



National Investigation Body (NIB) Network

NIB Peer Review Report for NIB FINLAND

Review date: 14-15 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	15-11-2023	First draft report
V0.2	22-11-2023	2 nd draft report
V0.3	04-12-2023	3 rd draft report – For agreement in PR panel.
V0.4	07-12-2023	Draft report sent to NIB Finland
V0.5	20-12-2023	Feedback from NIB FI
V0.6	15-01-2024	Final draft version sent to PR Panel.
V1.0	22-01-2024	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)	Safety Investigation Authority Finland (SIAF)
NIB type (eg multi-modal)	Multi modal including Aviation, Maritime, Rail, Social and healthcare, other accidents, and exceptional events. Maritime branch also covers the inland waters.
Date questionnaire completed by NIB	10 August 2023
Date of site visit	14 -15 November 2023
Date of draft report for consultation	7 December 2023
Date of comments by NIB FI	20 December 2023
Date report finalised by Peer Review Panel	22 January 2024
Peer Review Panel members (name/state)	<ol style="list-style-type: none"> 1. Johan Gustafson (NIB SE) (leader) 2. Leslie Mathues (NIB BE) 3. Mircea Nicolescu (NIB RO)
Observers (name/state)	<ol style="list-style-type: none"> 1. Anita Koprivnjak (the Agency) 2. Jildou Brander (NIB NL) 3. Tomislav Antun Biber (NIB HR)
Route length of track in NIB’s country	Total 5 918 km, in use 5 645 km
Traffic in NIB’s country (train-kilometres per year)	<ul style="list-style-type: none"> • 4 567 million passenger kilometers/year in 2022 • 31 200 000 tons, 8 965-million-ton kilometers

Table B – NIB Staffing

B1	Number of permanently employed rail investigators (including part time workers).	(1+1, Chief Investigator)
B2	Full time equivalent number of permanently employed rail investigators.	2
B3	Full time equivalent number of administrative staff permanently employed on rail investigators.	4
B4	Number permanently employed rail investigators who can act as Investigator in Charge.	(1, Chief Investigator)
B5	Are there investigators not permanently employed by the NIB who can be employed on an ad hoc basis. Briefly explain the contractual arrangements.	NIB FI has a pool of over approximately 130 external experts that can be nominated to investigation teams. Approximately 20 of them are dedicated rail professionals
B6	Full time equivalent number of investigators from other modes that can assist rail investigators	NIB FI has 3 permanent investigators that are not assigned to any branch. They can assist all investigation branches when needed. Also, safety investigators from aviation (1) and marine (1) branch can assist rail investigators.

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	Yes	Yes	Yes	Yes	Yes	Yes	Yes	Yes
C2	Number of notifications per year averaged over last 3 years	0.7	0	143	0	30	0	41	0	0
C3	Average number of accidents investigated per year*	0,7	0	3	0	0	0	0	0	0
C4	Average number of incidents investigated per year*	Not applicable to Article 20(1) investigations	0	0	0	0	0	0	0	0
C5	Average number of full investigation reports published per year	0,7	0	3	0	0	0	0	0	0
C6	Average number of briefing notes (or similar short documents) published per year	0	0	1,7	0	0	0	0	0	0
C7	Average number of recommendations produced per year	3	0	3	0	2	0	2	0	0

* 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	65	65	90	0	0
D2	Proportion of recommendations implemented effectively but after an excessive delay*	15	10	10	0	0
D3	Proportion of recommendations reported as implemented but not implemented effectively*	10	10	0	0	0
D4	Proportion of recommendations reported as not implemented	10	15	0	0	0
Total		100%	100%	100%	N/A	N/A

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)	0
F2	National law requirement outside Article 20(1)	0
F3	Non-mandatory accidents and incidents	0
F4	Other investigations (e.g. class investigation)	0
F5	Average time to complete mandatory investigations (average of investigations completed in previous three years) Reports published 2020 - 2022	9 months
F6	Average time to complete non-mandatory investigations ((average of investigations completed in previous three years) Reports published 2020 - 2022	10,3 months

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

The organisation of NIB FI is based on the use of pool of experts. This makes the organisation extremely flexible and enables cost-efficient investigation since as many resources can be used in an investigation as needed. The variety of experts in the pool also allows all aspects of investigation to be considered. Flexible use of experts between branches also supports the exchange of knowledge between branches and ensures the usage of best practices in all branches.

Recommendations are in general implemented well. However, some recommendations remain open or must be moved to the “not to be implemented” -category. Some of these recommendations are considered very important and are well defined in investigations. NIB sends enquires about the status of recommendations annually.

PART 3 – COMMENTS FROM PEER REVIEW PANEL

Legal framework (100 series questions in questionnaire)

- Directive (EU) 2016/798 of the European Parliament and of the Council of 11 May 2016 on railway safety (recast) seems to have been implemented in the national legislation (Safety Investigation Act of Finland (525/2011)).
- The NIB also investigates search and rescue actions.
- The NIB appears to be independent from other organizations in its organisation, legal structure and decision-making.
- Legislation grants the NIB immediate access to the accident site.
- The powers of the NIB are stated in the national legislation.
- The NIB is the independent multimodal accident investigation organisation for Finland and established in connection with the Ministry of Justice.
- The Director of the NIB is appointed by the Council of State and has to fulfil specific qualification to be eligible.
- The Director of the NIB cannot be fired on political grounds or when political power changes. The Director can only be fired on grounds of civil service law
- Although if it happens very rarely the Judicial authorities can ask to use the published (via public) report as evidence in court.

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

- 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) according to Directive (EU) No 2016/798.
- The NIB also investigates accidents and incidents in the metro and tramway system.
- The NIBs' safety investigations examine the course of events, their causes and consequences, and the search and rescue actions, as well as the actions taken by the authorities
- The NIB has two permanent rail investigators.
- The NIB is active in the NIB community and participates at the NIB Network meetings and is also a part of Nordic countries' group.

- The NIB uses external experts in the whole investigation process, that is the majority of investigative tasks are conducted by external experts.
- In addition to the general functions and duties laid down in the Directive (EU) No 2016/798, the NIB is also responsible for training persons suitable to act as investigators, including the pool of external experts who may be used in investigation process and also for monitoring the implementation of the issued safety recommendations issued by NIB (which is usually a task of the NSA).

Processes and Resources (300 series questions in questionnaire)

- The NIB is funded by the Government. For very costly investigations the NIB can ask the Government for extra funding.
- One of the two railway investigators are on-call 24/7, 365 days a year on a root basis. Should one or two of the railway investigators be out of the office due to illness, vacation etc, the investigators from other investigation branches can be used for on-call duty or to help in coordinating and deploying experts to the accident site.
- The NIB has a pool of approximately 130 external experts of which approximately 20 are railway experts. These experts have been trained by the NIB. They can be used to assist the NIB in, among other things, getting to the accident site as soon as possible and collecting evidence. When working for the NIB the experts work under the same rules and conditions as civil servants and employed by the NIB as investigators.
- The head of the railway branch is always the Investigator in Charge (IIC). The IIC assumes the role of managing the investigation team. There is also a head of the investigation team, usually a senior investigator (civil servant employed by the NIB) or a seasoned external expert. His/her function is to coordinate the functioning of the team and run the investigation team on a daily basis. The head of the investigation team reports to the IIC.
- The NIB can assign one expert the task of functioning as the principal author for the investigation report.
- The NIB has some standing arrangements in place with other NIBs and other organisations e.g. Nordic countries and Canada along with the expertise of the NIB Network group for obtaining rapid specialist advice.
- The NIB has a secure working location at its headquarters.
- The NIB does not have any facilities or equipment for technical investigations. In some cases, the NIB uses space of other authorities or rent space from commercial companies.
- In some areas the NIB has to use subcontractors for technical investigations.
- The investigators use their own cars to travel to the accident site.

- The NIB has a head of communications that manages the communication for the investigations including next of kin communications.
- The NIB has a software tool for planning the investigations, allocate tasks and for financial follow-up.

Training arrangements (400 series questions in questionnaire)

- The annual budget is sufficient for training.
- External training is possible. However, due to budgetary reasons this training has to be planned in advance. The budget can be updated if there is a need for more expensive external training.
- The NIB has a 12-step training program for developing and enhancing investigators' and experts' skills. The training is mostly internal training.
- In the training programme there is a three-day practical on-site training.
- There is an annual seminar for all staff, including experts, for updating the knowledge.
- There is a special training for writing investigation reports.

Notification & decision process (500 series questions in questionnaire)

- The NIB is notified about accident and incidents by the Traffic Control Centers and by the Emergency centers.
- The NIB is usually notified of serious accidents by Emergency centres - via phone and SMS/email.
- Other accidents and incidents are notified by Traffic Control Centres via email, and also by IMs and RUs when the tracks are not controlled by the Traffic Control Centres. The notifications from TCC are classified in A => C.
- All immediate notifications are reviewed by the on-call investigator, and it is the Chief Investigator's decision whether to deploy investigators or experts to an accident site or not. The initial information gathering for evidence is usually conducted via telephone by the on-call investigator asking for details from the IM and RU.
- The NIB has its own database for occurrences. There are some coordination meetings with the NSA concerning occurrences that are recorded in the database.
- When the NIB decides not to investigate an accident or incident the NIB sometimes publishes a report on the preliminary investigation on the website. The purpose of publishing this report is to inform stakeholders about the case and its findings. If

necessary, a brief explanation is given as to why the investigation is not initiated. No recommendations are made, but the findings may include, for example, previous recommendations or other mentioning of a need to improve safety.

- The Director of the NIB makes the final decision to open a safety investigation. The decision is based on the evidence and the classification and seriousness of the event, consequences and organisational knowledge.
- The NIB informs the injured and the next of a kin are informed when the NIB opens an investigation. If an investigation is initiated the NIB informs the injured or the next of kin about the opening of a safety investigation.

Evidence collection and analysis (600 series questions in questionnaire)

- The NIB investigators are trained to manage the accident site, including evidence collection.
- There is an operation manual for the NIB that also includes for example checklists for collecting evidence at the accident site.
- As the investigators of the NIB are not always first to the site, the NIB has trained external experts to collect factual information at the accident site.
- The extent of evidence collection on site is determined by the leader of the site investigation team based on his/her own experience.
- The NIB has unlimited access to necessary information and witnesses. The NIB can also get information for example from the police, IM and RU and telecommunications companies. The NIB has a good working relationship with the Police and other authorities.
- The measurements on-site are done separately. The collected evidence is confidential and are not directly shared with IMs and RUs.
- A communications expert can be sent onsite to manage the press and release the pressure on the investigators. The communications expert can also assure internal communications between the site and the office and help coordinate and plan a possible press conference for example.
- The NIB has good cooperation with the Police and other authorities at the accident site: the NIB and shares some factual evidence, such as data, photos, and documents (but not the content of interviews).
- After the work on-site is completed, the NIB does not share the collected evidence and documents with the judicial authority.

Report preparation and publication (700 series questions in questionnaire)

- The NIB uses an authoring external expert (authoring investigator) for drafting the report.
- The draft of the investigation report is reviewed by the management team of the NIB.
- The NIB is using a common reporting structure for all investigation reports. This naturally affects the railways branch and prevents its investigation reports to fully follow the reporting structure as defined in the Regulation 2020/572. In practice, the report has no causal, contributing and systemic factors in relation to Regulation 2020/572 and does not follow the numbers and letters of the sections in the regulation.
- The operations manual covers the drafting of recommendations.
- The NIB sends a draft report to the interested parties allowing them to comment on the report. In some cases when safety recommendations have been addressed to the Agency, the draft report has not been sent to the Agency.
- The NIB sends the final investigation report to the interested parties prior to publishing.
- The draft report is available for consultation for 30 days if all involved parties are domestic and for 60 days for international investigations. If applicable, the consultation process includes the relatives and injured parties.
- Sometimes the NIB organises a press conference and other activities/meetings before publishing the final report.
- The average time to publication is 9 months for 'mandatory' investigations. The summary, conclusions and recommendations are available in three languages.
- The NIB publishes information about the investigations on the website, for example opening an investigation, publication of the investigation report and closing the investigation.
- The annual reports are published on the NIB website and also sent to the Agency.

Handling safety recommendations (800 series questions in questionnaire)

- The safety recommendations are part of the consultation process and are included in the draft report which is sent to all involved parties (incl. the NSA).
- The NIB has separate meetings with the addressees and end-implementers to discuss the recommendations. This enhances the likely acceptance of the safety recommendations.

- The recommendations, the responses and their follow-ups are recorded in the NIB's database. The database is also available for the public and searchable.
- Due the national legislation the NIB is responsible for the monitoring the implementation of safety recommendation.
- The NIB decides whether it considers a recommendation implemented. Technical specialists can be consulted, and on-site visits arranged, if necessary, in making the decision to decide if the recommendation is implemented or not.
- In recent years, all safety recommendations have been accepted better than older recommendations.
- The status of the implementation of the safety recommendations is published in the NIB annual report.

Health & safety of investigators (900 series questions in questionnaire)

- Standard health and safety equipment are provided by the NIB to the investigators and to the experts.
- Specialist advice on site to the investigators and experts is usually given by the emergency services. The investigators will always take their advice.
- The NIB uses a risk assessment sheet before the investigators (including external experts) to go an accident site and when the investigators arrive at the accident site. The risk assessment sheet is also available in a mobile application. When the risk assessment is done in the mobile phone application the sheet is automatically sent to the office of the NIB.

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

- The NIB will send the draft report to the Agency when recommendations are addressed to the Agency. The Agency will also have the possibility to comment on the draft report and recommendations.

Panel comments on effectiveness

- The NIB generally performs effectively.
- The NIB performs the work that is required by the national legislation. The national legislation sets a requirement for the NIB to investigate a wider array of occurrences than the Directive. The NIB thus also investigates tramway and metro occurrences.
- The investigation reports are published within one year of the accident.
- Annual reports are published on time (before 30 September every year).

- Recommendations for the improvement of safety and prevention of similar accidents are issued as required. Recommendations are drafted objectively, and they clearly identify the safety objective and the end-implementer. All recently issued safety recommendations have been implemented.
- The NIB decides to address safety recommendations only on the most important safety issues. This means that not all the safety issues identified in the investigation reports are covered by safety recommendations.

Panel comments on independence

- The Panel considers that the NIB works in a high degree of independence, fulfilling all the criteria as set in Directive (EU) 2016/798 of the European Parliament and of the Council of 11 May 2016 on railway safety (recast).

Identification of strengths

- ✓ The NIB uses an operation manual, including checklists, that provides a good support for all investigators and contains guidelines on how to carry out investigations.
- ✓ Due to the pool of experts, the NIB can take the necessary measures to go quickly on-site. Therefore, communication lines can be opened, and on-site investigation started swiftly in a rather lengthy country.
- ✓ The NIB has a software tool for planning the investigations, allocate tasks and for financial follow-up.
- ✓ There is a transparent process for the follow up of safety recommendations. The status of the recommendations is published on the NIB website.
- ✓ The NIB has a Head of communications that manages public affairs (media, press etc.) and next of a kin communication.
- ✓ The NIB has a strong process for communication with the involved parties, including the families and victims.

Identification of areas where improvements are suggested

- ❖ The Panel suggests that the reporting 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.
- ❖ The Panel suggests that the NIB should consider the risk of losing knowledge regarding for example accident investigation on-site and technical knowledge by relying too much on external experts. This could also be a risk of losing the organisational memory.
- ❖ The Panel suggests the NIB should consider the need for storage facilities, other than the office space, for storing evidence that is collected from the accident sites.

Additional comments by the Panel (if any).

- The Panel would like to thank and show its appreciation to NIB FI for volunteering to be peer reviewed and for the openness and courtesy with which it was received.
- Due to the national legislation the NIB has to monitor the implementation of the safety recommendations. This (if the final addressee is the IM or RU) might interfere with the role of the NSA who is the supervision authority, and their supervision should consider how the addresses of the safety recommendations act upon the safety recommendations.

PART 4 – COMMENTS FROM NIB

Comments by the NIB (if any).

- The NIB is a multimodal investigation authority and uses using a common reporting structure for all investigation reports and tries to follow the Regulation 2020/572 as closely as possible and the investigation report is adapted to the type and seriousness of the accident or incident.
- NIB FI would like to thank the Peer Review team and the Agency for the opportunity to be peer reviewed and all findings that help the NIB to improve its effectiveness.