



National Investigation Body (NIB) Network

NIB Peer Review Report for NIB PORTUGAL

Review date: 28 - 29 November 2023

Peer Review Report - Record of changes

The following table records changes **during completion of individual NIB Peer Review Reports**. Modifications to the template (ie modifications to the report template) are tracked through the Handbook document control record.

Version	Date	Changes
V0.1	2023-11-29	1 st draft report – (on site meeting)
V0.2	2023-12-11	2 nd draft report – (on line meeting)
V0.3	2023-12-21	3 rd draft report- with NIB PT comments
V0.4	2024-01-10	Final report

On behalf of the Peer-review Panel

PART 1 – INTRODUCTION

This report describes a Peer Review of a National Investigation Body (NIB) undertaken 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 Peer Review is based on the NIB responses to a questionnaire and on a site visit in which peer reviewers visit the NIB. 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 [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.

This peer review report has been prepared by the NIB peer review team in the frame of the common peer-review programme established by the investigating bodies in accordance with Article 22(7) of the Directive (EU) 2016/798 on railway safety.

The NIB peer review team examined data during the peer review of the NIB using the process described in the Peer Review Handbook. The collection of data was based on the review of some documents, internal procedures or case studies provided on a voluntary basis, as well as on interviews with management and other staff members of the NIB.

The report reflects the collective judgement of the peer-review team regarding the findings resulting from the peer-review process. However, the individual members of the peer-review team and their NIBs are not liable for the contents of the report and/or for any omissions.

The peer review report will be provided to all investigating bodies and to the European Union Agency for Railways. It is owned by the reviewed NIB and shall not be published or supplied to other parties without the prior written consent of this NIB.

PART 2 – BACKGROUND AND STATISTICS

The information in the following tables is taken from the completed questionnaire.

Table A – NIB & Review Information	
National Investigation Body (NIB)	Gabinete de Prevenção e Investigação de Acidentes com Aeronaves e de Acidentes Ferroviários (GPIAAF)
NIB type (eg multi-modal)	Multi-modal: aviation + rail
Date questionnaire completed by NIB	06 September 2023
Date of site visit	28-29 November 2023
Date of draft report for consultation	14 December 2023
Date of comments by NIB PT	21 December 2023
Date report finalised by Peer Review Panel	10 January 2024
Peer Review Panel members (name/state)	1. Mircea Nicolescu (NIB RO) (leader) 2. Michael Hörper (NIB DE) 3. Marc Antoni (NIB FR)
Observers (name/state)	1. Anita Koprivnjak (Agency) 2. Ian Lake (NIB IE) 3. Moritz Metzler (NIB DE)
Route length of track in NIB's country	2750 (includes all systems in the scope of the NIB)
Traffic in NIB's country (train-kilometres per year)	<ul style="list-style-type: none"> • Passenger: 28,54 x10⁶ (only heavy rail - data for 2021) • Freight: 5,50 x10⁶ (only heavy rail - data for 2021)

Table B – NIB Staffing

B1	Number of permanently employed rail investigators (including part time workers).	2 Head of the NIB+1 Investigator The head of the NIB serves as Rail Director (<i>this position is vacant</i>) + 1 Investigator (<i>vacant</i>)
B2	Full time equivalent number of permanently employed rail investigators.	0
B3	Full time equivalent number of administrative staff permanently employed on rail investigators.	0,75*
B4	Number permanently employed rail investigators who can act as Investigator in Charge.	2 Head of the NIB+1 Investigator The head of the NIB serves as Rail Director (<i>this position is vacant</i>) + 1 Investigator (<i>vacant</i>)
B5	Are there investigators not permanently employed by the NIB who can be employed on an ad hoc basis. Briefly explain the contractual arrangements.	No
B6	Full time equivalent number of investigators from other modes that can assist rail investigators	3 (from aviation branch)

* the number is a result a 'pro-rata allocation' of the total admin teams hours to rail

Table C – NIB Activity in the Last 3 Years (includes any joint investigations)

		Heavy rail			Metro railways		Trams		Other (trolleybus, cable car, etc.)	
		Article 20(1) accidents	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
C1	In NIB scope?	Yes	No	Yes	Yes	Yes	Yes	Yes	No	No
C2	Number of notifications per year averaged over last 3 years	2,67	n/a	472,67	0	30	0	2	n/a	n/a
C3	Average number of accidents investigated per year*	2,67	n/a	472,67	0	3	0	0,33	n/a	n/a
C4	Average number of incidents investigated per year*	Not applicable	n/a	5,67	0	0,67	0	0	n/a	n/a
C5	Average number of full investigation reports published per year	1,67	n/a	2,0	0	0	0	0	n/a	n/a
C6	Average number of briefing notes (or similar short documents) published per year	1,0	n/a	18	0	1	0	0	n/a	n/a
C7	Average number of recommendations produced per year	9,33	n/a	7,0	0	0	0	0	n/a	n/a

* includes accidents and incidents for which the NIB carries out significant investigation work (e.g. attends site and/or obtains significant amounts of evidence) but no full report, briefing note, etc. is published

Table D – Outcome of recommendation made during the last 5 Years

		Heavy Rail		Metro railways	Trams	Other (narrow gauge)
		Article 20(1) accidents	Other investigations			
D1	Proportion of recommendations implemented effectively within a reasonable* time period	53%	49%	0	0	n/a
D2	Proportion of recommendations implemented effectively but after an excessive delay*	43%	44%	0	0	n/a
D3	Proportion of recommendations reported as implemented but not implemented effectively*	4%	7%	0	0	n/a
D4	Proportion of recommendations reported as not implemented	0%	0%	0	0	n/a
	Total	100%	100%	0	0	n/a

* 'reasonable time period', 'excessive delay' and 'not implemented effectively' refer to the NIB's opinion.

Table E - Number of joint investigations with other NIBs - Averaged over 3 Years		
E1	Deployed (Some or all work undertaken out of the office)	0
E2	Not deployed (All work undertaken from the office)	0

Table F - Number of ongoing investigations and average times to complete investigations		
		<i>At the time of completing the questionnaire</i>
F1	Investigations required by Article 20(1)	3
F2	National law requirement outside Article 20(1)	0
F3	Non-mandatory accidents and incidents	22 (+11 prior to NIB reactivation)
F4	Other investigations (e.g. class investigation)	1
F5	Average time to complete mandatory investigations (average of investigations completed in previous three years) Reports published 2018 - 2020	19,2 months
F6	Average time to complete non-mandatory investigations ((average of investigations completed in previous three years) Reports published 2018 - 2020	26,5 months

Comments of NIB on data provided in tables A to F and strengths and difficulties that it identifies itself

- NIB has a serious problem with the recruitment and retention of staff due to not being competitive within the rail sector. Also, the contractual terms are not adequate because staff is not permanent and is in the NIB in a 3-year term basis. This affects staff management and the independence and effectiveness of the NIB. For these reasons, the current situation of the NIB is presently critical, with only one investigator. Furthermore, authorization for the 3 planned investigators is being awaited since 2017.
- NIB PT considers that the training provided to staff is relevant and of great value to the work done. There are not budget issues and the training considered necessary has been provided.
- NIB PT considers that it has established robust work procedures, based on a comprehensive and detailed investigation manual, still to be extended. It is particularly proud of the methodology used to investigate level crossing accidents, which has led to the recognition of causal and contributing factors not before acknowledged by the rail sector. Level crossing accidents are abnormally frequent in Portugal, and it is important that action is taken from the findings allowed by the investigations carried out by NIB PT.
- NIB PT considers that it is well equipped technically to perform the investigations. There are not budget issues and the equipment considered necessary has been acquired.
- NIB PT considers that the investigation reports are generally comprehensive and well supported technically, covering in depth all the relevant factors involved in the accidents, including HOF, commensurate to the accident type and consequences.
- NIB PT acknowledges the serious problem related to the delay in producing the investigation reports, which is due to the lack of sufficient staff. This will take time to solve, even if there will be enough staff in the future.
- NIB PT is quite happy with the degree of acceptance of Safety Recommendations. This results from a good discussion and understanding with the addressees and, normally, with the end-implementers, but also from objective and well-defined recommendations. Nevertheless, SR implementation can take a lot of time and should be improved by the rail sector.
- NIB PT has invested greatly in international cooperation, especially in the NIB Network. The Network was instrumental in supporting the reestablishment of the NIB in 2014 and it constitutes a privileged forum for the exchange of experience and knowledge.
- This has greatly contributed to the continuous learning and improvement of the procedures and work practices in NIB PT.

PART 3 – COMMENTS FROM PEER REVIEW PANEL

Legal framework (100 series questions in questionnaire)

- Current national legislation is generally consistent with Directive 2016/EC/798 requirements for the NIB.
- The NIB is the independent multimodal (including railway and aviation) accident investigation organisation for Portugal Ministry for Infrastructure (which has the responsibility for the transport sector). It is administratively independent. This is established in national legislation (Decree-Law 36/2017).
- According to general State regulations, the Ministry is responsible for identifying and approving the proposal for the annual plan (with staff and budget), as well as the annual management report, evaluating the overall performance of the organization. Administrative and logistical support to the NIB (i.e. for procurement, asset and financial management, etc.) is provided by the Council of Ministries general secretariat, which supports all the public bodies within the Ministry for Infrastructure.
- The director of the NIB is nominated by the Ministry following a public appointment process conducted by a dedicated State organization, as for any other public body. The mandate is for 5 years, with the possibility of extending for another 5. The criteria for removing are according to national legislation regulating top management of public bodies (non-compliance with mission letter and objectives set during the procurement process, or government decision regarding the overall strategy of the body).
- Investigators are not permanent employed. The employment contract is a 3-year contract that may be renewed. NIB can recruit professionals with the necessary rail training and expertise to be safety investigators from the rail industry or from external but because they could not find possible experienced external expert the NIB was forced to request the industry (Infrastructure Manager) to temporarily “lend” these professionals.
- Legislation gives the NIB immediate access to the site. The NIB has developed procedures that include annexes for collecting data onsite.
- Legislation gives the judiciary bodies the possibilities to seize investigation documentation but this didn’t happen until now.
- From the information received is usual that the Justice uses the NIB reports for their own purposes, despite the legislation stating that the reports should not be used as such.
- From information received on site by peer review team, accessing documental information from involved parties necessary for carrying out the investigation can be a very lengthy process (sometimes taking several months). The NIB has no powers to enforce getting access as soon as possible to documentation and other information held by the involved parties, but it includes in the report information related to the response time of the entities to requests for information.

Type of investigations undertaken & NIB organisation (200 series questions)

- The NIB investigates occurrences as provided for in art. 20.1 (serious accidents) and 20.2 (other accidents and incidents at the discretion of the NIB) for all rail public systems in Portugal (metro, light-surface metro, light rail systems, trams and funiculars).
- Investigators are on-call 24/7, 365 days a year on a rotating basis. One investigator is contactable by the IM or RU by mobile phone. For significant accidents, the NIB will deploy two investigators who work together on site.
- The NIB regularly provides safety information dissemination/training to the RUs regarding its own activities and safety investigation principles. It also regularly participates in formal trainings to the sector regarding safety investigation.
- The NIB is very active in the NIB community. The head of NIB chairs the NIB Network, is part of the Peer Review task force – TF1, Disseminating safety learning - TF4. The NIB concluded MoUs with Portuguese-speaking African countries for cooperate in training of their staff – The NIB participates in conferences based on the topics of accident investigation and is part of other international initiatives.
- The NIB has a manual detailing the overall framework of the investigation process and instructing and guiding investigators in the several investigation tasks, from the reception of notifications and decision to investigate to the monitoring of safety recommendations.
- All information related safety investigations is managed and shared with Office Teams platform, where each investigation team has access to the relevant information.

Resources (300 series questions)

- The NIB budget consists mainly of revenues allocated in the State Budget and legal provisions exist for other own revenues (amounts charged for promotion of training activities, sale of publications and works published by NIB, etc). Annually the NIB calculates the necessary budget according to fixed and estimated expenses, taking in consideration the needs for staff, facilities, equipment, utilities, etc. The total amount is subjected to validation by the ministry in charge of the NIB and by the Finance ministry. Since 2017, the amount calculated by the NIB has always been approved.
- Funding for exceptionally costly investigations is not included and, if needed, will come from a dedicated reserve for contingencies in the State Government.
- According to the law, all tests and expertise required during the investigations, are to be paid by the organizations involved in the accident/incident (IM & RUs).
- From information received by peer review team the NIB has sufficient financial and logistical resources, but does not have sufficient staff and the staff statute does not provide the necessary independence (explanation in the following paragraphs).

- Although the establishment plan annually approved with the State Budget provides for 3 investigators, there is an extra requirement that this number be approved by the Finance ministry. Until now this approval has not happened and only two investigators were approved, despite the existence of budget for three. At the time of onsite visit the railway unit has only 1 investigator.
- The NIB Governing Law (Decree-Law 36/2017) states that investigators are provided in renewable three-year terms. Experienced technicians able to fulfil the role of rail safety investigators are only available in the rail sector companies, and due to this 3-year terms and because the pay grade for investigators is well below the industry the experienced specialists are not willing to resign and join the NIB. Therefore, a secondment is the only option. However, this means that the origin employer (which is subject to being investigated by the NIB) has the power not to renew the secondment. This is a clear compromise on the independence of the NIB. Furthermore, 3-year terms are not suited to the activity of a safety investigator, because it is the time needed to become a proficient investigator; therefore, the NIB may be investing in training people that when proficient, will leave the NIB on the will of their origin employers, thus exhausting the NIB resources. This also detracts very much to the NIB independence.
- Not having available the three required investigators has several consequences, especially in the delay to produce investigation reports.
- The NIB can respond to a typical accident requiring immediate investigation on site at any time with the contribution of one investigator that is a monthly roster and is using a response vehicle. On the date of onsite visit only the monthly roster is ensured by one investigator (due to lack of staff) and the head of unit replaces him during the holiday and when becomes unavailable,
- The Head of Unit holds the emergency phone, which is available 24/24 and will instruct the Investigator on Duty to deploy if needed. The Head of Unit may divert the emergency phone to the Investigator on-duty in case of holiday or sick leave.
- Criteria to decide when to deploy is given in the procedure.
- The NIB is equipped with a single 4 x 4 off road vehicle which contains dedicated rail investigation equipment for taking measurements and evidence collection.
- The rail investigator and the Chief Investigator can act as Investigator in charge (IIC). In case of a major accident, rail investigator and the Head of NIB will be supported on-site by investigators from aviation, which use the same procedures to collect and register evidence.
- As required by law, the NIB can use external experts when needed, but the NIB investigators are normally competent to deal with most rail specific situations.
- NIB has the necessary software to read and analyse downloaded train data. For signalling system IM technicians download recorded data because the system does not allow for changes to be made.

- The resources available do not allow investigations to be carried out within the recommended delay of one year.
- Normally internal resources are enough to make the investigation but will have other parallel tasks to perform leading to an increasing backlog of investigations.
- Some tests or advice can be obtained from outside (Portuguese universities or technical organizations), but specialist rail advice is rarely available outside the NIB. The rail sector in Portugal is small and experts are linked or compromised with the involved parties, so cannot be used. Sometimes foreign laboratories must be used and this can be time consuming as they are not familiar with the specifics of Portuguese rail practice.
- Also, relevant information from the involved organizations can take a lot of time to be received (several months), also detracting to the delay of the investigation. The NIB has no enforcement power to solve this.
- The NIB has a secure working location at its headquarters including a small workshop and storage facilities.
- When investigating serious incidents, the budget is made available to purchase external experts.
- Contracts can be awarded to universities to support investigations. However, the processing time can sometimes take up to three years.

Training arrangements (400 series questions)

- According to internal procedures the NIB recruits investigators that have a degree in an engineering discipline relevant to rail and a minimum of 7 years working experience in rail, or, a minimum of 15 years of practical experience in rail, with at least 5 years in a managing/supervisory role.
- Initial training for each investigator took a combined time of around 340 hours (courses at RAIB and national specific courses). This does not include on the job training and internal training provided by the Head of Unit regarding the investigation manual and other internal procedures. After initial training, each investigator has been receiving an average of 30 hours training per year (new topics and refresher).
- The effectiveness and sufficiency of training is assessed by the Head of Unit based on the performance of each investigator.
- The NIB organises a series of specialist training courses for employees from the specialist scene.
- There is a good cooperation inside NIB between railway and aviation investigators for know-how exchange internal training.

Notification & decision process (500 series questions)

- The infrastructure managers and railway undertakings are obliged by Law to notify as soon as possible (max. one hour) all serious accidents and derailments, collisions, accidents at level crossings and involving trains carrying dangerous goods.
- These notifications are sent to a mobile phone held by the investigator on duty, via sms messages. In case of serious accidents, it will normally be through a phone call.
- All other safety related occurrences must be notified to the NIB within 48 hours. This is done through email.
- The NIB issued a guidance to IMs and Rus giving instructions on the notification process and schedule.
- After notification, the NIB may contact the IM and RU involved to obtain more information. If the NIB decides to deploy to site, it will inform the site manager of this, to guarantee that evidence is not changed or lost. It may ask that photos be taken of perishable evidence. As the NIB management stated this process has been working well.
- Depending of the event the NIB can start a preliminary investigation where information is gathered to assess the criticality of the event, the control mechanisms in place and the safety-learning opportunities and the opportunity of starting a full investigation.

Evidence collection and analysis (600 series questions)

- NIB investigators are trained to manage the site, including evidence collection. This process is fully covered in the Investigation Manual by Procedures.
- The legislation provides for immediate and unrestricted access to all relevant evidence, as defined by the NIB.
- The NIB has had no difficulty in obtaining evidence on site and access to physical evidence. Also, access to data from data recorders has also been easily facilitated.
- On several occasions it has not been possible to obtain the necessary information from some organizations (especially the IM) to make an informed decision to open an investigation within the 2-month window. As a result, the NIB is forced to open an investigation based on limited evidence as a precaution. As a result, this lack of timely compliance by the informed parties negatively impacts on the effectiveness and efficient working of the NIB. As a result, this lack of timely compliance by the involved parties negatively impacts on the effectiveness and efficient working of the NIB.
- The NIB has full access to staff and any relevant managers. However, the identification of staff not directly involved may take time to obtain due to the long delays in receiving answers from some organizations (especially the IM).
- According to national legislation, attending interviews with the NIB is mandatory and fines may be applied in case of noncompliance.

- Persons interviewed are informed of the objectives and confidentiality of the interview, and records are taken (normally digital sound recordings).
- The law provides that NIB can perform tests and reconstructions and involved parties assume incurred expenses. The results of tests and reconstruction are shared with affected parties and the judicial.
- The NIB management declares that generally NIB has a satisfactory cooperation with judicial on site; however there were cases in the past where investigators were called to testify in court.
- Different types of analyses are undertaken during the developing investigation stages. This process is fully covered in the Investigation Manual by Procedures.
- NSA, IM, RU, staff representatives and other parties are systematically informed during investigation. There is also in place a process for keeping victims and relatives informed about investigation progress.

Report preparation and publication (700 series questions)

- The draft of the investigation report is reviewed by peers and Head of Unit. The Head of Unit has to approve the draft before release for consultation.
- NIB PT publishes in its website information on the opening of each investigation and there is a list of all events being investigated.
- The average time to publication exceeds 12 months due to the limited staff resources but safety learning is not delayed as during the investigations there is communication with the involved parties, informing them of any safety deficiencies.
- The structure of both reports studied by the peer review team comply with the annex to the 2020/572 regulation.
- The draft report is sent by email to all involved parties and other relevant interested parties, in confidence, inviting them to identify any factual errors and to provide meaningful comments. Although the legal requirement is for a minimum of 10 days, normally a delay of 4 weeks is given.
- The draft report is accompanied by a recommended template to collect the comments and supporting evidence.
- After the investigator in charge and the head of unit analyse the comments those are integrated in the text or otherwise they are appended to the final public report with the justification why it was not accepted.
- The investigation reports and annual reports are published on their website and sent to ERA.

Handling safety recommendations (800 series questions)

- There are guidelines for the drafting of the recommendations, also directing to the NIB Guidance on safety recommendations, which is considered part of the procedure.
- The safety recommendations are included in the draft report which is sent to all involved parties as part of the consultation process. This enhances the likely acceptance of the safety recommendations. In more complex or delicate situations, the subject of the SR will be previously discussed with the addressee and end implementer of the SR.
- All SRs addressed to the NSA have been accepted and most are implemented, fully or in part, or in implementation.
- The NIB has a MoU with NSA that set up a common approach to classifying Safety Recommendations' status.
- The NSA reports to the NIB on the progress of implementation of the safety recommendations twice per year.
- The status of implementation is published on the website and in the annual report.

Health & safety of investigators (900 series questions)

- Standard health and safety equipment is provided to investigators by the NIB.
- The investigators have general health and safety training and specific working on rail premises training.
- On site investigators receive instructions from the accident site coordinator (which is part of national Civil Protection forces in case of a public emergency, or from the IM in case it is only a railway emergency) and relay it to the investigation team in a briefing meeting.

Actions taken by the NIB relevant to the Peer Review findings (if any).

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Panel comments on effectiveness

- The NIB performs the work that is required by the national legislation. The legislation requires more investigations than required by the Directive, for example investigating tramway, metro, trams and funiculars occurrences.
- The effectiveness of the NIB is compromised by staffing issues and challenges in obtaining information, resulting in a high average time for publishing the reports.
- The average time to publication exceeds 12 months but major safety learning is not delayed as during the investigations there is communication with the involved parties, informing them of safety deficiencies requiring urgent action.
- Recommendations for the improvement of safety and prevention of similar accidents are issued as required. Recommendations are drafted objectively and clearly identifies the safety objective and the end-implementer. All recently issued safety recommendations have been accepted.
- The annual report is published in required timescale (before 30 September every year).
- The NIB is very active participant in the NIB community.

Panel comments on independence

- The Panel considers that the NIB works in practice in a high degree of independence.
- Director of NIB is nominated by the Government following a public appointment process, for a 5 years term (can be renewed once).
- Head of investigation Unit is free to decide which (non-mandatory) events to investigate, the scope of the investigations, how the investigations are conducted and the drafting of reports.
- The NIB successfully carries out independent investigations to a good standard but there are some risks that can affect in any moment the independence of NIB:
 - the actual legislation provision that gives Judiciary authorities the power to request the participation of GPIAAF investigators in the legal proceedings and request the investigation file;
 - the insufficient investigators - due to that the pay grade is well below the industry it is very difficult to attract and retain competent staff so investigators are not permanent and are on secondment from the IM and RU, (which have the power to terminate it unilaterally at any time). However, the fact that the investigators are on temporary 3-year terms and are on secondment from other parties may compromise the independence of the NIB, as these parties have the power to condition its activity.

Identification of strengths

- ✓ Despite staffing and challenges in obtaining information, the reports reviewed comply with EU Regulation 572/2020, show a high level of technical understanding and analysis.
- ✓ The NIB is as effective as its available resources allow and is also a very active participant in the NIB community (task forces, conferences, etc).
- ✓ The NIB is using an Accident Investigation Manual that provides a very good support for all investigators and guidelines on how to carry out investigations. NIB developed a lot of useful guidelines and templates for effective onsite investigations.
- ✓ The NIB carries out a preliminary examinations process and documents for a large number of accidents and incidents in order to establish the opportunity for launching a full investigation. The preliminary examinations results are available on the annual report. Possible safety advice resulted from preliminary examinations are sent to all interested parties.
- ✓ There is a transparent process for the consultation and follow up of safety recommendations. Status of the recommendations and answers from the NSA and parties involved are published on the NIB website.

Identification of areas where improvements are suggested

- ❖ The NIB was carrying out some level of investigation and closure into investigations opened in the earlier era (pre 2014). The fact that it has these outstanding 'historic' investigations has added to its workload and partially accounts for its more recent outstanding investigations. The average length of the investigations and the large backlog of pending investigations for a period much larger than one year is very negative to the NIB, internally and externally, and affects the dissemination of safety information for accident prevention. This should be acted upon.
- ❖ There is an insufficient number of experienced investigators and that puts a big pressure on the staff. The limitation imposed by the legislation for employing staff for a limited period and the level of the salary influence in a negative way the NIB activity.
- ❖ There is a risk that without obtaining new investigators, the NIB will lose the excellent momentum as new investigators will need to obtain experience and be trained before the current main investigator retires.
- ❖ The legislation gives the judiciary some rights to seize parts of investigation files and this that can influence the independence of NIB.

Additional comments by the Panel (if any).

- The Panel would like to thank and show its appreciation to the NIB for volunteering to be peer-reviewed and for the openness and courtesy with which it was received.

- The onsite visit was a very good opportunity for peer review team to find out good practices in management an effective investigation process with very limited resources.

PART 4 – COMMENTS FROM NIB

Comments by the NIB (if any).

- The NIB thanks the Panel and observers for a very professionally conducted review and for the exchange of experience and suggestions in improving processes and procedures.
- The NIB acknowledges the high average delay in conducting its investigations and publishing the final report. As the Panel has identified, this is directly linked to difficulties in recruiting and retaining staff. This fact is well identified by the NIB management and the 2024-2028 Strategic Plan set up for this Body has clear objectives and action lines for addressing and resolving this threat. However, its success will depend on acceptance by the Portuguese Government.