fees for ISS** No applicable fees should be possible for functionality intended in the ISS to begin with. In particular, ERA should provide for any party with access to data according to Annex 6 Part A with a system for which to download data without fees. This process should not require any handling of sharing requests, rather the information already present in the ISS and accessible according to the regulation should be automatically retrievable. **The following passage should be added, "The Agency will provide the services necessary for any party to retrieve data they have access to in the ISS according to Annex 6 free of charge".**	A	We understand the clarification your proposal is trying to bring. We propose to insert the amendment in article 7.2. (7.1 in the final draft) In this way the Article 8 will only cover the exceptions where fees are applicable. The normal situation services, outside the specific situations covered by Article 8, are delivered for free, as indicated in amended article 7.2.
19	Art 11.3	M	NSA SE	"*This Regulation shall apply from [date] with the exclusion of Article 4(1)(b) and Article 5, which shall not be implemented before the date referred to in Article 11(10).*" We cannot find article 11(10) as mentioned.	A	Article 11 is redrafted to take into account introduction of conditional phasing.
20	Annex II, 2.3.	M	NSA SE	There is no section 5 in the annex as referred to.	A	'section 5' should be corrected with 'Appendix B'

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