

RULES OF PROCEDURE

*As approved by the NIBs' representatives at
the Plenary meeting of 25 February 2020*

NIB Network

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1. Purpose of this paper

These Rules of Procedure outline the structure and operating principles of the European Network of National Investigation Bodies (rail sector) that has been established to further compliance with the legal obligation of National Investigation Bodies (NIBs) to work together and conduct an active exchange of views and experience. They also record the formal terms of reference for the meetings, committees, and working groups that together constitute an active network.

NOTE

From this point forward in this document the European Network of National Investigation Bodies (rail sector) shall be referred to as the 'NIB Network'.

2. Legal requirements

The legal obligations of NIBs are defined in the relevant national laws of each state that are required to transpose the requirements of Directive 2016/798 of the European Parliament and of the Council (referred to as the 'Directive' in this document). The transposition of the Directive is required to be completed by June 2019, although this can be extended to June 2020 in accordance with article 33(2) of the Directive. Prior to transposition of Directive 2016/798 into the national law of a state the requirements of Directive 2004/49/EC still apply.

The legal provisions described in this document are limited to the legal requirements related to the cooperation and collaboration of NIBs, as defined in Article 22(7) of the Directive and Article 38(2) of Regulation (EU) 2016/796.

The legal requirements referred to in this document relate to Directive 2016/798 and may therefore not reflect national laws in all member states until such time that transposition is complete.

[Obligations of National Investigating Bodies](#)

Article 22(7) of the Directive states:

"The investigating bodies shall conduct an active exchange of views and experience for the purposes of the development of common investigation methods, drawing up common principles for follow up of safety recommendations and adaptation to the development of technical and scientific progress."

Article 22(7) also defines requirements relating to the conduct of peer reviews, as follows:

"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

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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.”

Obligations of the European Union Agency for Railways

Article 22(7) of the Directive requires the Agency to support the investigating bodies in the performance of the above tasks (in accordance with Article 38(2) of Regulation (EU) 2016/796). This should be done without prejudice to the requirement for the National Investigation Bodies (NIBs) to be functionally independent from the Agency.

The specific requirements of the Agency outlined in Article 38(2) of the above regulation are:

“The Agency shall support the investigating bodies in accordance with Article 22(7) of Directive (EU) 2016/798. To facilitate cooperation among the investigating bodies, the Agency shall provide a secretariat which shall be organised separately from the functions within the Agency relating to safety certification of railway undertakings and authorisations to place vehicles on the market.”

3. Aims and objectives

The overall aim of the NIB Network established by the NIBs is to enable their cooperation, further improve the quality of safety investigations and to strengthen their independence. The NIB Network should also develop common approaches in the field of investigation methods and investigator training.

Objectives of the NIB Network

The NIB Network’s objectives are to:

- a) the develop guidance to encourage good practice and common investigation methods
- b) facilitate effective communications between NIBs on all matters related to rail accident investigation
- c) draw up common principles for the follow-up of safety recommendations
- d) provide guidance on technical and scientific issues affecting rail accident investigation

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- e) provide support to NIBs, including:
 - i. shared accident investigator training for European accident investigators
 - ii. developing guidelines and tools for accident investigation
- f) share good practice, including:
 - a. sharing experience on the organisation of an investigation body
 - b. sharing findings and experiences of accident investigations
- g) maintain the process and programme for peer reviews (as required by article 22(7) of the Directive)
- h) establish common positions on issues of mutual concern, in particular those that could damage the independence of NIBs, and coordinating actions taken in response
- i) encourage and facilitate active communication and collaboration between NIBs when undertaking investigations, particularly when working together in accordance with Article 23(1) of the Directive
- j) maintain regular contact with the Agency, so as to promote the exchange of relevant information
- k) participate in occasional joint meetings with national safety authorities organised by the agency (as per Regulation (EU) 2016/796).

4. Structure of the NIB Network

The NIB Network is a self-administered entity comprised of National Investigation Bodies established in accordance with Article 22 of the Railway Safety Directive (2016/798). All NIBs are considered to be part of the NIB Network, whether active or not. The NIB Network is an informal entity (ie it has no formal legal identity) but is recognised by the European Commission and by the Agency as a body that speaks on behalf of the entire NIB community.

The component parts of the NIB Network are described in the following paragraphs and Figure 1 illustrates how the components parts relate to each other.

[Plenary meetings](#) (see section 5)

The regular Plenary Meetings fulfil the function of a general assembly. It has the following basic functions:

- providing a forum for the active exchange of views and experience
- promotion of networking and the building of working relationships between NIBs
- setting the strategic goals for the Network Management Committee to pursue (eg issuing good practice guidance)

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- supervising the work of the Network Management Committee and holding it accountable for the quality and timeliness of deliverables
- to articulate the opinions of the NIB Network on matters of mutual concern.

All NIBs have the opportunity to be represented and have an equal voice in discussions and decisions. The Plenary Meeting is chaired by the chairperson of the Network Management Committee.

[Working groups \(see section 0\)](#)

Groups established to undertake a particular task such as the management of the peer review process. The working groups are accountable to the Plenary Meetings but also report progress and key issues of concern to the Network Management Committee.

[The Network Management Committee \(see section 7\)](#)

An elected committee of representatives from five NIBs. The committee is tasked with managing and administering the joint activities of NIBs, and is accountable to the representatives at Plenary Meetings.

[Regional groups \(see section 8\)](#)

Informal networking groups formed of NIBs from a particular geographical area or share a common language.

[Shared Extranet \(see section 9\)](#)

A shared Extranet for the purpose of sharing information.

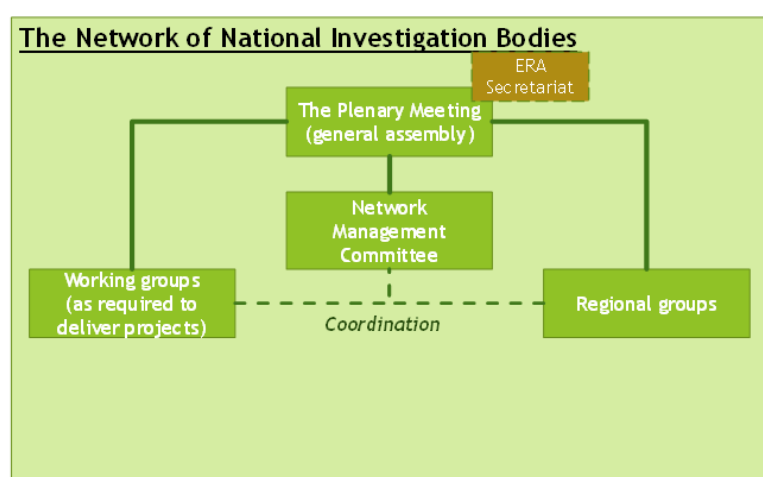


Figure 1 The structure of the NIB Network

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4.1. The key activities of the NIB Network

The NIB Network would undertake the following core activities in the first few years of its operation (subject to review after 3 years):

- 3 Plenary Meetings per annum
- perform the peer review programme
- occasional joint training activities (courses/seminars/mini-conferences)
- establishment of a website to promote the exchange of information (in a members only area) and to disseminate information about the NIB Network, and its activities, to the railway industry and the public
- operation of working groups as deemed necessary by the NIB Network.

4.2. Links with national safety authorities

The Agency will ensure that necessary links are established between this NIB Network and the network of national safety authorities, established according to Article 16 of Directive 2016/798. The Agency will establish joint plenary sessions to comply with Article 38 and to support efficient use of resources.

5. The NIB Network Plenary Meeting

5.1. Representation

Each NIB is normally represented by a maximum of two participants at a Plenary Meeting of the NIB Network. The Agency will have a standing invitation. Should the NIB Network wish to discuss a topic without the Agency in attendance this should be notified to the Agency in advance.

The NIBs should strive for continuity in the nomination of representatives for the Plenary Meetings.

The Plenary Meetings of the Network will normally be chaired by the Chairperson of the Network Management Committee. If he or she is unavailable the meeting will normally be chaired by another member of the Network Management Committee.

Plenary meetings should be held once a year as a minimum, and normally no more than three times a year (this may include a meeting on technical topics). With the support of the secretariat, the chairperson will draw up the agenda in consultation with other NIBs, the Agency and, where applicable, other organisations. The agenda

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will be sent in advance to give everyone enough time to prepare the discussion. For some agenda points, adding a questionnaire will add value.

Extra Plenary Meetings may be convened when requested by at least one third of the NIBs.

The Agency and the European Commission will be informed about the meetings of the Network and may attend them. The members of the Network, the Agency and the European Commission may submit proposals to the Plenary Meeting that they wish to be considered.

At the discretion of the members of the Network, independent investigation bodies of third countries (ie countries that are not subject to the Directive) may send representatives to participate. Such representatives may fully engage in the meetings but will have no vote in elections for members of the Network Management Committee, and will be precluded from serving in the same.

The Network may also invite experts to attend its meetings when appropriate.

5.2. Decisions

Plenary decisions will normally be made on the basis of consensus. If there is no consensus the chairperson will encourage further discussion to determine how strong the feelings are. If the chairperson judges it necessary to take a vote (for example to agree an action to be taken by the NIB Network) this shall be the basis of a majority vote, where each present investigation body shall have one vote. Votes can only be held on topics that were clearly identified in the agenda for the meeting.

In addition, if a NIB cannot participate in a Plenary Meeting during which a vote will take place, it may give a written proxy to another NIB that will participate to such meeting to vote also on its behalf. Any NIB participating in such Plenary Meeting may not have more than one proxy. Evidence of any vote by proxy shall be handed over to the chairperson of the meeting before the vote in order to validate the vote by proxy.

In the case of a majority decision being adopted the voting results and records of minority positions should be noted in the decision. The Plenary Meeting does not have the powers to take decisions that are legally binding for the NIBs or the Agency to follow.

If necessary, the issue can be carried through to the agenda of the next plenary.

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5.3. Organisation of NIB Network Plenary Meetings

5.3.1. Logistic support

Apart from the NIB Network secretariat, the Agency will support the NIB Network Plenary Meetings by organising logistic support according to the rules in force at the Agency and to include the provision of a suitable venue (unless the plenary has agreed that a particular meeting is to be held at an alternative venue). The Agency will also provide catering at its own venues (although this is not legally obliged).

5.3.2. Invitation and draft agenda

The invitation will be sent out to NIBs and other participants by the secretariat on behalf of the Chairperson. It will normally be sent out 8 weeks before a meeting and will include a request for agenda items.

The invitation also serves the purpose of enabling the NIBs to book the trip. The NIBs can suggest items both for the draft and the detailed agenda.

At the end of each Plenary Meeting, the topics for agenda of the next meeting shall be discussed.

5.3.3. Detailed agenda

A detailed agenda is finalised by the secretariat in consultation with the Chairperson. It will take into account discussions at the Network Management Committee and any other agenda items proposed by NIBs.

The detailed agenda will be sent out to NIBs about 3 weeks before the meeting. This agenda should only be changed in exceptional circumstances. The detailed agenda has for each item:

1. A time indicating the allocated time for the item, this shall normally be agreed with the presenter.
2. A clear purpose stated - indicating what the group is contributing with (discussion/decision etc.).
3. In the case a voting is foreseen, this should be indicated and the necessary documentation provided.

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5.3.4. Documents

Supporting documents will normally be available at least two weeks before a meeting to facilitate effective contributions from NIBs attending the meeting. However, in case of urgency, the NIB Network may deviate from these deadlines for distributing documents. Documents for meetings will be uploaded on the Extranet (either directly or by the secretariat).

5.3.5. Presentations

Speakers should respect the allocated time slots for their presentations in the agenda. The number of slides in the presentations should reflect the complexity of the subject and take into account that the allocated time slot includes a time for discussion. The hand-over of new or updated presentations by the presenter to the meeting administrator during the meeting or just before the presentation should be avoided where possible. Presentations should normally be submitted to the secretariat two weeks before the meeting.

5.3.6. Meeting minutes

For each item in the Agenda, the minutes should summarise the discussion, provide the conclusions and list agreed actions. The meeting minutes shall not record in detail what is said during the meeting. If a participant explicitly so requests, its statement can be entered into the meeting minutes. The minutes of meetings are to be approved by the participants at the beginning of the following meeting (subject to any amendments that are agreed).

5.3.7. Meeting venue

NIB Network meetings will normally last between 1 or 2 days as appropriate.

The normal meeting venue for the NIB Network meetings shall be Lille or Valenciennes. When joint NSA/NIB meetings are held, they are normally organised in the Agency's Headquarters, in Valenciennes. However, if decided by the NIB Network, it may also be possible for the plenary to consider holding its meetings at a location that is more accessible to the majority of NIBs (eg in proximity to an international hub airport), or for any other justifiable reason.

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6. The NIB Network working groups

For specific activities the NIB Network can establish working groups (otherwise known as 'task forces') to elaborate proposals, position papers or contribute to the analysis of the development of railway safety. The investigation bodies may nominate their representatives to the participation in these working groups. The working groups will be convened on the basis of plenary decisions and chaired by a representative of the NIB Network nominated by the NIB Plenary Meeting. The chair of a working group is responsible for the outcome and deliverables of the working group. Each NIB should in general not be represented by more than one person at a working group meeting. Each NIB should strive to allow the same representative to attend all meetings of a working group. Where possible, the NIB Network should aim for a well-balanced representation of all NIBs in the working groups (i.e. a mixture of large and small NIBs and reasonable geographic spread). The Network Management Committee may suggest a reduction in the size of a working group that has become too large to work efficiently.

Agency staff and other experts may also be invited to be member of a working group.

6.1. Invitation and draft agenda

The invitation should normally be sent out 6 weeks before a meeting and must contain a first draft agenda. The agenda does not have to be detailed, but should contain the main items. The agenda serves the purpose of enabling the working group's members to book the trip. It can be updated; items can be added, changed or deleted.

6.2. Detailed agenda

At the beginning of a meeting a detailed draft agenda is presented and agreed upon. The detailed agenda has for each item

1. A time indicating the allocated time for the item.
2. A clear purpose stated - indicating what the group is contributing with. (discussion/decision etc)

6.3. Documents

Supporting documents should be available at least 10 days before a meeting or more in case of extensive documents.

Working documents will only be distributed to members of the working group. Draft documents prepared by the working group that shall be presented to the whole NIB

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Network will be distributed and also made available through the dedicated area on the Agency's Extranet.

6.4. Meeting minutes

For each item in the Agenda, the minutes should summarise the discussion, provide the conclusions and list agreed actions. The meeting minutes shall not record in detail what is said during the meeting. If a participant explicitly so requests, its statement can be entered into the meeting minutes.

The minutes, or short-form record, of a meeting are to be approved by all participants at the beginning of the following meeting.

6.5. Meeting venue

Working group meetings can be arranged at any location that is considered to be convenient for working group members.

When possible, working group meetings should be organised before or after a NIB Network meeting.

7. The NIB Network Management Committee

7.1. Role of the committee

The Network Management Committee will:

- i. manage ongoing work streams such as peer review, and the exchange of information
- ii. develop proposals for development of activities of the NIB Network (for consideration by the Plenary Meeting)
- iii. subject to the agreement of the Plenary Meeting, plan and implement joint activities of the NIB Network
- iv. monitor and review the delivery and effectiveness of joint activities of the NIB Network (including those undertaken by specific working groups)
- v. seek mechanisms to enable EU funding to support joint activities (via the Agency and/or the Commission) and consider ways of establishing a legal entity (should this prove necessary to administer EU funds)

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- vi. administer any funds that are received to support the work of the NIB Network
- vii. manage the agenda of Plenary Meetings

7.2. Composition of the committee

The committee will comprise:

- A chairperson (elected by the NIBs)
- Four other elected committee members (one of whom will be nominated by the committee to deputise for the chairperson)

The chairperson and the other committee members will serve for up to three years before standing for re-election. The chairperson will also chair the Plenary Meetings until such time that he/she stands for re-election.

The members of the Network Management Committee shall agree between them arrangements for note taking and administration of their meetings.

7.3. Constitution

The committee will convene at least twice a year. In order for the committee to be quorate the following minimum requirements must be met:

- the chairperson, or someone who has been deputised to chair the meeting, must be present
- at least two other committee members must be present (distinct roles for each of the committee members may be agreed in discussion with the chairperson)
- a suitable person must be present to administer and record the meeting.

The chairperson will propose an agenda at least two weeks before each meeting. Comments will then be incorporated and a final agenda issued by the chairperson one week before the meeting.

Members should attend the committee meeting in person or by means of a telephone conference if that is not possible [although the former is preferred]. Agreement will be by consensus. The chair will have an equal voice in any debate and will have no veto on decisions made by the committee.

The Chairperson will be responsible for scheduling committee meetings and circulating agendas and papers, a minimum of two working days prior to each

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committee meeting. Papers will be circulated by email. Minutes and actions of the committee meetings should be circulated within five working days to committee members.

7.4. Election of the committee

The secretariat of the Plenary Meeting shall initiate an election when positions become vacant, or otherwise on the year's shown below. Each election shall elect the committee members as indicated below:

Nov 2019	Elections held for all positions in the Network Management Committee (the four committee members are designated A, B and C and D at random)
2020	No election
2021	Committee members A and B step down and a fresh election held for these posts
2022	Chairperson and committee members C and D step down and a fresh election held for these posts
2023	No election
2024	As 2021
2025	As 2022
and so on.....	

To be eligible for election any candidate must meet all of the following criteria:

- the candidate must have put his/her own name forward, or have been nominated (and accepted the nomination), to serve in the role;
- work for a National Investigation Body;
- be the head of a NIB, or be empowered by the head of his/her NIB to serve on the committee
- give a commitment to support the work of the committee and attend at least two committee meetings per year.

No member of the committee should serve for more than 3 years without re-election.

Serving members of the committee are entitled to stand for re-election at the end of their tenure, or at any other time.

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Election process

Election of committee members will take place during the first Plenary Meeting of each year. The names of the candidates shall be communicated to all representatives one month prior to the election meeting.

If the number of nominations exceeds the number of vacant positions on the committee a secret ballot shall be administered by the plenary secretariat and the result (based on a simple majority) announced during the same Plenary Meeting. The results of the secret ballot will then be recorded in the minutes of the Plenary Meeting.

8. Regional groups of NIBs

The NIB Network also features regional groups of NIBs that meet to discuss areas of good practice and lessons learnt. These groups can be defined by geographic proximity, common language or other shared interests, and are designed to promote strong regional relationships. The NIB Network does not manage such regional groups but their activities will be reported to the Plenary Meeting. Both the Agency and the Commission may also attend the regional group meetings at the invitation of the members. A member of the Network Management Committee may also attend a regional group meeting to observe or contribute as appropriate.

9. The NIB Network's extranet working space

The Agency provides a dedicated working space for the NIB Network on its Extranet. Working groups may apply for their own Extranet working space.

The Extranet working space should be used as much as possible for sharing information amongst the NIBs. However, it is not to be used for the storing of individual national peer review reports unless the NIB concerned so decides.

The Extranet working space is managed by the Agency's secretariat.

Only the NIBs, the secretariat and nominated Agency staff have access to the NIB Network Extranet working space. All NIBs must respect the rules for access to and dissemination of documents from the restricted area on Extranet and may not grant or delegate their access rights to unauthorised persons.

[END]