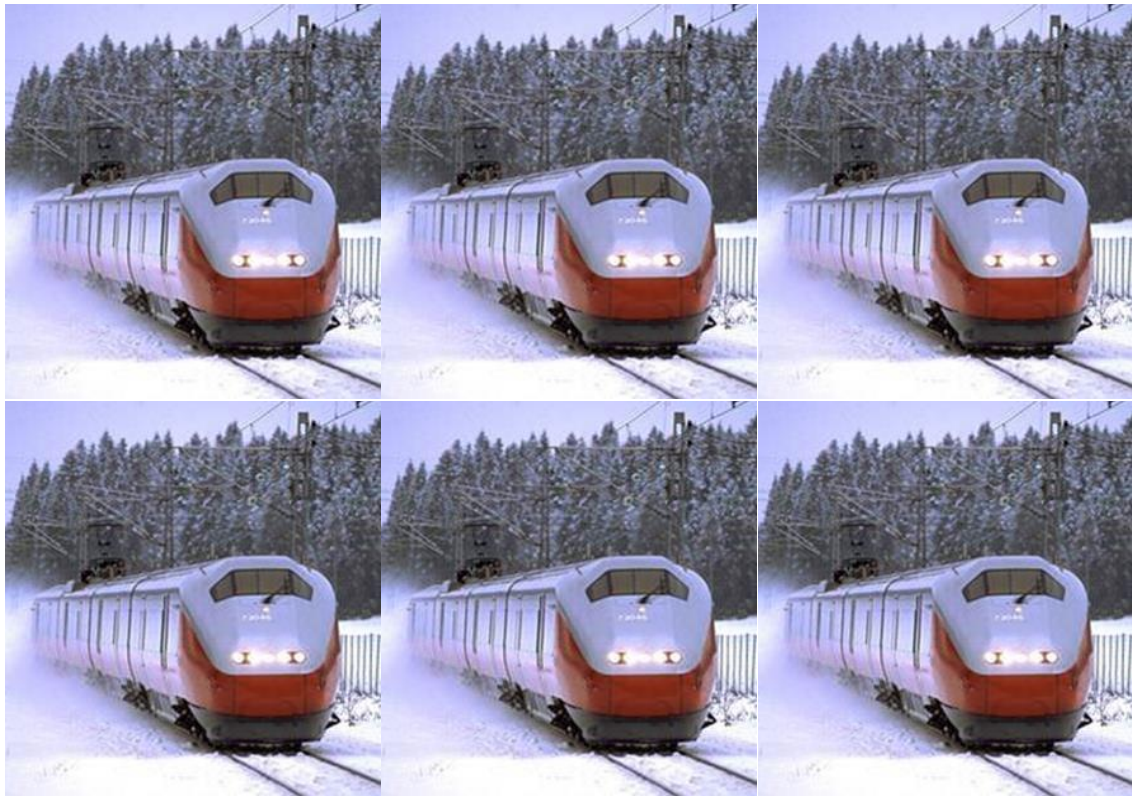




NIB Peer Review Handbook

Version 1.5

Includes:

Peer review criteria

Blank peer review questionnaire

DOCUMENT CHANGE RECORD

The following table records the complete history of this document.

Version:	Date:	Reason for change:	Affected parts of document
2019 ver 0.1	24/04/2019	2018 Handbook updated taking account of issues identified during pilot reviews For task force comment	Various
ver 0.9	07/05/2019	Task Force comments actioned. Review programme moved to separate document (hence year omitted from handbook title)	Various
ver 1.0	13/05/2019	Issued at end of pilot phase (no changes from ver 0.9)	None
ver 1.1	28/06/2019	Clarified role of the Agency	Paragraphs 2 and 10
Ver 1.2	21/01/2020	Reference to Common Peer Review Programme modified, typographical corrections	Paragraphs 2 and 21.1
Ver 1.3	17/02/2020	Track changes accepted, no text changes	
Ver 1.4	Draft version	Typographical corrections, the Agency's role as observer in the Task Force. added that IPA countries can be observers, the training section is taken out, the timing has been changed.	Paragraphs 8, 10, 20.2
Ver 1.5	10/05/2023	Anonymised report is taken out from the handbook. References to old documents/guidelines published by ERA changed to documents/guidelines published by the NIB Network. Some minor adjustments due to the changes.	Paragraph 13.2 Paragraph 6, Annex K: 504, 505, 702, 801.

TABLE OF CONTENTS

GLOSSARY OF TERMS & ABBREVIATIONS	5
1 INTRODUCTION.....	6
2 LEGAL BASIS FOR THE PEER REVIEW	6
3 DEFINITION OF PEER REVIEW	7
4 OBJECTIVES OF THE PEER REVIEW.....	8
5 SCOPE OF THE PEER REVIEW	9
6 PEER REVIEW CRITERIA.....	10
7 STAGES OF A PEER REVIEW	13
8 TASK FORCE	14
9 PEER REVIEW PANEL.....	15
9.1 Panel composition.....	15
9.2 Competency of reviewers	15
10 OBSERVERS.....	16
11 QUESTIONNAIRE	16
12 ON-SITE VISIT	17
13 NIB PEER REVIEW REPORT	18
14 NIB PEER REVIEW REPORT PRESENTATION TO THE NIB NETWORK.....	19
15 ANNUAL PEER REVIEW REPORT.....	19
16 FOLLOW-UP.....	20
17 WORKING LANGUAGE.....	20
18 HANDLING OF PEER REVIEW DATA AND INFORMATION	20
18.1 Peer review participation and confidentiality.....	20
18.2 Management of documentation	20
18.3 Retention and disclosure of documents	21
19 FINANCE	21
20 COMMON PEER REVIEW PROGRAMME	21
20.1 Overview of programme	21
20.2 Detailed programme	22
21 STRENGTHS	23
21.1 Definition of strength	23
21.2 Identifying and sharing strengths.....	23
Annex A: Terms of reference for the Peer Review Task Force.....	24

Annex B: Terms of reference for the Peer Review Panel Members.....	26
Annex C: Competencies of Panel Members	27
Annex D: Terms of reference for Observers.....	28
Annex E: Training	29
Annex F: Peer review participation & confidentiality agreement.....	30
Annex G: Directive requirements assisting NIB effectiveness.....	31
Annex H: NIB Peer Review Report template	33
Annex I Peer Review Annual Report template	41
Annex J: Agenda for on-site visit	52
Annex K: Questionnaire template	53

GLOSSARY OF TERMS & ABBREVIATIONS

Agency	European Union Agency for Railways
Annual Peer Review Report	The annual report produced by the Task Force summarising findings of reviews during a particular year.
Audit	An independent inspection normally carried out by, or on behalf of, regulatory or higher authorities to ensure that organizations comply with the required regulations, policies and procedures.
Directive 2016/796	The European Directive on Rail Safety dated 11 May 2016
EC	European Community
ERA	The European Union Agency for Railways.
Handbook	NIB Peer Review Handbook (this document)
NIB	National Investigation Body.
NIB Network	The group of all NIBs
NIB Peer Review Report	Document containing the findings of a Peer Review
NIB Network meeting	Meeting to which all NIBs are invited, chaired by the NIB Network chairperson, normally held in Valenciennes
NSA	National Safety Authority
Observers	Individuals who may observe all or part of the peer review process.
Panel	The team of reviewers that will conduct the Peer Review. This will normally consist of three individuals.
Panel Coordinator	The panel member responsible for liaison with the NIB being reviewed and with other panel members.
Peer Review	An assessment undertaken by persons of equal status and similar competence (see also Handbook section 3).
Practice	A Practice is one way of achieving an objective or a step in the safety investigation process. It can be formalised, by written procedures, or adopted informally through accepted working practices.
Questionnaire	The document forming the basis of the NIB review.
Section	A numbered part of the Handbook
Task Force	Peer Review Task Force established by the NIB Network to manage the Peer Review project on its behalf.
Task Force chairperson	Task Force member appointed by the NIB Network chairperson to lead the Task Force.

1 INTRODUCTION

Article 22/7 of the Directive (EU) 2016/798 requires the European Union Rail National Rail Investigation Bodies to establish a programme of peer reviews where all investigating bodies are encouraged to participate so as to monitor their effectiveness and independence.

The Peer Reviews will be achieved using a rolling 5 yearly cycle in which up to six Investigation Bodies (NIBs) will be reviewed each year.

The Peer Review of each NIB will consist of an assessment of a questionnaire completed by the NIB being reviewed and associated documents, followed by a one-day or one-and-a-half-day on-site visit.

This Handbook describes the Peer Review process, details the documents that support this process and provides guidance for the reviewers and the NIB involved.

The NIB Peer Review Task Force acknowledge with thanks the assistance provided by ENCASIA during the development of the NIB Peer Review process.

2 LEGAL BASIS FOR THE PEER REVIEW

The legal basis for the Peer Review is derived from Article 22.7 of Directive 2016/798 and its transposition into the legislation of the member states. Article 22.7 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 legal basis for the Agency to seek assistance relating to Peer Reviews is given in Art. 35 of the Regulation 2016/796 as follows:

"The Agency shall monitor the overall safety performance of the Union rail system. The Agency may in particular seek the assistance of the bodies referred to in Article 38, including assistance in the form of the collection of data and access to the results of the peer review in accordance with Article 22(7) of Directive (EU) 2016/798."

3 DEFINITION OF PEER REVIEW

A Peer Review is:

- A means of monitoring the effectiveness and independence of NIBs (Directive 2016/798, 22(7)).
- A cooperative process that is undertaken by mutual consent.
- Carried out by individuals from organisations of equal status, i.e. by persons working for other NIBs.
- An opportunity to help NIBs identify areas where further development might be required and to increase investigation process quality.
- An opportunity to share knowledge and identify good practice (strengths), aiming to learn from each other and enhance NIB activity.
- A process that recognises that individual NIBs operate in different environments and is therefore respectful of cultural, judicial, numerical and financial differences.

A Peer Review is NOT:

- An opportunity for individual NIBs to demonstrate their greater capability.
- A means to allocate blame, make judgements or impose penalties.
- A tool for ranking NIB's.
- A means to force one NIB's practices on another NIB.
- An audit (an auditor requires evidence to check the truth of statements, a peer reviewer requests information in a cooperative process).
- A long lasting, burdensome and costly process for the NIB being reviewed.

4 OBJECTIVES OF THE PEER REVIEW

The objectives of the Peer Review process are intended to improve railway safety by monitoring the effectiveness and independence of the National Investigation Bodies (NIBs) who choose to take part on a voluntary basis. The objectives are:

- Help NIBs improve practices where this is identified as necessary to meet the requirements of Directive (EU) No 2016/798.
- Encourage individual NIBs to maintain a sufficiently resourced capability for the investigation of serious accidents and, where appropriate, other accidents and incidents affecting railway safety.
- Encourage NIBs to operate effectively and independently.
- Encourage 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 adaption to the development of technical and scientific progress.
- Encourage effective arrangements for cooperation between NIBs when necessary.
- Spread good practice amongst NIBs by sharing strengths and suggestions for improvement identified during reviews.

5 SCOPE OF THE PEER REVIEW

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 improvement identified during the 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. The questionnaire covers the following areas:

- Scope of activities (tables A to G in questionnaire at Annex K)
- Legal framework (100 series questions in questionnaire)
- Type of investigations undertaken & NIB organisation (200 series questions)
- Processes and resources (300 series questions)
- Training arrangements (400 series questions)
- Notification & decision process (500 series questions)
- Evidence collection and analysis (600 series questions)
- Report preparation and publication (700 series questions)
- Handling safety recommendations (800 series questions)
- Health & safety of investigators (900 series questions)
- Additional information provided by the NIB being reviewed (1000 series questions)

The Peer Review relies on answers given by the NIB in the questionnaire and during the site visit. The peer reviewers use questionnaire answers to identify areas where additional useful information may be obtained during the site visit. The Peer Review process is not intended to fully investigate all issues covered by the questionnaire. The process covers a selection of issues which the reviewers believe will best assist the objectives set out in Handbook section 4.

6 PEER REVIEW CRITERIA

These review criteria are published in this handbook to comply with paragraph 22(7)(a) of Directive 2016/798.

The Peer Review Criteria are based on the European Directive on railway safety (EU) 2016/798. This requires the peer review to monitor the 'effectiveness and independence' of NIBs.

Effectiveness will be monitored as follows:

- Is the NIB investigating serious accidents, and accidents and incidents when appropriate?
 - Does it follow the guidance on the decision to investigate?
- Is the NIB following the COMMISSION IMPLEMENTING REGULATION (EU) 2020/572 of 24 April 2020 on the reporting structure to be followed for railway accident and incident investigation reports?
 - Is the NIB determining the causal, contributing and systemic factors, of accidents?
- Is the NIB following the guidance on Good reporting practice?
- Is the safety learning disseminated as soon as possible?
- Is the NIB providing in the reports the relevant information concerning the causes of accidents and incidents?
- Is the NIB issuing meaningful safety recommendations?
 - Does it follow the guidance on recommendations?
 - Does it engage with the addressees and final implementers in the process?
- Are the recommendations having an impact in the improvement of railway safety?
 - Does it monitor recommendations follow-up?
 - Rate of implementation.

Peer reviewers will take account of Directive 2016/798 provisions intended to assist effectiveness and listed in Annex G.

Independence will be monitored using the following requirements of the European Directive on railway safety (EU) 2016/798:

Article	Requirement
22 (1)	The NIB is set up as a permanent body
20 (1)	• with the clearly formulated objective of possible improvement of railway safety and prevention of accidents (and nothing else)
22 (2)	• able to obtain sufficient resources to perform its tasks independently • whose investigators are afforded a status giving them the necessary guarantees of independence.
20 (4)	• which shall in no case be concerned with apportioning blame or liability
20 (3)	• with the power to determine the extent of investigations and the procedure to be followed
20(2)	The NIB investigates: • serious accidents; and • at its discretion, accidents and incidents which under slightly different conditions might have led to a serious accident
22(1)	The NIB is: • independent from IM, RU, charging body, allocation body, notified body (...) • independent in its organisation • independent in its legal structure • independent in its decision making • functionally independent • functionally independent in performing its tasks • functionally independent ○ from the safety authority ○ from any regulator of railways
20 (2)	The NIB has access to • evidence • witnesses
22(4)	The possible work of investigating occurrences other than railway accidents and incidents does not endanger the independence of the NIB
22(5)	The assistance of NIBs from other Member States or of the Agency to supply expertise or to carry out technical inspections, analyses or evaluations has not undermined the independence of the NIB

Other documents (in addition to Directive 2016/798) to be considered by the peer review are

- national law applicable to the NIB being reviewed
- NIB Network publications, for example
 - Guidance for the establishment and work of the national investigating bodies.
 - Guidance on the decision to investigate accidents and incidents, Articles 3(12), 20 and 22(6).
 - Guidance on good reporting practice.
 - Guidance on safety recommendations in terms of article 26 directive EU 2016/98/798
 - Guidance on investigating ECM

Peer reviewers will use their professional judgement when appropriate and sufficient guidance is not available from the above documents. Consistency in judgement between different reviewers will be achieved through on-the-job training and mentoring.

The Peer Review process is not intended to fully investigate all issues covered by the documents referenced above.

7 STAGES OF A PEER REVIEW

The Peer Review process consists of seven stages: planning, initiation, completion of a questionnaire, training, initial assessment, on-site visit and reporting. Subsequent follow-up period is outside the scope of the Peer Review but discussed at Handbook section 16. The Peer Review process is as follows:

Planning. The NIB Network chairperson will, after discussion with appropriate NIBs, identify the NIBs to be reviewed. The Task Force chairperson will, after discussion with the NIB, find an approximate time when this will take place.

Initiation. The Task Force chairperson will nominate a Panel to carry out each review. Panel members will normally be drawn from the Task Force but can also be other persons that have previously been observers.

Training. There is no dedicated training programme available to NIBs to learn about the Peer Review process. Aspiring Panel members are invited to familiarise themselves with the Peer Review Handbook and to attend one or two reviews as observers before moving up to become Panel members.

Issuing documentation including questionnaires. The Panel coordinator will arrange for a Peer Review Handbook, including a blank questionnaire, to be sent to each NIB.

Completion of questionnaire by NIB. Each NIB returns a completed questionnaire and associated documents requested in the questionnaire.

Initial assessment. The initial assessment takes place after the completed questionnaires have been returned. The Panel will carry out an initial assessment of the completed questionnaires either remotely or preferably face-to-face. If face-to-face, this initial assessment will last one day or one and a half day for each NIB and will determine the areas that the Panel might wish to discuss during the on-site visit.

Advising NIB of topics likely to be discussed during on-site visit. The Panel will advise the NIB about the areas identified for discussion in advance of the on-site visit.

On-site visit. The on-site visits normally last one day to one and a half day. The Panel will explore with the NIB the areas that have been identified for discussion. Other topics may also be discussed during this visit.

NIB Peer Review Report preparation. The relevant Panel, assisted by the Task Force, submit a draft Peer Review report to the NIB. The Panel considers NIB comments before submitting its final NIB Peer Review report to the Task Force.

NIB Peer Review Report distribution. The final NIB Peer Review Report identifying the NIB will be provided only to the head of the NIB reviewed. This NIB is permitted to publish this report if it wishes to do so. The ownership and confidentiality of this report is described in section 13 of this handbook.

8 TASK FORCE

A Task Force manages the Peer Review process on behalf of the NIBs. The NIB Network chairperson will appoint a chairperson and the members of the Task Force. The NIB Network chairperson will, if the chairperson considers it necessary, nominate a replacement for any member who is unable to continue as a Task Force member.

These people should be experienced rail accident investigators and currently employed in a NIB. Task Force members will be proposed by NIBs who should decide whether they have the necessary experience and competencies. If agreed by the Network, Task Force members can be provided by an independent national accident investigation body of a non-EU country if this participation is likely to improve rail safety in the EU. Bodies providing such members will be treated as full participants in the NIB peer review process.

The Agency may appoint an observer to the Task Force.

The Agency will provide the secretariat to support Task Force management of the Peer Review process. The secretariat will not have access to information relating to the work of the Panels unless that information has been submitted to the Agency by (or on behalf of) the NIB Network.

The Task Force will prepare an annual programme for the Peer Review Process for validation by the NIBs at appropriate NIB Network meetings. This programme is published as a separate document.

The Terms of Reference for the Task Force is at Annex A.

9 PEER REVIEW PANEL

9.1 Panel composition

The NIB peer review process is an opportunity to share and learn from other NIBs. The NIB peer review process is a value-adding activity: it adds value to the NIB that is being peer reviewed and it provides the panel members and observers with an insight into how other NIBs work, which enables them to reflect on to their own work.

The natural and expected progression is to start as an observer, to then become a panel member and eventually to become a panel coordinator. There is no fixed number of times that one has to be in one role before moving into the next one. However, the guidance would be:

- A person can be an observer once or twice before deciding whether they are comfortable with becoming a panel member.
- A person ought to have been a panel member at least twice or more before becoming a panel coordinator.

The Task Force chairperson will nominate one person as the Panel Coordinator and two other individuals (reviewers) from different investigation bodies to the peer review panel and, if necessary, nominate a replacement for any member who is unable to continue as a panel member. The coordinator will assume responsibility for managing the Peer Review activity of their Panel and ensuring that the documentation is completed within the agreed timescales. The Terms of Reference for the Peer Review Panel Members is at Annex B.

In recognition of the cultural, language, judicial and financial differences across Europe, the NIB being reviewed has the option to request, through the NIB Network chairperson, that a specific state be invited to provide a panel member or an Observer (section 10).

9.2 Competency of reviewers

Desirable competencies for panel members are given in Annex C. The Task Force chairperson will aim to ensure that all panel members have the desirable competencies/experiences.

To be nominated as a panel member it is necessary to have been an observer in one or two peer reviews.

10 OBSERVERS

The following people may observe the Peer Review process if agreed by both the NIB Network chairperson and the Task Force chairperson:

- The Agency
- representatives of NIBs due to be reviewed,
- individuals considering becoming a peer reviewer;
- individuals proposed by a NIB being reviewed;
- NIB staff wishing to improve their knowledge of good rail accident investigation processes; and
- representatives of NIBs from IPA countries.

Individuals wishing to become Observers must be proposed by their NIB to the Task Force chairperson. The Peer Review Task Force encourages people to be observers but the number of observers may be limited by the Task Force chairperson if necessary for practical considerations. Preference will be given to individuals from NIBs to be reviewed in the near future.

The extent to which Observers have access to general Peer Review information shall be fixed by the Task Force chairperson.

Access to any information relating to a particular NIB is subject to the agreement of that NIB.

Attendance at the on-site visit is subject to the agreement of the NIB being reviewed and all panel members undertaking the Review.

If agreed by the NIB being reviewed, a member of the Agency and representatives from NIBs in IPA countries may be invited to participate as an Observer in all or part of a Peer Review, including the on-site visit. The Task Force chairperson is responsible for consulting with the NIB and, if agreed by the NIB, inviting a member of the Agency. If agreed by the Task Force, the Task Force chairperson may invite the Agency and representatives from NIBs in IPA countries to participate as an Observer in Task Force activities which do not involve disclosure of information provided by NIBs as part of them being peer reviewed. Members of the Agency and representatives from NIBs in IPA countries participating in the peer review process are subject to the confidentiality and other requirements applicable to all Observers.

The Terms of Reference for Observers are at Annex D.

11 QUESTIONNAIRE

The blank questionnaire (Annex K) is prepared and approved by the Task Force. It is completed by the NIB being reviewed. The responses given by the NIB should refer to evidence justifying the answers.

The intention is that the questionnaire will form the basis on which the Peer Review will be carried out. Its assessment, by the Panel, will determine the areas that might need to be explored further during the on-site visit and to support any comments made in the NIB Peer Review Report. It should be emphasized that the questions are intended to be used as a guide to assist the reviewers in achieving the objectives of the Peer Review. Guidance material has been included in the questionnaire to ensure a common understanding of each question.

The NIB being reviewed is the owner of the completed questionnaire, which will not form part of the Final Report. The peer reviewers and Task Force members will not supply completed or part completed questionnaires to anyone outside the NIB being reviewed and NIB members of the Task Force unless otherwise agreed by the NIB being reviewed.

12 ON-SITE VISIT

The on-site visit should normally last one day (in the case of need one and half day) and is an opportunity for the Panel to clarify any responses in the questionnaire and to gain a greater understanding of the operation of the NIB. The Panel Coordinator is responsible for coordinating the visit and providing the NIB with advanced notice of areas that the Panel will wish to explore further during the on-site visit. The on-site visit is an opportunity to identify strengths that can be shared with other NIBs. It is also an opportunity to identify and discuss any areas where improvement may be worthwhile.

Costs are dealt with in Handbook section 19.

13 NIB PEER REVIEW REPORT

The NIB Peer Review Report will contain the following:

- Legal basis and methodology for the NIB Peer Review.
- Dates of the review and participants.
- Background information about the NIB reviewed.
- Panel comments on each section of questionnaire.
- Comments on NIB independence.
- Comments on NIB effectiveness.
- Identification of strengths (if any).
- Actions taken by the NIB relevant to the Peer Review findings (if any).
- Identification of areas where improvements are suggested (if any).
- Comments by the NIB under review (if any).
- Additional comments by the Panel (if any).

The draft NIB Peer Review Report will be prepared by the Panel using the template at Annex H and with assistance as required from other Task Force members. The Panel submits the draft report to the NIB being reviewed within three weeks of the on-site visit. The NIB submits comments on this report within two weeks of receiving it. The Panel then submits its final NIB Peer Review Report to the Task Force within two weeks of receiving the NIB's comments.

NIB comments fall into two categories:

- Comments on parts of the report prepared by the Panel: The Panel will consider these and discuss with the NIB if necessary to try and resolve any issues of uncertainty or disagreement. The Panel will amend the report if the Panel considers this appropriate.
- Comments which the NIB wishes to include in the final section of the report. These will be included as submitted by the NIB and may disagree with comments made by the Panel. These comments are optional and completed at the discretion of the NIB under review.

When finalised by the relevant Panel and accepted by the Task Force chairperson, a full version of the NIB Peer Review Report will be provided to the NIB reviewed. This version will contain information clearly identifying the NIB. The Task Force will not supply this version to the NIB Network, the Agency or to any other organisation. The reviewed NIB may, at its sole discretion, publish the NIB Peer Review Report on its' own website and also on the NIB Network website that is hosted by the Agency. The full version of the NIB Peer Review Report is owned by the reviewed NIB.

14 NIB PEER REVIEW REPORT PRESENTATION TO THE NIB NETWORK

A member of the Task Force nominated by the Task Force chairperson will give a verbal summary of each NIB Peer Review to an appropriate NIB Network Plenary. This will identify the NIB and include the key points (but not all the detail) included in the Peer Review Report. This presentation shall not be minuted or recorded. Unless otherwise agreed by the reviewed NIB, any notes, PowerPoint slides, etc. used by the speaker shall not be distributed and must be destroyed at the end of the meeting. This material may be handed over to the reviewed NIB, if they so wish, to be used by it for their own purpose.

15 ANNUAL PEER REVIEW REPORT

The Annual Peer Review Report will include the following:

- Background
- NIB and state details
- Participating organisations
- Introduction to peer review findings
- Peer review findings
 - Effectiveness of investigation activities and developing recommendations
 - Effectiveness of recommendation implementation
 - Independence
- Peer review costs
- Areas of on-going concern
- Common peer review programme

The Annual Peer Review Reports will be prepared by the Task Force based on the template at Annex I. A report covering all reviews in a calendar year will normally be completed by the Task Force early in the following calendar year and submitted to the NIB Network for adoption. An Annual Peer Review Reports may actually cover a period exceeding one calendar year if agreed by the NIB Network.

When adopted by the NIB Network, annual reports will be published on the NIB network webpage and submitted to the Agency by the NIB Network Chairperson. Annual Peer Review Reports are owned by the NIB Network.

16 FOLLOW-UP

The Peer Review process does not include a formal follow up phase. Reviewed NIBs and other NIBs receiving Peer Review findings can decide whether and how to act on these.

The NIB Network and the Agency are both willing to consider requests from any NIB seeking assistance in acting on the outputs of a Peer Review. The availability of assistance from the NIB Network and from the Agency depends on the circumstances applicable to any request.

17 WORKING LANGUAGE

All Peer Review documentation is to be completed in English; however, with the agreement of all parties, another language may be used during the on-site visit.

18 HANDLING OF PEER REVIEW DATA AND INFORMATION

18.1 Peer review participation and confidentiality

Peer Reviews will be conducted in accordance with the NIB Peer Review Handbook and in compliance with the National and EU legislation concerning data protection and confidentiality of information. Moreover, the Peer Review will also be subject to Confidentiality. Further details are given in the Participation and confidentiality agreement at Annex F.

18.2 Management of documentation

All documentation is to be distributed electronically. To make it easier for the Task Force to collate and compare the information from the individual reviews, it is important that the format and layout of the questionnaire and NIB Peer review Report are not altered.

The NIB Peer Review Handbook will be updated by the Task Force using the extranet and/or emails as necessary. The common peer-review programme showing the years in which when NIBs have been reviewed and the programme for future reviews is published as a separate document. The timing of peer review activities during each year is included in Handbook Section 0.

Annual Peer Review Reports will be prepared by the Task Force using the extranet and/or emails. Publication is described in Handbook section 15.

Email must be used to transmit draft and final versions of NIB Peer Review Reports. Circulation of these reports must be limited to the Panel, other NIB members of the Task Force and the reviewed NIB unless the reviewed NIB decides to publish the final version. The method of any publication shall be decided by the reviewed NIB.

Questionnaires partly or fully completed by a NIB must be transmitted by email and within the limited circulation given in Handbook section 11. Blank questionnaires are not subject to this restriction.

All documentation produced during the Peer Review process, excepting the items listed below is considered to have been carried out for '*the purpose of inspections, investigations and audits*' and as such is exempt from public access under the provision of Article 4 of Regulation (EC) No 1049/2001. This restriction does not apply to

- the Peer Review Handbook;
- final versions of Annual Peer Review Reports; and
- final versions of NIB Peer Review Reports which the reviewed NIB has decided to publish.

18.3 Retention and disclosure of documents

Panel members, Task Force members and Observers will:

- not disclose information provided by a NIB during a Peer Review unless permitted by the NIB (this does not apply to information correctly included in a NIB Peer Review Report or the Annual Peer Review Report); and
- not retain copies of any documents relating to a NIB Peer Review after the associated annual report is published.

19 FINANCE

The staff time required for the Peer Review programme will be provided by the NIBs without reimbursement from the Agency

The Agency have stated that it has no legal obligation to cover any costs incurred by NIBs in connection with the Peer Review process. If a budget has been authorised, the Agency will pay for travel and accommodation costs for Task Force and Panel members. These payments will be subject to normal Agency limits on the amount payable. The Agency will not pay any costs associated with Observers.

If the Agency has an authorised budget for these items, individuals should seek reimbursement from the Agency. If the Agency does not have an authorised budget, the costs will be carried by the individual's NIB unless alternative arrangements have been made.

20 COMMON PEER REVIEW PROGRAMME

20.1 Overview of programme

A Common Peer Review Programme is required by paragraph 22(7)(a) of Directive 2016/798 and is published as part of the Annual Peer Review Report. This lists the NIBs already reviewed, the year in which these NIBs were reviewed and the planned dates for NIBs which have volunteered to be reviewed.

Peer Reviews will be conducted on an annual basis with up to six NIBs reviewed each year.

20.2 Detailed programme

The programme to be adopted each year is tabulated below.

Planning peer reviews		
Activity	Timing	Actioned by
Find out which NIBs to be reviewed and to provide reviewers	On-going	NIB Network chairperson
Decision/confirmation on NIB review cycle, decision on which NIBs to provide reviewers	January	NIB Network chairperson
Draft Annual Peer Review Report circulated to NIB Network and Agency	January	Task Force chairperson
Peer Review programme finalised. Reviewers selected.	February	Task Force chairperson
Programme and Handbook for current year agreed by NIB Network.	February NIB plenary	NIB Network
Verbal presentation of the individual NIB Peer Review Reports and the Annual Peer Review Report to the NIB Network and the Agency	February (NIB plenary)	Task Force chairperson & Task Force members
Adoption of Annual Peer Review Report by the NIB Network	May (NIB plenary)	NIB Network
Annual Peer Review Report published and copy provided to the Agency.	Following May plenary	Task Force chairperson.

Peer review activities		
Activity	Timing	Actioned by
Handbook, questionnaire and timetable provided to NIBs and reviewers.	Day 0 minus 70 days	Panel coordinator
Completed questionnaires returned, checked for completeness by Task force	Day 0 minus 40 days	NIB and Peer Review Task Force
Questionnaire initial review	Day 0 minus 21 days	Panel members
Advise NIBs of some areas likely to be discussed during the site visit (other areas may also be discussed).	Day 0 minus 14 days	Panel Coordinators
On-site visit	Day 0	Panels and Observers
Post visit meeting to agree content of draft NIB Peer Review Report	Day 0 plus 7 days (normally immediately after each on-site visit)	Panels

Draft NIB Peer Review Report sent to reviewed NIB	Day 0 plus 21 days	Panels
NIB reviews, comments sent back to panel coordinator	Day 0 plus 35 days	NIB
Final NIB Peer Review Report submitted to NIB and to all Peer Review Task force members.	Day 0 plus 42 days	Panel coordinator

21 STRENGTHS

21.1 Definition of strength

For the purpose of Peer Reviews, a strength is something which is used regularly, considered useful and efficient in a given context, and the NIB concerned has adopted it as their preferred method of operation. Strengths can be formalised by written procedure, or adopted informally through accepted working practices.

21.2 Identifying and sharing strengths

One of the aims of the Peer Review process is to identify and share strengths. These may be identified during the Peer Review process and fed back to the Peer Review Task Force through the NIB Peer Review Reports. Strengths may also be shared during the Peer Review training, the review of the questionnaire and the on-site visit.

It should, however, be recognized that the European NIBs are of different sizes and operate in a variety of legal, judicial and financial frameworks. Consequently, what is considered to be a strength may differ between NIBs

Annex A: Terms of reference for the Peer Review Task Force

Article 22/7 of the Directive (EU) 2016/798 says:

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.

Without prejudice to paragraph 1, the Agency shall support the investigating bodies in the performance of this task in accordance with Article 38(2) of Regulation (EU) 2016/796.

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.

1. These Terms of Reference (TOR) are applicable to the individuals appointed by member states to the Peer Review Task Force (TF) responsible for implementation of the Peer Review Programme. The Chairperson of the Task Force (TF) is appointed by the NIB Network in the Plenary Meeting.
2. The Peer Review Task Force is responsible for
 - implementing the peer review process as described in the Peer Review Handbook;
 - reviewing and, where appropriate updating the Peer Review Handbook; and
 - liaising with the Agency where necessary.
3. Minor changes to the Peer Review Handbook should be made on the authority of the TF Chairperson with the NIB Network being informed by the TF Chairperson at the next plenary meeting.
4. Major changes to the Peer Review Handbook require approval by the NIB Network. This shall usually be done by the TF chairperson proposing the changes at an appropriate NIB Network plenary meeting
5. The Chairperson is responsible for:
 - giving an update on the progress of the TF's work to the NIB Network in each NIB plenary meeting unless otherwise agreed by the NIB Network Chairperson; and

- appointing individuals as Panel Members, Panel Coordinators, Trainers, Mentors and Observers as detailed elsewhere in this Handbook.
6. The cost for individuals attending TF meetings, TF training and for attending on site peer review visits is subject to on-going discussion by the NIBs.

Annex B: Terms of reference for the Peer Review Panel Members

These Terms of Reference (TOR) are issued by the Peer Review Task Force (Task Force) and are applicable to individuals who have been appointed as a Panel member for the Peer Review of a NIB. These TOR are to be read in conjunction with the current version of the NIB Peer Review Handbook (Handbook).

- i. The Task Force chairperson will inform individuals of their fellow Panel members and the NIBs they will review. The Task Force chairperson will also provide Panel members with a copy of the Peer Review programme and all relevant documentation.
- ii. Panel members must inform the Task Force chairperson of any change in their circumstance that prevents them from continuing as a member of the Panel in order that another Panel member can be appointed.
- iii. Panel members must ensure that they carry out the Peer Review in accordance with the objectives and scope detailed in the Handbook.
- iv. Reviewers must have participated as an observer in one or two peer reviews before becoming a panel member.
- v. Panel members must attend the initial assessment of the questionnaires relating to their own on-site reviews.
- vi. Panel members must make their own travel and accommodation arrangements as detailed in the Handbook.
- vii. Panel members must sign and agree to the conditions in participation and confidentiality agreement (Handbook Annex F).
- viii. The Task Force chairperson will nominate one of the Panel as the Panel Coordinator who will then:
 - a. act as the Panel's point of contact for all matters concerning the review;
 - b. liaise with the NIB being reviewed to agree the day on which the site visit will take place (this will be in the week given in the Peer Review programme (Handbook section 20);
 - c. ensure that the role of any Observers is understood by themselves and has been agreed with both the Task Force chairperson and relevant NIB(s); and
 - d. liaise with other Panel members and any Observers in the practical arrangements for travel and accommodation for the site visit(s).

Annex C: Competencies of Panel Members

It is desirable that Panel members have the following competencies (Handbook section 9.2):

- i. Being employed in a NIB or, in exceptional circumstances, having been employed in a NIB within the preceding 24 months.
- ii. Relevant working experience in a NIB, preferably as manager or safety investigator.
- iii. Good working knowledge of the EU Railway Safety Directive requirements for NIB work.
- iv. Familiarity with all ERA/NIB Network guidance documents relevant for NIB work.
- v. Good communication skills.
- vi. Having been an observer for one or two peer reviews.
- vii. Good working knowledge of English language, or of the language in which the peer-review will be conducted.
- viii. The panel coordinator should have experience from participating at least in two peer reviews as a panel member and preferably be a member of the Task Force.

Annex D: Terms of reference for Observers

These Terms of Reference (TOR) are issued by the Peer Review Task Force and are applicable to individuals who have been appointed to act as an Observer during the on-site visit of the NIB Peer Review. These TOR are to be read in conjunction with the Handbook for the NIB Peer Review Handbook.

- i. The Peer Review Task Force will inform observers of the contact details of the Panel Coordinator and the NIB they will observe during the on-site visit. Observers will also be provided with a copy of the Peer Review programme and all relevant documentation.
- ii. Observers must inform the Task Force chairperson and the Panel Coordinator of any change in their circumstance that prevents them from attending the on-site visit.
- iii. Observers will be responsible for their own expenses and travel arrangements during the training and on-site visit. However, as far as possible Observers are to coordinate their travel and accommodation with those of the Panel.
- iv. Observers must sign and agree to the conditions in the non-disclosure agreement.
- v. The extent of the involvement of Observers during the on-site visit is at the discretion of the Panel Coordinator and the NIB.

Annex E: Training

Training will be carried out as on the job training. On the job training includes the following topics :

- understanding the purpose of peer reviews and the basis on which they are conducted;
- understanding the requirements of the Handbook
- identifying key issues from questionnaires returned by NIBs;
- identifying information required to help determine the independence and effectiveness of a NIB;
- conducting on-site visits; and
- preparing state and annual peer review reports.

Annex F: Peer review participation & confidentiality agreement

Development note: Task Force chairperson to ask Agency to check legality of this agreement.

Instructions: this declaration is to be read and completed by each member of the Peer Review Task force, Panel members, observers, trainers and mentors.

I, the undersigned, representative of [name of your organisation].....

have been nominated as a

I will perform the assigned tasks according to the procedures described in the NIB Peer Review Handbook.

I will use the information revealed during the Peer Review only for the purposes described in the NIB Peer Review Handbook. I will only share the information with those undertaking Peer Reviews, the NIB Peer Review Task Force and the NIB to whom the information relates.

I declare that there is no conflict of interest in fulfilling the above role and that I am capable of identifying any situation that constitutes a conflict of interest in the context of this specific task. I will inform the Chairperson of the Peer Review Task Force, other Panel members and the NIB being reviewed, without delay, of any situation constituting a conflict of interest.

I will take all reasonable measures to prevent unauthorized access to the Peer Review information and documentation;

I will continue to be bound by confidentiality on completion of the Peer Review process

I will fulfil this role with respect to the National and EU legislation concerning data protection and confidentiality of information.

I hereby acknowledge that I have read and understood the above information and that my signature below signifies my agreement to comply with the above terms.

Print name:	Signature:
NIB/State:	Date:

Annex G: Directive requirements assisting NIB effectiveness

Article	Requirement
21(1)	The legal status of the investigation enables the investigators-in-charge to carry out their task in the most efficient way and within the shortest time
21(2)	Full cooperation with the NIB by the authorities responsible for any judicial inquiry is ensured NIB investigators are given access as soon as possible to information and evidence relevant for the investigation, including: • immediate access to the site of the accident or incident as well as to the rolling stock involved, the related infrastructure and traffic control and signalling installations • the right to an immediate listing of evidence and controlled removal of wreckage, infrastructure installations or components for examination or analysis purposes • unrestricted access to, and use of, the contents of on-board recorders and equipment for the recording of verbal messages and registration of the operation of the signalling and traffic control system • unrestricted access to, and use of, the contents of on-board recorders and equipment for the recording of verbal messages and registration of the operation of the signalling and traffic control system • access to the results of examination of the bodies of victims • access to the results of examinations of the train staff and other railway staff involved in the accident or incident • the opportunity to question the railway staff involved in the accident or incident and other witnesses • access to any relevant information or records held by the IM, RUs, ECMs and NSA concerned
21 (4)	The NIB investigations are carried out independently of any judicial inquiry
22 (1)	The NIB comprises at least one investigator able to perform the function of investigator-in-charge in the event of an accident or incident
22(3)	RUs, IMs and, where appropriate, NSAs are obliged • to immediately notify the accidents • and incidents • and to provide all available information • where appropriate, to update notifications as soon as any missing information becomes available The NIB decides, without delay and in any event no later than 2 months after receipt of the notification, whether or not to start the investigation
23(1)	When appropriate the NIB: • invites other NIBs to participate in the investigations • enables other NIBs with the powers necessary, if they are requested to assist in the collection of evidence

Directive requirements assisting NIB effectiveness (continued)

Article	Requirement
23 (2)	The NIB arranges for the appropriate means, comprising the necessary operational and technical expertise, to carry out the investigations
23 (3)	The investigations are carried out with as much openness as possible: • with all parties being heard • and results being shared • victims and their relatives are kept informed of the progress made
23 (3)	The NIB performs consultation with: • relevant infrastructure manager • railway undertakings • national safety authority • the Agency • victims and their relatives • owners of damaged property • manufacturers • emergency services involved • representatives of staff • representatives of users
23 (4)	The NIB concludes its examinations at the accident site in the shortest possible time
24 (1)	The investigation reports: • state the objectives of the investigations • contain, where appropriate, safety recommendations
24 (2)	• follow as closely as possible the structure defined by the implementation act.
24 (2)	The final reports are made public in the shortest possible time and normally not later than 12 months after the date of the occurrence When not possible, the NIB releases an interim statement at least on each anniversary of the accident, • detailing the progress of the investigation • and any safety issues raised
24 (2)	The reports, including the safety recommendations, are communicated to the parties referred to in art. 24 (2).
24 (3)	The NIB publishes by 30 September each year the annual report.
25 (1)	The NIB informs the Agency within 7 days of the decision to open an investigation, indicating: • the date, time and place of the occurrence • its type and its consequences as regard fatalities, injuries and material damage
25(2)	The NIB sends the Agency • the investigations' final reports • the annual reports

Annex H: NIB Peer Review Report template

National Investigation Body (NIB) Network

NIB Peer Review Report for *[insert state]*

Review date: [insert year]

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 [\[link to NIB Network website\]](#).

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 except route length and rail traffic data to be taken from the ERA website.

Table A – NIB & Review Information	
National Investigation Body (NIB)	
NIB type (eg multi-modal)	
Date questionnaire completed by NIB	
Date of site visit	
Date report finalised by Peer Review Panel	
Peer Review Panel members (name/state)	1. 2. 3.
Observers (name/state)	1. 2.
Route length of track in NIB's country (kilometres)	
Freight rail traffic in NIB's country (train-kilometres per year)	
Passenger rail traffic in NIB's country (passenger train-kilometres per year)	

Tables B to F as completed by NIB and Panel to be inserted from the questionnaire

Tables

Comments on data provided by NIB in tables B to F
<i>Any relevant comments should be transferred from questionnaire table G</i> •

PART 2 – COMMENTS FROM PEER REVIEW PANEL

The comments of the Peer Review Panel should address the NIB Peer Review objectives which are to:

- Help NIBs improve practices where this is identified as necessary to meet the requirements of Directive (EU) No 2016/798.
- Assist individual NIBs establish and maintain a sufficiently resourced capability for the investigation of serious accidents and, where appropriate, other, accidents and incidents affecting railway safety.
- Assist NIBs to act effectively and independently.
- Encourage 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 adaption to the development of technical and scientific progress.
- Encourage effective arrangements for cooperation between NIBs when necessary.
- Spread good practice amongst NIBs by sharing information about strengths identified during reviews.

Legal framework (100 series questions in questionnaire)

-

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

-

Resources (300 series questions)

-

Training arrangements (400 series questions)

-

Notification & decision process (500 series questions)

-

Evidence collection and analysis (600 series questions)

-

Report preparation and publication (700 series questions)

-

Handling safety recommendations (800 series questions)
•
Health & safety of investigators (900 series questions)
•
Effectiveness of NIB
•
Independence of NIB
•
Actions taken by the NIB relevant to the Peer Review findings (if any).
•
Identification of strengths (if any)
•
Identification of areas where improvements are suggested (if any)
•
Additional comments by the Panel (if any).
•

PART 3 – COMMENTS FROM NIB

Comments by the NIB (if any).
•



National Investigation Body (NIB) Network

Peer Review
Annual Report for YEAR
Version 1.1

DOCUMENT CHANGE RECORD

The following table records the complete history of this document.

Version:	Date:	Reason for change:	Pages affected:

Contents

1. Background
2. NIB and state details
3. Participating organisations
4. Introduction to peer review findings
5. Peer review findings
 - 5.1. Effectiveness of investigation activities and developing recommendations
 - 5.2. Effectiveness of recommendation implementation
 - 5.3. Independence
6. Peer review costs
7. Areas of on-going concern
8. Common Peer review programme

1. BACKGROUND

This Annual Report on the Peer Review programme operated by the National Investigation Bodies (NIB) has been prepared 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 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 requires 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 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.

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)

Statistics for railways in reviewed states			
State	Route length (kilometres)	Passenger train-kilometres	Freight train-kilometres

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

* 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.

-

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.

-

4. INTRODUCTION TO PEER REVIEW FINDINGS

- 4.1. This report gives an overview of findings from the individual state peer reviews in the year 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

<i>Topic/comment</i>	<i>Strengths associated with comment</i>	<i>Suggestions for improvement associated with comment</i>
5.1. Effectiveness of investigation activities and developing recommendations		
5.2. Effectiveness of recommendation implementation		
5.3. Independence		

6. Peer review costs

7. Areas of on-going concern

8. Common Peer Review Programme

Year	NIBs	Status

Annex J: Agenda for on-site visit

Note: this may be modified to suit individual state requirements

Agenda for on-site visit to **state name**

- 1 Introductions (10 minutes - All)
- 2 Purpose of peer review (20 minutes - Peer Review panel)
- 3 Overview of NIB (30 minutes - NIB)
This may include strengths, difficulties and improvements as described by the NIB in the document submitted with the questionnaire
- 4 Discussion covering areas advised in advance by the Peer Review Panel and possibly including other topics, part 1 (All)

Lunch

- 5 Peer review panel to review information collected during morning session
(10 minutes - Peer Review panel only)
- 6 Discussion covering areas advised in advance by the Peer Review Panel and possibly including other topics, part 2 (All)
- 7 Next steps (10 minutes - Peer Review panel)

National Investigation Body (NIB) Network

Peer Review Questionnaire for *[insert country]*

Review date: *[year]*

This questionnaire should be read with the NIB Peer Review Handbook

QUESTIONNAIRE CHANGE RECORD

The following table records changes to **after the NIB begins responding to the questions**. Modifications to the template (ie modifications to the blank questionnaire) are tracked through the Handbook document control record.

Version	Date	Reason for Change	Tables / Questions Affected

INDEX

Page Number	Content	Tables & Questions
2	Scope of activities	Tables A to G
	Legal Framework	Questions 101 to ...
	Types of investigations undertaken & NIB Organisation	Questions 201 to ...
	Resources	Questions 301 to ...
	Training Arrangements	Questions 401 to ...
	Notification and Decision Process	Questions 501 to ...
	Evidence Collection and Analysis	Questions 601 to ...
	Report Preparation & Publication	Questions 701 to ...
	Handling safety Recommendations	Questions 801 to ...
	Health & Safety of Investigators	Questions 901 to ...

Definitions used in this questionnaire

Site phase	On-site and off-site investigation activities before infrastructure is restored and reopened to rail transport services.
Post-site phase	Investigation activities after infrastructure is restored and reopened to rail transport services.
Article 20(1) accidents	Serious accidents on Union rail system (See Articles 20(1), 3(1) and 3(12) for details)
Article 20(2) events	Accidents or incidents which under slightly different conditions might have led to serious accidents on Union rail system (See Articles 20(2), 3(1) and 3(12) for details).
Major accident	A very serious accident, typically with multiple deaths and/or very large amounts of damage. This is not a legally defined term but is an accident requiring a large number of investigators.
Events outside Directive 2016/798	Serious accidents, accidents and incidents on heavy rail, metro and tram systems not covered by Articles 20(1) and 20(2). Depending on national law, this may include events outside the Union rail system.
Mandatory investigation	Investigation required by Directive 2016/798 and/or by national law. Depending on national law, this may include events outside the Union rail system.
Discretionary investigation	Investigation which is not required by Directive 2016/798 and not required by national law. Depending on national law, this may include events outside the Union rail system.

Scope of NIB activities (Tables A to G)

Table A – NIB & Review Information		
Year of Peer Review		
Member State being reviewed:		
National Investigation Body (NIB)		
Is the NIB multi modal, single modal, or something else. If not single mode, give details.		
Route of track in NIB's country (kilometres)		
Freight rail traffic in NIB's country (train-kilometres per year)		
Passenger rail traffic in NIB's country (passenger train-kilometres per year)		
Point of contact in NIB	Name	
	Address	
	Telephone	
	E-mail	
Peer Review Team:		1 - 2 - 3 -

Table A – NIB & Review Information	
Observers	1 - 2 - 3 -
Date questionnaire received by NIB	
Date questionnaire completed by NIB	

Table B – Staffing		
B1	Number of permanently employed rail investigators (including part time workers).	
B2	Full time equivalent number of permanently employed rail investigators.	
B3	Full time equivalent number of administrative staff permanently employed on rail investigators.	
B4	Number permanently employed rail investigators who can act as Investigator in Charge.	
B5	Are there <u>general</u> rail investigators not permanently employed by the NIB who can be employed on an ad hoc basis. Briefly explain the contractual arrangements. <i>Do not include people employed on an ad hoc basis when specialist advice is needed for a particular investigation. These people are covered by later questions.</i>	

B6	If the NIB is multi-modal or has formalised arrangements with an independent national investigation body for other transport modes, how many investigators from other modes can assist rail investigators? If some are part time, give full time equivalent.	
----	--	--

Table C – NIB Activity Averaged Over Last 3 Years (include any joint investigations)

		Heavy rail			Metro railways		Trams		Other (trolley bus, 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? (delete as appropriate)	<i>Yes / No</i>	<i>Yes / No</i>	<i>Yes / No</i>	<i>Yes / No</i>	<i>Yes / No</i>	<i>Yes / No</i>	<i>Yes / No</i>	<i>Yes / No</i>	<i>Yes / No</i>
C2	Number of notifications per year averaged over last 3 years									
C3	Average number of accidents investigated per year*									
C4	Average number of incidents investigated per year*	Not applicable to Article 20(1) investigations								
C5	Average number of full investigation reports published per year									
C6	Average number of briefing notes (or similar short documents) published per year									
C7	Average number of recommendations produced per year									

* include accidents and incidents for which the NIB carries out significant investigation work (eg 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

Please include an estimate for the likely outcome for recommendations which have not yet been closed.
Please take account of information obtained informally and information provided formally by the NSA etc.

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

		Heavy Rail		Metro railways	Trams	Other (trolley bus, cable car, etc.
		Article 20(1)) accidents	Other investigations			
D1	Proportion of recommendations implemented effectively within a reasonable* time period					
D2	Proportion of recommendations implemented effectively but after an excessive delay*					
D3	Proportion of recommendations reported as implemented but not implemented effectively*					
D4	Proportion of recommendations reported as not implemented					
	Total	100%				

Table E - Number of joint investigations with other NIBs - Averaged over 3 Years

E1	Deployed (Some or all work undertaken out of the office)	
E2	Not deployed (All work undertaken from the office)	

Table F - Number of Open Investigations and average times to complete investigations

		<i>At the time of completing this questionnaire</i>	<i>At the time of the Peer Review visit (to be completed during the visit)</i>
F1	Investigations required by Article 20(1)		
F2	National law requirement outside Article 20(1)		
F3	Non-mandatory accidents and incidents		
F4	Other investigations (eg class investigation)		
F5	Average time to complete mandatory investigations (average of investigations completed in previous three years)	 months	 months
F6	Average time to complete non-mandatory investigations (average of investigations completed in previous three years)	 months	 months

Table G – Documents provided by NIB

Documents requested in questionnaire	Provided with questionnaire?
NIB fit in government structure (question 102)	Yes/No
NIB interaction with the different actors in the railway sector (question 103)	Yes/No
NIB internal organisation (question 205)	Yes/No
Concerns about implementation and/or implementation of recommendations (question	Yes/No
Other documents needed for the Peer Review	
- Summary, not more than two pages, identifying - Strengths of your organisation. - Your procedures and/or practices which you consider to be particularly effective and which could be a particularly good example to other NIBs. - The difficulties (legal, organisational, resource availability and practical) which mean you cannot perform your job in the way you would like to. - Changes, if any, you would like to introduce to your organisation.	Yes/No
Two investigation reports prepared by the NIB. These should be selected by the NIB to illustrate the range of investigation work which it undertakes. <i>The NIB is not required to translate these reports into English. The Peer Review Panel will arrange any necessary translation.</i>	Yes/No

Other attachments (if any) – to be completed by NIB

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Table G – NIB comments about the data entered in tables A to F

Optional comments (e.g. comment about why proportion of recommendations implemented is particularly high or low)

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PART 1 – LEGAL FRAMEWORK

<i>Question</i>		<i>Guidance Notes</i>	<i>Response with justification</i>
101	How does the NIB fit within the government structure?	<i>Consider</i> <i>a. National legislation establishing the NIB.</i> <i>b. Does National legislation detail the reporting lines of the NIB?</i> <i>c. Organisational interfaces with government.</i> <i>NIB to provide soft copy of organogram showing fit with government structure if possible.</i>	
102	How does the NIB interact with the different actors in the railway sector?	<i>Consider</i> <i>a. National legislation</i> <i>b. Organisational interfaces with railway undertakings and infrastructure managers.</i> <i>c. Organisational interfaces with the national safety authority and any regulator.</i> <i>NIB to provide soft copy of organogram if possible.</i>	

PART 1 – LEGAL FRAMEWORK

Question	Guidance Notes	Response with justification
103 How effectively do legislation, procedures etc provide the NIB with functional independence and unrestricted authority over the conduct of safety investigations?	<i>Consider</i> <i>a. National legislation</i> <i>b. Article 20(1) and article 22(1) requirement for independence from any party whose interests could conflict with the NIBs duty to ‘improve, where possible, railway safety and the prevention of accidents’.</i> <i>c. Article 22(1) requirements for independence from railway organizations (RU, IM etc) and functional independence from the national safety authority, the Agency and any regulator of railways</i> <i>d. Article 21(4) requirement for independence from any judicial inquiry</i> <i>e. Interactions with national institutions. (e.g. RSA’s, Ministries, judiciary)</i> <i>f. The procedure for nominating the Head of the NIB / Board.</i> <i>g. The procedure for removing the Head of the NIB / Board.</i> <i>h. Is the NIB expected or required to conduct activities which conflict with the requirement to be independent?</i>	

PART 1 – LEGAL FRAMEWORK

Question	Guidance Notes	Response with justification
104 Does the NIB make the final decisions concerning safety investigations? If not, give details of other organisations involved. <i>Decision making <u>within</u> the NIB is covered in questions 505 & 706.</i>	<i>Consider decisions about</i> <i>a. Which accidents and incidents should be investigated</i> <i>b. The scope of the investigation</i> <i>c. The content of investigation reports and recommendations</i> <i>Consider requirements for independence in</i> <i>a. Article 22(1)</i> <i>b. National legislation</i>	
105 How are safety investigators given legal authority to undertake a safety investigation efficiently? <i>The practical issues about applying this authority are covered in Part 6.</i>	<i>Consider:</i> <i>a. Article 21(2) requirement for investigators to be given access as soon as possible to information and evidence.</i> <i>b. Is the investigator's authority specified in national legislation?</i> <i>c. Do the investigators have credentials / warrant cards detailing their authority?</i>	

PART 1 – LEGAL FRAMEWORK

Question	Guidance Notes	Response with justification
106 How does the legal framework give the NIB access to evidence as soon as possible? <i>The practical application of is covered in question 602.</i>	<i>Article 21(2) requires that:</i> <i>a. Investigators are given access to the accident site and to evidence as soon as possible.</i> <i>b. Member States shall ensure full cooperation by the judicial authority</i> <i>Consider any agreements (eg Memoranda of Understanding and agreed protocols) with Judicial authorities and police.</i> <i>Consider the accident site, investigation at other locations and investigation after work on site is complete.</i>	
107 How are decisions made concerning the disclosure of information held or used by a NIB?	<i>What legislation and agreements restrict the release of information by the NIB?</i> <i>What process is used to identify and resolve conflicts with the needs of judicial and other organisations?</i>	

PART 2 – TYPES OF INVESTIGATIONS UNDERTAKEN & NIB ORGANISATION

<i>Question</i>		<i>Guidance Notes</i>	<i>Response with justification</i>
201	What investigations are required by national law in <u>addition to</u> those required by Article 20(1)?	<i>National law may <u>require</u> investigation of</i> <i>a. Article 20(2) events</i> <i>b. Other accidents/incidents on the Union rail system</i> <i>c. accidents/incidents on heavy rail, metro and/or tram systems <u>not</u> on the Union rail system</i> <i>What criteria are given in national law?</i>	
202	What investigations can be undertaken at the NIB's discretion?	<i>Consider</i> <i>a. accidents/incidents mentioned in Article 20(2),</i> <i>b. accident/incidents on the Union rail system but not covered by Article 20(2).</i> <i>c. accidents/incidents on heavy rail, metro and/or tram systems <u>not</u> on the Union rail system</i>	
203	How does the NIB participate in the sharing of information and good practices with NIBs	<i>Article 22(7) requires NIBs to conduct an active exchange of views and experience for the development of common investigation methods, drawing up common principles for the follow up of safety recommendations and the adaption to the development of technical and scientific progress.</i>	

PART 2 – TYPES OF INVESTIGATIONS UNDERTAKEN & NIB ORGANISATION

Question	Guidance Notes	Response with justification
204 What other activities are undertaken by the NIB in addition to safety investigations and managing recommendations	<i>Consider</i> <i>a. Other contributions to national safety activities</i> <i>b. Delivering training to other organisations</i> <i>c. Participation in national safety groups</i> <i>d. Participation in international safety events</i> <i>e. Other safety and ‘how to investigate’ publications, etc.</i>	
205 How is the NIB organised to be an effective investigation body?	<i>Please provide soft copy of organogram showing NIB internal organisation (people, departments & reporting lines).</i> <i>Consider</i> <i>a. Communication and dissemination of information between parts of the NIB</i> <i>b. Reporting lines</i> <i>c. Are job descriptions documented</i>	
206 How do you monitor or assess the performance of your NIB?	<i>Consider:</i> <i>a. Activity indicators and Key Performance Indicators including those in NIB Annual reports</i> <i>b. Comparing performance of your NIB with performance of other organisations</i> <i>c. Reviews of your activity by other organisations.</i> <i>d. Other monitoring and assessment processes</i>	

PART 2 – TYPES OF INVESTIGATIONS UNDERTAKEN & NIB ORGANISATION

<i>Question</i>		<i>Guidance Notes</i>	<i>Response with justification</i>
207	How does NIB achieve continuous improvement of its activities	<i>How are improvements identified and implemented?</i> <i>Is process documented?</i>	

PART 3 - PROCESSES AND RESOURCES

Responses to these questions should concentrate on how the NIB actually operates. The responses should refer to legal requirements and interfaces with other organisations when this helps to explain how the NIB operates.

<i>Question</i>		<i>Guidance Notes</i>	<i>Response with justification</i>
301	Are there <u>processes</u> for providing the NIB with sufficient resources to conduct independent investigations? Explain why the NIB considers these processes are either adequate or inadequate.	<i>Consider:</i> <i>a. Article 22(2) requires NIBs to have sufficient resources to act independently</i> <i>b. Resources include funding, facilities, people, equipment, etc.</i> <i>c. Does the State have a <u>process</u> for providing the NIB with sufficient resources?</i> <i>d. Does the <u>process</u> for providing resources take account of exceptionally costly investigations?</i> <i>e. Are processes documented?</i>	

PART 3 - PROCESSES AND RESOURCES

Responses to these questions should concentrate on how the NIB actually operates. The responses should refer to legal requirements and interfaces with other organisations when this helps to explain how the NIB operates.

Question		Guidance Notes	Response with justification
302	Does the NIB <u>receive</u> sufficient resources to conduct independent investigations? Explain what the NIB does if these are insufficient.	<i>Article 22(2) requires NIBs to have sufficient resources to act independently</i> <i>Consider</i> <i>a. Investigations <u>required</u> by Article 20(1)</i> <i>b. Other investigations <u>required</u> by National law.</i> <i>c. Discretionary investigations</i> <i>d. Exceptionally costly investigations</i> <i>e. Contributions to national safety activities</i> <i>f. Setting up and operating IT tools such as databases</i> <i>g. Participation in international groups.</i> <i>h. Any other tasks entrusted to the national NIB</i> <i>If NIB receives insufficient funds, how does the NIB decide the activities which will be undertaken with the available resources?</i>	

PART 3 - PROCESSES AND RESOURCES

Responses to these questions should concentrate on how the NIB actually operates. The responses should refer to legal requirements and interfaces with other organisations when this helps to explain how the NIB operates.

Question	Guidance Notes	Response with justification
303 How does the NIB respond to an event requiring immediate investigation on site. <i>Subsequent investigation phases are dealt with in Q306</i>	<i>Consider:</i> <i>a. Consider deployments within office hours <u>and</u> deployments at other times 24/7.</i> <i>b. How many investigators are available for immediate deployment outside office hours?</i> <i>c. Are specific inspectors nominated to be available at specified times?</i> <i>d. Are there investigators in the field who can intervene before the deployed inspectors arrive on the site?</i> <i>e. arrangements for dealing with <u>typical</u> accidents</i> <i>f. arrangements for a <u>major</u> accident including whether there are enough investigators with training/experience to deal with a major accident</i> <i>g. If dependent on support from other NIBs/organisations, are these arrangements practical and documented?</i>	

PART 3 - PROCESSES AND RESOURCES

Responses to these questions should concentrate on how the NIB actually operates. The responses should refer to legal requirements and interfaces with other organisations when this helps to explain how the NIB operates.

Question	Guidance Notes	Response with justification
304 How does the NIB provide trained personnel to perform the function of Investigator in Charge (IIC) at typical and major accidents?	<i>Consider:</i> <i>a. Is a competent investigator-in-charge available both in and outside normal working hours?</i> <i>b. Is the investigator-in-charge relieved of other duties during the field phase of an investigation?</i> <i>c. Does the nominated investigator-in-charge have experience of railway accident investigation?</i> <i>d. What criteria are used to decide whether an investigator-in-charge has the experience/training appropriate for particular experience (greater training/experience is needed for major accidents and complex sites than for typical accidents)</i> <i>Response to include:</i> <i>e. How many NIB staff can act as IIC at a typical serious accident site</i> <i>f. How many NIB staff can act as IIC at a major accident site</i> <i>g. How the NIB obtains appropriate IICs if it relies on other organisations to provide IICs.</i>	

PART 3 - PROCESSES AND RESOURCES

Responses to these questions should concentrate on how the NIB actually operates. The responses should refer to legal requirements and interfaces with other organisations when this helps to explain how the NIB operates.

<i>Question</i>		<i>Guidance Notes</i>	<i>Response with justification</i>
305	What processes are in place for the resourcing and management of non-investigation activities at an accident site?	<i>Consider:</i> <i>a. On-site transport, catering, accommodation both domestic and working.</i> <i>b. Dealing with the emergency services.</i> <i>c. Dealing with the Press.</i> <i>d. Dealing with Stakeholders.</i> <i>e. Dealing with families and friends of the casualties.</i> <i>NIB to note where part/all of items above are dealt with by other organisations.</i>	
306	What procedures are in place to obtain rapid specialist advice at an accident site?	<i>What standing arrangements are in place with other NIBs and other organisations?</i> <i>How rapidly can these resources be deployed?</i> <i>If other organisations are used, how does the NIB ensure the people involved are competent, independent and keep results confidential?</i>	

PART 3 - PROCESSES AND RESOURCES

Responses to these questions should concentrate on how the NIB actually operates. The responses should refer to legal requirements and interfaces with other organisations when this helps to explain how the NIB operates.

Question	Guidance Notes	Response with justification
307 How does the NIB obtain and analyse downloads from On Train Data Recorders, on-train video recordings and other on-train data storage devices (brake processors, train management systems, etc.)?	<i>This could use NIB staff, and/or another NIB and/or another organisation and/or independent experts and/or railway industry staff.</i> <i>If another organisation, independent expert or rail industry staff are used, how does the NIB ensure the people involved are competent, independent and keep results confidential?</i> <i>Are any arrangements with other NIBs, other organisations, independent experts and rail industry documented?</i> <i>Does the NIB have specialist equipment to assist with this task?</i>	
308 How does the NIB obtain and analyse downloads from off-train systems including voice recorders, signalling data recorders, level crossing controls, off-train video recordings, remote train condition monitoring equipment etc.?	<i>This could use NIB staff, and/or another NIB and/or another organisation and/or independent experts and/or railway industry staff.</i> <i>If another organisation, independent expert or rail industry staff are used, how does the NIB ensure the people involved are competent, independent and keep results confidential?</i> <i>Are any arrangements with other NIBs, other organisations, independent experts and rail industry documented?</i> <i>Does the NIB have specialist equipment to assist with this task?</i>	

PART 3 - PROCESSES AND RESOURCES

Responses to these questions should concentrate on how the NIB actually operates. The responses should refer to legal requirements and interfaces with other organisations when this helps to explain how the NIB operates.

<i>Question</i>		<i>Guidance Notes</i>	<i>Response with justification</i>
309	Does the NIB have sufficient resources to conduct the post-site phase? If not, how does the NIB manage the consequence of insufficient resources?	<i>Consider</i> <i>a. number of investigations,</i> <i>b. number of investigators</i> <i>c. assistance from other NIBs, organisations and independent experts</i> <i>d. time taken to produce reports</i> <i>e. arrangements for dealing with <u>typical</u> accidents</i> <i>f. arrangements for a <u>major</u> accident including whether there are enough investigators with training/experience to deal with a major accident</i> <i>g. If dependent on support from other NIBs/organisations/experts, are these arrangements practical and documented?</i>	
310	How does the NIB plan the allocation of resources during an investigation?	<i>Consider</i> <i>a. Skills and number of people required for the investigation,</i> <i>b. Inputs from external investigation organisations and independent experts</i> <i>c. Availability of information from railway organisations</i> <i>d. Interaction with other investigations</i> <i>e. Completion dates for each activity</i>	

PART 3 - PROCESSES AND RESOURCES

Responses to these questions should concentrate on how the NIB actually operates. The responses should refer to legal requirements and interfaces with other organisations when this helps to explain how the NIB operates.

Question		Guidance Notes	Response with justification
311	How does the NIB undertake specialist examination of equipment and materials?	<i>This could use NIB staff, and/or another NIB and/or another organisation and/or independent experts and/or railway industry staff.</i> <i>If another organisation, independent expert or rail industry staff are used, how does the NIB ensure the people involved are competent, independent and keep results confidential?</i> <i>Are arrangements with other NIBs, other organisations and rail industry documented?</i>	
312	How does the NIB provide secure storage and workshops where the physical evidence can be secured and worked on by the investigators?	<i>This can be either an internal capability or a documented arrangement with another organization.</i> <i>If no internal capability or documented arrangement, how is physical evidence held and worked on in a secure environment?</i>	
313	How does the NIB provide a secure location for office based activities including the retention of paper and electronic evidence and the interviewing of witnesses and briefing of family members?	<i>Consider:</i> <i>a. Access to desks etc. used by investigators</i> <i>b. How evidence is secured and protected.</i> <i>c. How confidentiality is maintained</i> <i>d. Arrangements if these facilities are not available at the NIB's own offices.</i>	

PART 4 – TRAINING ARRANGEMENTS

<i>Question</i>		<i>Guidance Notes</i>	<i>Response with justification</i>
401	How does the NIB identify training needs for accident investigation activities?	<i>Consider</i> <i>a. Skills required to achieve the NIB's objectives</i> <i>b. The training needed so that investigators can conduct appropriate, effective and efficient investigations</i> <i>c. Are relevant policies and processes documented?</i> <i>d. Are minimum qualifications, competencies and experience for new investigators stated?</i> <i>e. Is there a process for monitoring the effectiveness and competence of inspectors to identify training needs?</i>	

PART 4 – TRAINING ARRANGEMENTS

Question	Guidance Notes	Response with justification
402 How is appropriate training is delivered to individual investigators? <i>Details of health & safety training is included in Part 8.</i>	<i>Effective training arrangements will usually include:</i> <i>a. Generic training for all investigators and specific training for some investigator groups.</i> <i>b. An individual training plan for each investigator to cover: initial training, basic training, advanced training, hazards, physical/personal effects.</i> <i>c. Training in the use of investigation equipment and opportunities to maintain currency by using the equipment</i> <i>d. Training records that contain a history of training and courses attended.</i> <i>e. A record of required and completed “On-the-job” training.</i> <i>f. Plans and a monitoring system for recurrent training.</i> <i>g. Evaluation of training results.</i> <i>Consider investigators employed by the NIB and those assisting the NIB during initial on-site investigation.</i>	
403 How much training is undertaken by investigators?	<i>Consider</i> <i>a. Staff employed by the NIB.</i> <i>b. Any other investigators provided under agreements to support the NIB during initial on-site activities</i> <i>c. Initial training and refresher training.</i>	

PART 4 – TRAINING ARRANGEMENTS

<i>Question</i>		<i>Guidance Notes</i>	<i>Response with justification</i>
404	How is the effectiveness and sufficiency of training evaluated?	<i>Consider the method and frequency of evaluation.</i>	
405	Is the NIB's training budget sufficient to fund training of staff employed by the NIB? If the training budget is insufficient, how does the NIB manage the consequences?	<i>Ideally there should be:</i> <i>a. An explicit allowance for training in the NIB budget.</i> <i>b. An assessed cost allocated to all training.</i> <i>c. A budget sufficient to cover the training identified as being necessary.</i>	

PART 5 – NOTIFICATION AND DECISION PROCESS

Question	Guidance Notes	Response with justification
501 Are there effective and timely processes for notifying the NIB of accidents and incidents it may wish to investigate? If not, what are the shortcomings?	<i>Consider:</i> <i>a. Article 22(3) requires railway undertakings, infrastructure managers and, where appropriate, national safety authorities to <u>immediately</u> notify NIBs of Article 20(1) accidents and Article 20(2) events.</i> <i>b. Does National legislation require <u>immediate</u> notification of other events?</i> <i>c. Does National legislation require <u>non-immediate</u> notification of other events?</i> <i>d. How do organisations know when and how to report events to the NIB?</i> <i>e. Is there a 24/7 service for reporting events?</i> <i>f. Is there any linkage to reporting processes used by the national safety authority?</i>	

PART 5 – NOTIFICATION AND DECISION PROCESS

Question	Guidance Notes	Response with justification
502 Do the processes result in timely notification of events? If not, how does the NIB manage the consequences?	<i>Article 22(3) requires immediate notification of Article 20(1) accidents and Article 20(2) events.</i> <i>Article 22(3) requires immediate notification with all available information and updates as soon as missing information becomes available.</i> <i>Are Directive requirements included in National legislation?</i> <i>Any additional requirements in National legislation?</i> <i>How are initial notifications provided (eg phone, email)?</i> <i>Are initial notifications provided promptly and as accurately as possible?</i> <i>Are updates provided promptly when more information is available?</i>	
503 How do the notification processes allow for effective liaison with other parties?	<i>Consider</i> <i>a. judicial authorities,</i> <i>b. railway organisations (RU, IM ECM etc),</i> <i>c. emergency services,</i> <i>d. national safety authority</i> <i>e. other government organisations</i>	

PART 5 – NOTIFICATION AND DECISION PROCESS

Question	Guidance Notes	Response with justification
504 How does the NIB classify events?	<i>What classification system(s) are used?</i> <i>Is the European Agency for Railways classification system used?</i> <i>Is the definition of serious accident in Article 3(12) used?</i> <i>Consider ‘Guidance on the decision to investigate accidents and incidents’ published by the NIB Network.</i>	
505 How does the NIB decide whether to investigate an accident/incident and the scope of the investigations?	<i>What criteria are used to determine whether to undertake an investigation?</i> <i>Are criteria consistent with Article 20(1) and Article 20(2) requirements?</i> <i>How is scope of investigation determined?</i> <i>Which members of the NIB are involved in the decision?</i> <i>Are other organisations involved in the decision? If so, how?</i> <i>Who makes the final decision on whether to investigate and on the scope?</i> <i>Consider ‘Guidance on the decision to investigate accidents and incidents’ published by the NIB Network.</i>	

PART 5 – NOTIFICATION AND DECISION PROCESS

<i>Question</i>	<i>Guidance Notes</i>	<i>Response with justification</i>
506 When and how is the decision to investigate made and notified to the Agency? If not in accordance with Directive 2016/798, please explain why.	Consider a. Article 22(3) requires a decision to be made within 2 months of the notification. b. Article 25(1) requires notification to the Agency within 7 days of making a decision to investigate. c. Article 25(1) requires notification to the Agency to include date/time/place/type of occurrence and fatalities/injuries/damage. d. Does National legislation include other criteria? e. If decision/notification is beyond these times, why did this happen? f. How is the Agency informed?	

PART 6 – EVIDENCE COLLECTION AND ANALYSIS

Question	Guidance Notes	Response with justification
601 How does the NIB manage collection of evidence and site management?	<i>Please summarise procedures used.</i> <i>Is sufficient guidance to individual investigators?</i> <i>Does the guidance cover routine, complex and large sites?</i> <i>How is the extent of evidence collection decided on site and after completion of site work?</i> <i>If there is no written guidance, how does the NIB ensure a consistent approach to safety investigation?</i>	
602 Do investigators get access to evidence as soon as possible? If not, what prevents this?	<i>Article 22(2) requires that investigators are given access to the accident site and to evidence as soon as possible.</i> <i>Consider:</i> <i>a. access to the site;</i> <i>b. access to physical evidence including rolling stock, infrastructure, signalling equipment;</i> <i>c. access to data from on-train data recorders, signalling equipment & voice recorders;</i> <i>d. access to information from train staff and other railway staff;</i> <i>e. access to results of examinations of victims;</i> <i>f. on-site and off-site activities immediately after the accident; and</i> <i>g. activities after the infrastructure has been restored and reopened to train services.</i>	

PART 6 – EVIDENCE COLLECTION AND ANALYSIS

<i>Question</i>		<i>Guidance Notes</i>	<i>Response with justification</i>
603	How does the NIB ensure interviews are carried out effectively?	<i>Consider</i> <i>a. Access to staff directly involved</i> <i>b. Access to railway managers</i> <i>c. Access to other witnesses</i> <i>d. Confidentiality of interviews</i>	
604	Does the NIB carry out reconstructions? If so, how are these conducted?	<i>Consider</i> <i>a. Access to equipment</i> <i>b. Access to staff</i> <i>c. Access to infrastructure</i> <i>d. Involvement of judicial authorities and railway organisations during reconstructions</i> <i>e. Sharing of reconstruction results with judicial authorities and other affected parties.</i>	
605	What pre-planned arrangements exist for the effective coordination of safety and judicial investigations?	<i>What arrangements exist?</i> <i>Are arrangements documented?</i> <i>Have arrangements been formally signed by the appropriate authorities?</i> <i>Do arrangements cover on-site and off-site activities immediately after the accident?</i> <i>Do arrangements cover activities after the infrastructure has been restored and reopened to train services?</i>	

PART 6 – EVIDENCE COLLECTION AND ANALYSIS

Question	Guidance Notes	Response with justification
606 How effectively does the NIB work with judicial authorities?	<i>Consider</i> <i>a. on-site and off-site activities immediately after the accident</i> <i>b. activities after the infrastructure has been restored and reopened to train services</i> <i>c. any difficulties encountered when working with the judicial authorities</i> <i>d. whether the judicial authorities have denied or restricted access to evidence.</i>	
607 How effectively does the NIB work with other organisations at the site of an accident? <i>Working with judicial authorities is covered by question 606.</i>	<i>Consider communication and cooperation with:</i> <i>a. Emergency services</i> <i>b. Railway organisations</i> <i>c. Safety authorities and the Agency</i> <i>d. Other NIBs</i> <i>e. Other government organisations</i> <i>f. The media</i> <i>g. Other parties</i>	
608 How does the NIB ensure that its activities minimise delays to restoring rail services?	<i>Article 23(4) requires NIBs to conclude their examinations at the accident site in the shortest possible time</i> <i>Is site handed back in phases where appropriate?</i>	

PART 6 – EVIDENCE COLLECTION AND ANALYSIS

Question	Guidance Notes	Response with justification
609 How does the NIB undertake analysis of evidence?	<i>How does the NIB methodology (or methodologies) consider:</i> <i>a. Selection of appropriate investigation methods, techniques, skills and tools</i> <i>b. Effective use of evidence, test results and examination results</i> <i>c. Human factors (2016/798 Recital 41)</i> <i>d. Appropriate input from external expert(s)</i> <i>e. Establishing a timeline</i> <i>f. Developing a causal analysis</i> <i>g. Identifying factors described as immediate, causal, contributory, underlying, systemic, possible, probable etc. as appropriate.</i> <i>Is the methodology (or methodologies) documented?</i> <i>If not documented, how does the NIB ensure analysis is carried out consistently and effectively?</i>	

PART 6 – EVIDENCE COLLECTION AND ANALYSIS

Question	Guidance Notes	Response with justification
610 How are national safety authorities, railway undertakings, infrastructure managers and other relevant organisations involved in the investigations in their respective areas of competencies? <i>Involvement of judicial authorities is covered by question 606</i>	<i>Article 23(3) requires involvement of other parties to achieve ‘as much openness as possible’.</i> <i>Article 23(3) requires that infrastructure managers, railway undertakings, national safety authorities, the Agency, owners of damaged property, manufacturers, the emergency services and representatives of staff and users shall be given the opportunity to provide relevant technical information in order to improve the quality of the investigation report.</i> <i>Which organisations are involved?</i> <i>How/when are they involved?</i> <i>Are there standing arrangements to involve these organisations?</i> <i>What processes are in place to ensure that these organisations are aware of their obligations and the confidentiality of information?</i>	
611 How are other NIBs and the Agency involved when required due to overlapping interest in an event?	<i>Article 23(1) requires cooperation between NIBs when events occur close to a national border and/or when accidents involve organisations/vehicles from other EU countries.</i> <i>Article 21(1) requires cooperation with the Agency when the Agency has authorised vehicles or certified railway undertakings.</i> <i>What standing arrangements apply with NIBs of neighboring States?</i>	

PART 6 – EVIDENCE COLLECTION AND ANALYSIS

<i>Question</i>		<i>Guidance Notes</i>	<i>Response with justification</i>
612	How does the NIB interact with victims and their relatives during the investigation process? <i>Victims and relatives input to reports is covered by question 707.</i>	<i>Article 23(3) requires the NIB to take account of the reasonable needs of the victims and their relatives.</i> <i>Is there a process for keeping victims and relatives informed about investigation progress?</i> <i>What types of information is shared with victims and relatives?</i>	
613	Are periodic internal progress reviews, undertaken by the NIB during the investigation? If so, how are these reviews carried out?	<i>Consider:</i> <i>a. Written and informal procedures.</i> <i>b. What are these processes?</i> <i>c. The frequency of reviews.</i>	

PART 7 – REPORT PREPARATION & PUBLICATION

<i>Question</i>		<i>Guidance Notes</i>	<i>Response with justification</i>
701	Does the NIB publish lists of notified events and/or events being investigated? If so, provide brief details.	<i>What, if any, information is published about notifications and events being investigated?</i> <i>What format is used for publication?</i> <i>Is this required by national law?</i> <i>Is this an effective use of resources?</i>	
702	Does the NIB have guidelines to ensure that reports cover all relevant aspects of an accident? If no guidelines, how does the NIB ensure all aspects are covered?	<i>Article 24(2) lists information expected to be contained in a report after the Commission introduces implementing acts.</i> <i>Article 24(1) requires the objectives of the of the investigation to be stated as given in article 20(1): ‘to improve, where possible, railway safety and the prevention of accidents’.</i> <i>If guidelines are not documented, how does the NIB ensure analysis is carried out consistently and effectively?</i> <i>NIB Network publication ‘Guidance on good reporting practice’ provides some guidance.</i>	
703	How does the NIB take account of victims and relatives during report preparation	<i>Article 23(3) requires victims and relatives to be given the opportunity to provide relevant technical information in order to improve the quality of the investigation report.</i>	

PART 7 – REPORT PREPARATION & PUBLICATION

<i>Question</i>		<i>Guidance Notes</i>	<i>Response with justification</i>
704	What is the internal approval process prior to release of the draft and final reports <i>Internal process for recommendations is covered in part 8.</i>	<i>Are the reports reviewed and authorised by a standing committee, ad-hoc group or by another method.</i> <i>An effective internal approval process should normally address the following areas:</i> <i>a. Checking of the technical facts.</i> <i>b. Checking of the analysis.</i> <i>c. Ensuring that the report does not assign blame.</i>	.

PART 7 – REPORT PREPARATION & PUBLICATION

Question	Guidance Notes	Response with justification
705 How does the NIB consult prior to publication of the report? <i>Consultation on recommendations is covered in question 802.</i>	<i>Consider:</i> <i>a. Article 23(3) requires that infrastructure managers, railway undertakings, national safety authorities, the Agency, owners of damaged property, manufacturers, the emergency services and representatives of staff and users shall be given the opportunity to provide relevant technical information in order to improve the quality of the investigation report.</i> <i>b. National legislation</i> <i>c. Who is the draft report sent to for comment?</i> <i>d. Are there circumstances where the draft report is translated into other languages? If so, when does this happen?</i> <i>e. Are there any delays in receiving comments?</i> <i>f. How do you ensure that confidentiality is not breached during the consultation process?</i> <i>g. Are the comments reviewed by a person or a group at the NIB?</i> <i>h. If the comments are reviewed by a group, is the group permanent or an ad hoc.</i> <i>i. Who has the last word on the final version of the report?</i>	

PART 7 – REPORT PREPARATION & PUBLICATION

Question	Guidance Notes	Response with justification
706 How are the reports made publicly available?	<i>Article 24(2) requires reports to be made public.</i> <i>Consider:</i> <i>a. Electronic and/or paper version.</i> <i>b. Who receives copies</i> <i>c. Is the report published on an internet site?</i> <i>d. What languages are the reports published in.</i> <i>e. If multiple languages are used, does this result in a delay in the publication cycle</i> <i>f. Is publication date influenced by judicial authorities</i>	
707 How are victims and their relatives involved during the release of the report?	<i>Article 23(3) requires the investigation to take account of the reasonable needs of victims and relatives.</i> <i>If you do not inform the victims and relatives before the report is released, what prevents your NIB from doing so?</i> <i>If you do inform victims and relatives, what is your process and does this include liaison with judicial authorities and/or other bodies?</i>	
708 Are investigation reports normally published within one year of an occurrence and interim statements published when required? If not, what prevents this?	<i>Consider time to publication for recent reports.</i> <i>Article 24(2) requires publication of the final report normally not later than within 12 months. If not made public within 12 months, as interim statement is required at least on each anniversary.</i> <i>Are interim statements published in other circumstances?</i>	

PART 7 – REPORT PREPARATION & PUBLICATION

Question	Guidance Notes	Response with justification
709 Is a full annual report published by 30 September each year? If not, what prevents this?	<i>Article 24(3) requires an annual report to be published by 30 September accounting for the investigations carried out in the preceding year, the safety recommendations that were issued and actions taken in accordance with recommendations issued previously</i> <i>Is the report published at the required time?</i> <i>Does it contain the information listed in Article 24(3)</i>	
710 Are investigation and annual reports sent to the Agency. If not, what prevents this?	<i>Article 25(2) requires submission of investigation and annual reports.</i> <i>When are investigation and annual reports submitted to the Agency?</i> <i>Are reports sent to ERA?</i>	

PART 8 – HANDLING SAFETY RECOMMENDATIONS

Question	Guidance Notes	Response with justification
801 How does the NIB guide staff to draft appropriate Safety Recommendations?	<i>Effective guidelines would normally include:</i> <i>a. A process to identify the safety issue.</i> <i>b. A review of actions which may make a recommendation unnecessary (eg action already taken to address the safety issue).</i> <i>c. Evaluation of the existing risk to determine whether a recommendation is justified.</i> <i>d. An approval process.</i> <i>e. Verification that a recommendation does not create presumption of blame of liability (Article 26(1)).</i> <i>Consider NIB Network publication 'Guidance on safety recommendations.'</i>	
802 How does the NIB consult with organisations likely to be affected by recommendations?	<i>Effective procedures would normally include issuing a draft Safety Recommendation for comment by:</i> <i>a. the relevant safety authority.</i> <i>b. affected organisations (eg railway undertakings)</i>	

PART 8 – HANDLING SAFETY RECOMMENDATIONS

<i>Question</i>		<i>Guidance Notes</i>	<i>Response with justification</i>
803	Do safety authorities and other organisations consider and act appropriately on recommendations? If not, what is/are the reason(s)?	<i>Article 26(2) requires these organisations to consider and, where appropriate, act on recommendations, within the limits of their competence.</i> <i>Does National legislation require safety authorities to consider and act on NIB recommendations?</i> <i>Is <u>action</u> taken in an appropriate timescale?</i> <i>Reporting times are covered in question 804.</i> <i>Note this is not a NIB responsibility.</i>	

PART 8 – HANDLING SAFETY RECOMMENDATIONS

Question	Guidance Notes	Response with justification
804 Do safety authorities and other organisations report back satisfactorily to the NIB on measures taken/planned in response to recommendations? If not, what is/are the reason(s)?	<i>Article 26(2) requires periodic updates to the NIB from the national safety authority or other body to which the recommendation has been addressed.</i> <i>The requirement for updates ‘at least annually’ in the previous Directive (2004/49/EC) is not repeated in Directive 2016/798 although the Agency has indicated it still expects this.</i> <i>Consider</i> <i>a. National safety authority reporting on actions to be undertaken by railway organisations</i> <i>b. National safety agency on actions required by the safety agency</i> <i>c. The Agency</i> <i>d. Other government bodies</i> <i>e. Other organisations</i> <i>f. How frequently does the NIB receive reports?</i> <i>g. Any national law requirement giving times for safety authority to respond</i> <i>h. Whether reports contain the information needed by the NIB</i> <i>i. What does the NIB do if reports are not made satisfactorily?</i>	

PART 8 – HANDLING SAFETY RECOMMENDATIONS

Question	Guidance Notes	Response with justification
805 Does the NIB assess the responses to, and closing of, a Safety Recommendation? If so how does the NIB assess the response?	<i>Article 24(3) requires NIB annual reports to include information on actions taken in accordance with recommendations.</i> <i>Consider:</i> <i>a. Does the NIB request updates if these are not provided in a reasonable time period (how much time is allowed before making this request?)</i> <i>b. Does the NIB review the response to decide if it meets the NIB's expectations?</i> <i>c. What, if any, action is taken by the NIB if the response does not meet the NIB's expectation.</i>	
806 Does the NIB have concerns about how its recommendations are being implemented and/or closed? If so, please give brief details.	<i>Article 20(1) states that the objective of a NIB investigation shall be to improve, where possible, railway safety and the prevention of railway of accidents. This cannot be achieved unless NIB recommendations are appropriately implemented.</i> <i>Consider:</i> <i>a. Accuracy, amount of detail and timing of information provided to the NIB by the NSA, railway industry and other organisations</i> <i>b. Information obtained informally by the NIB</i>	

PART 9 – HEALTH & SAFETY OF INVESTIGATORS

<i>Question</i>		<i>Guidance Notes</i>	<i>Response with justification</i>
901	How does NIB identify health and safety training required for investigators?	<i>Consider</i> <i>a. Physical risks (slips, trips, falls, sharp edges, etc.)</i> <i>b. Chemical risks from freight and from chemical used in vehicles and infrastructure.</i> <i>c. Bio- hazards (pathogens, etc.)</i> <i>d. Mental and psychological risk (PTSD, stress, others</i>	
902	What health and safety training is given to investigators?	<i>Consider</i> <i>a. Topics covered by training including identification of risk, methods of mitigating risk and correct use of personal protective equipment (PPE)</i> <i>b. Amount of initial training</i> <i>c. Frequency and amount of refresher training</i>	
903	How are risks identified and assessed at accident sites?	<i>Consider</i> <i>a. Which NIB person is responsible for obtaining safety information</i> <i>b. Is information obtained from railway organisations</i> <i>c. Is information obtained from emergency services</i> <i>d. Are environmental risks considered (heat, cold, wind, darkness, etc)</i> <i>e. Coordination with activities of other organisations</i>	

PART 9 – HEALTH & SAFETY OF INVESTIGATORS

<i>Question</i>		<i>Guidance Notes</i>	<i>Response with justification</i>
904	How is specialist health & safety advice obtained on site?	<i>Which organisations provide specialist advice?</i> <i>Is process documented?</i> <i>Does process result in the rapid response needed on site?</i> <i>Has process worked in practice?</i>	
905	How are risks communicated to investigators and mitigation implemented on site?	<i>Consider</i> <i>a. Who is responsible for ensuring a briefing is given to all NIB staff on site and all organisations working on site for the NIB</i> <i>b. How are briefings given to investigators others working for the NIB</i> <i>c. Monitoring to ensure investigators apply the required mitigation</i>	
906	What personal protective equipment (safety boots, hard hats, etc) is available to investigators on site	<i>Consider</i> <i>a. What personal protective equipment is normally carried by investigators</i> <i>b. Availability of other PPE, including how quickly this can be provided at site</i> <i>c. Is there a process for obtaining additional PPE? If so, is this documented?</i>	

PART 10 – ADDITIONAL INFORMATION FROM NIB

NIBs should use this table if they wish to provide additional information which is not required by previous questions. This could include additional information highlighting strengths and/or areas where the NIB seeks suggestions for improvement. Use of this table is voluntary.

<i>Ref- erence</i>	<i>Topic</i>	<i>Additional information</i>
1001		
1002		