



National Investigation Body (NIB) Network

**Annual Report for 2022
and
Common Peer Review Programme**

DOCUMENT CHANGE RECORD

The following table records the complete history of this document.

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| 0.1 | 25/01/2023 | First version, for comments TF1., | 2 and 5.1. |
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1 BACKGROUND

This Annual Report and Common Review Programme is published by the National Investigation Bodies (NIB) to meet the requirements of Article 22.7 of the European Directive on Rail Safety dated 11 May 2016 (EU 2016/798). The Article states:

The investigating bodies, with the support of the Agency in accordance with Article 38(2) of Regulation (EU) 2016/796, shall establish a programme of peer reviews where all investigating bodies are encouraged to participate so as to monitor their effectiveness and independence.

The investigating bodies, with the support of the secretariat referred to in Article 38(2) of Regulation (EU) 2016/796, shall publish:

(a) the common peer-review programme and the review criteria; and

(b) an annual report on the programme, highlighting identified strengths and suggestions for improvements.

The peer review reports shall be provided to all investigating bodies and to the Agency. Those reports shall be published on a voluntary basis.

The peer review seeks to monitor the effectiveness and independence of a NIB by considering its organization, processes and outputs (eg accident reports, safety recommendations, annual reports). The peer review process also seeks to assist development of all NIBs by sharing with them strengths and suggestions for improvements identified during reviews.

The NIBs have appointed a Peer Review Task Force to manage and undertake the reviews. This Task Force comprises representatives from a range of NIBs. The peer review of each state is undertaken by a Panel selected by the Task Force. The output of each review is based on information provided by the NIB being reviewed. This information is provided in a questionnaire and during a visit to the reviewed NIB by the Panel. Details of the questionnaire and the review criteria are given in the NIB Peer Review Handbook for the year in which the review was carried out. This can be found at the NIB Network webpage https://www.era.europa.eu/agency/stakeholder-relations/national-investigation-bodies/nib-network-european-network-rail-accidents-national-investigation-bodies_en.

The peer review relies on answers given by the NIB in the questionnaire and during the site visit. The peer review process is not intended to fully investigate all issues covered by the questionnaire and does not address all issues in the documents used as review criteria. It is targeted at issues where the reviewers believe there will be greatest value to the NIB being reviewed and to other NIBs. Peer review is a cooperative process involving trust between the parties. Peer reviewers will seek justifications for statements made but, unlike an auditor, will not seek evidence to check the truth of statements.

The relevant Peer Review Panel has prepared a peer review report for each reviewed NIB. The Directive states that these are published on a voluntary basis and this is done by the reviewed NIB if it wishes to do so. Other NIBs and the Agency are not permitted to provide copies of the reports relating to individual NIBs. Any requests for a copy of a peer review report should therefore be addressed to the NIB which was reviewed.

This 2022 peer review annual report covers peer reviews undertaken in 2022 and is the fourth to be submitted to the Agency by the NIB Network.

2 NIB AND STATE DETAILS

| NIBs reviewed | | | | |
|----------------------|---|-----------------|---|---|
| State | NIB Name | NIB Type | Date of visit by Peer Review Panel | Number of rail mode investigators (full time equivalent) |
| Hungary | Ministry of Innovation and Technology – Transportation Safety Bureau ¹ | Multimodal | 26 October 2022 | 8* |
| Ireland | Railway Accident Investigation Unit | Single modal | 15 November 2022 | 3+1* |
| Germany | Bundestelle für Eisenbahnunfalluntersuchung (BEU) | Single modal | 23 November 2022 | 22 |

The Task Force would like to thank all the reviewed NIBs for their openness, for their courtesy and for the valuable feedback they have provided to help improve the peer review process.

¹ From 01.12.2022: Ministry of Construction and Transport – TSB

* The Chief Investigator can also act as railway investigator.

| Statistics for railways in reviewed states | | | |
|--|--------------------------------------|--|--|
| State | Route length (kilometres) | Passenger train-kilometres/year | Freight train-kilometres/year |
| Hungary | 8 350 | 81,8 million | 18,2 million |
| Ireland | 2 167 | 18,45 million (2020) | 4,8 freight lines only (2020) |
| Germany | 34 000 | 834,554 million | 271,317 million |
| NOTE: Data rounded and refers to the year before the peer review was undertaken. | | | |

| Types of investigation undertaken by reviewed NIBs | | | | | | | | | |
|--|--|---|---|--------------------------|--|--------------------------|--|--------------------------------------|--|
| State | Heavy rail | | | Metro railways* | | Trams* | | Other (trolley bus, cable car, etc)* | |
| | Investigations required by Directive 2016/798 Article 20(1)) | National law requirement outside Article 20(1)* | Discretion to investigate other events* | National law requirement | Discretion to investigate other events | National law requirement | Discretion to investigate other events | National law requirement | Discretion to investigate other events |
| Hungary | Yes | No | Yes | No | Yes | No | Yes | No | Yes |
| Ireland | Yes | No | Yes | N/A | N/A | No | Yes | No | Yes |
| Germany | Yes | Yes | No | No | No | No | No | No | No |

* Directive 2016/798 permits, but does not require, a NIB to investigate these accidents and events.

3 PARTICPATING ORGANISATIONS

The following NIBs contributed investigators to the Peer Review Panel members during the period covered by this report. All these investigators were a panel member in at least one State peer review or one planned review.

- Ireland
- Portugal
- Germany
- Sweden
- Poland
- Czech Republic
- Romania
- Belgium

People from the following organisations attended a peer review as an observer. Observers are required to treat information obtained during peer reviews as confidential and must not share this information with their employers.

- The Agency
- NIB Belgium
- NIB Denmark
- NIB France
- NIB UK
- NIB Turkey (as part of IPA programme)

4 INTRODUCTION TO PEER REVIEW FINDINGS

- 4.1 This report gives an overview of findings from the individual state peer reviews in the year 2022 covered by this report. It concentrates on issues most likely to influence the effectiveness and independence of NIBs and does not cover every finding of the individual state reviews.
- 4.2 Directive 2016/798 requires that the peer review process considers effectiveness and independence, and that the annual report identifies strengths and suggestions for improvements. The table below links comments on effectiveness and independence with related strengths and suggestions for improvements.
- 4.3 The strengths and suggestions for improvements identified during the peer review process do not apply to all reviewed states.

5 PEER REVIEW FINDINGS

| 5.1 Effectiveness of investigation activities and developing recommendations | | |
|--|---|--|
| Topic/comment | Strengths associated with comment | Suggestions for improvement associated with comment |
| <p>Evidence supporting the overall finding that most NIBs were effective included the strengths tabulated in the adjacent column.</p> <p>All NIBs considered in this report appear to be generally carrying out investigations and making recommendations effectively.</p> <p>Two NIBs are using manuals/handbooks that provides a very good support for all investigators and contains guidelines on how to carry out investigations. However, some improvement in effectiveness is possible.</p> <p>One NIB has a backlog of older investigation which affects the time to finalise investigations within (normally) 12 months.</p> <p>One NIB reported that there sometimes is difficult to get information from the judicial authorities regarding for example witnesses or information about victims and relatives.</p> | <ul style="list-style-type: none"> i. Robust processes for timely notification of accidents. ii. Rapid attendance at accident sites by deploying investigators office when needed. iii. Rapid access to railway industry data iv. Appropriate documentation compatible with ISO9000 quality system. v. Structured approaches to investigating accidents. vi. Findings and recommendations being well supported by evidence. vii. Translation into English of at least parts of reports to assist both accident investigation and safety improvements in other countries. | <p>Ensuring that the NIB has sufficient resources and that these resources are directed at events where valuable safety learning is likely to be found can include:</p> <ul style="list-style-type: none"> a. reducing the number of relatively minor events (ie events outside requirements of the Directive) which a NIB is required to investigate; b. increasing resources to ensure effective management of a major accident. <p>The NIB that has a backlog has already started a work to complete the investigations as soon as possible without losing safety learnings.</p> <p>The NIB that has difficulties getting information from the judicial authorities is recommended to either getting a MoU with the judicial authorities or propose changes in the national legislation to get access to information regarding for example witnesses.</p> |

| 5.1 Effectiveness of investigation activities and developing recommendations (continued) | | |
|---|---|---|
| <i>Topic/comment</i> | <i>Strengths associated with comment</i> | <i>Suggestions for improvement associated with comment</i> |
| <p>Greater effectiveness could be achieved by</p> <ul style="list-style-type: none"> ensuring that the NIB has sufficient resource available to meet the requirements of the Directive and any additional requirements of national law; and greater coverage of some factors affecting accidents. <p>One NIB generally follows the requirements of the 2020/572 regulation except the analysis section that does not contain all the subtitles in letters from the regulation.</p> <p>For one NIB there appears to be room for improvement on the maintenance of competence for the existing investigators and the provision of refresher training.</p> <p>For one NIB it appears that there are no clear arrangements in place in case that the Chief Investigator would be ill or unavailable, about who will act as acting Chief Investigator.</p> | <p>viii. Good cooperation with the media.</p> <p>ix. Good cooperation with rail industry.</p> <p>x. Active participation in the NIB Network in order to exchange safety learning with other NIBs.</p> | <p>Ensuring coverage of all factors relevant to an accident can include considering:</p> <ol style="list-style-type: none"> human factors; and underlying factors including safety management systems and the role of the national safety authority. <p>The report structure used by NIB should be assessed in order to follow up more closely the report structure set out by the annex to the 2020/572 regulation.</p> <p>The NIB should consider the need for refresher training of investigators in order to maintain their competence</p> <p>The NIB should take steps to include in the contingency planning some arrangements in place about who will act as Chief Investigator in case that the Chief Investigator would be ill or unavailable.</p> |

| 5.2 Effectiveness of recommendation implementation | | |
|--|--|--|
| <i>Topic/comment</i> | <i>Strengths associated with comment</i> | <i>Suggestions for improvement associated with comment</i> |
| <p>A NIB cannot be considered fully effective if its recommendations are not being properly considered and implemented in a timely manner when appropriate.</p> <p>All NIBs reported that the NSA reported back on measures that are taken or planned as a consequence of a given recommendation.</p> <p>One NIB reported that sometimes the NSA reported back that the recommendation is “not implementable” to the NIB.</p> <p>One NIB addresses the recommendations to the NSA and directs the recommendations to the end implementer (which could be IM and RU).</p> | <p>The cooperation seems to be working good between the NIBs and NSAs.</p> | <p>If a recommendation is reported back as “not implementable” the NIB is recommended to have more communication during the consulting process.</p> <p>If recommendations are not being implemented in a timely manner when appropriate, the state organisations responsible for ensuring proper implementation should take the action needed to achieve implementation.</p> |

| 5.3 Independence | | |
|--|--|---|
| <i>Topic/comment</i> | <i>Strengths associated with comment</i> | <i>Suggestions for improvement associated with comment</i> |
| All NIBs indicated that they were independent in its organisation, legal structure and decision-making from any infrastructure manager, railway undertaking, charging body, allocation body and conformity assessment body and from any party whose interests could conflict with the tasks entrusted to the investigating body. | <ul style="list-style-type: none"> i. Laws making provision for independence. ii. Working relationships with other parties which take account of NIB independence. | None. |

6 PEER REVIEW COSTS

The Agency have reimbursed the Panel members for travel and accommodation during 2022. These payments was subject to normal Agency limits on the amount payable. The staff time required for the Peer Reviews was provided by the NIBs without reimbursement from the Agency

Directive 2016/798 states that participation in the peer review programme is voluntary so there is no direct requirement for national governments to meet panel members' costs. Article 35 of the Regulation 2016/796 indicates that the Agency expects to receive information from an effective peer review programme.

7 AREAS OF ONGOING CONCERN

The Agency has in the budget for 2023 allocated funds for reimbursing peer review activities which will hopefully lead to more NIBs participating as Panel members.

The NIB Network is willing to work with the Agency to look for an ongoing funding of the peer review. If the peer review process doesn't have a continuous financing plan it can affect the peer review process which could lead to that the peer review process may not fully achieve the railway safety improvements available from a fully effective review process.

8 COMMON PEER REVIEW PROGRAMME

The programme below is published to comply with Paragraph 22(7)(a) of the Directive (EU) 2016/798.

| Year | NIBs | Status |
|------|-------------------------------------|--|
| 2018 | Romania, Czech Republic and Denmark | Completed |
| 2019 | Norway and Lithuania | Completed |
| 2020 | Sweden, Hungary and Croatia | Postponed until 2021 due to the pandemic situation |
| 2021 | Sweden and Croatia | Completed (Hungary postponed until 2022) |
| 2022 | Germany, Ireland, Hungary | Completed |
| 2023 | Belgium, Spain, Finland. Portugal | Planned |
| 2024 | France, Netherlands. | More NIBs TBA. |