



ROLE AND RESPONSIBILITIES OF THE NATIONAL INVESTIGATION BODY (NIB)

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Serious accidents on the railway are rare, but

- can have disastrous consequences
- may raise concern among the public about the safety of the railway system

Accidents should be investigated

- to **avoid** recurrence
- to **prevent** accidents
- to **improve** railway safety

The objective is **prevention**



Essential requirements - organisation

The Member States must establish a **permanent body** for accident investigation which must be **independent** in its

- organisation
- legal structure
- decision-making

from

- any infrastructure manager
- any railway undertaking
- any other party whose interests could conflict with the tasks of the investigating body

and **functionally independent** from

- the safety authority
- any regulator of railways



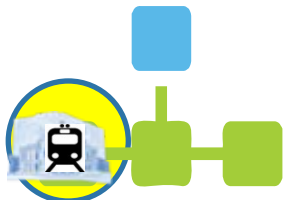
Essential requirements - organisation



Independent body only for rail accidents e.g. UK, CZ



Independent body for accidents in rail and other transport modes e.g. SE, AT, HU



A special unit in the ministry (usually for transport) e.g. IT, SK,



A unit close to the NSA, independence Ensured by different measures (e.g. technical assignment to the ministry) e.g. DE, IR



Basic requirements on the investigation body

- At least one investigator **able to perform the function of investigator-in-charge**
- For each occurrence the investigation body should establish the relevant investigation group **with necessary expertise**
- For each accident or incident the body shall arrange for the appropriate means, comprising the necessary expertise to carry out the investigation. **The expertise may be obtained from inside or outside the body.**



Essential requirements - organisation

The NIB must be enabled to conduct an active exchange of views and experience with NIBs from other Member States.

- **In the beginning, some Member States didn't participate, e.g. because of staff problems**
- **Not to cooperate means less influence**



Essential requirements - investigation procedure

The investigation body must perform its investigations **independently** of juridical investigation



Essential requirements - investigation procedure

To avoid:

- In some Member States still priority to the juridical investigation. In one case the state prosecutor has seized an axle and haven't decided 15 months after the accident about the metallurgical tests. **Without knowing the causes the industry can't take measures to reduce the risk!**



Essential requirements - investigation procedure

To aim for:

- In some Member States the NIB's investigation is **protected by legislation**; e.g. by not allowing the judicial authorities to use the material collected by the NIB (witness statements, final report)
- In some Member States there is a **memorandum of understanding (MoU)** between the NIB (or ministry) and the police (or ministry)



Essential requirements - investigation procedure

The Member States must ensure that accidents are **reported** to the NIB

- In most Member States legal obligation for infrastructure manager and/or railway undertakings by law or decree
- In most Member States a structured reporting system implemented
 - Occurrences which must be reported at once (e.g. Serious accidents and major incidents)
 - Occurrences which must be reported daily (e.g. minor incidents)
 - Occurrences which must be reported monthly (e.g. broken rails)



Essential requirements - investigation procedure

The NIB has to decide on an investigation

- **Obligation** for the investigation of **serious** accidents (Article 19.1)
- **Discretion** of the NIB to investigate other accidents and incidents (Article 19.2)



Essential requirements - investigation procedure

Definition of Directive 2004/49/EC, Article 3 I)

“serious accident” means any train collision or derailment of trains, resulting in the death of at least one person or serious injuries to five or more persons or extensive damage¹ to rolling stock, the infrastructure or the environment, and any other similar accident with an obvious impact on railway safety regulation or the management of safety

- 1) “extensive damage” means damage that can immediately be assessed by the investigating body to cost at least EUR 2 million in total



Essential requirements - investigation procedure

This means

- all **train collisions** and **train derailments** with ≥ 1 fatality, ≥ 5 serious injuries or extensive damage
- all **other accidents** with ≥ 1 fatality, ≥ 5 serious injuries or extensive damage **and** an obvious impact on railway safety regulation or the management of safety



Essential requirements - investigation procedure

The investigators **shall**, as soon as possible, be given:

➤ **Access to**

- the site of the accident/incidents
- the rolling stock involved
- the related infrastructure
- traffic control and signalling installations
- the contents of record devices

➤ **The right to**

- immediate listing of evidence
- controlled removal of wreckage, infrastructure installations or components for examinations or analysis purposes

➤ **The opportunity to question the railway staff involved and other witnesses**



Essential requirements - investigation procedure

The NIB must invite NIBs of another Member State when a railway undertaking from that Member State is involved



Essential requirements - investigation procedure

The NIB may request the **assistance** of other NIBs
or the Agency



Essential requirements - investigation procedure

The investigation should identify

- **direct and immediate causes** relating to
 - actions taken by persons involved
 - the condition of rolling stock or technical installations
- **underlying causes** relating to
 - skills
 - procedures
 - maintenance
- **root causes** relating to
 - the regulatory framework conditions
 - the application of the safety management system



Essential requirements - investigation procedure

The NIB may issue safety recommendations, usually addressed to the safety authority. The addressee must report back



recommendation

report





Essential requirements - reporting

The NIB must

- **inform the Agency after opening an investigation**
- **draft a final report on each investigation**
- **Send all investigation reports to the Agency**
- **Send an annual report to the Agency**



Essential requirements - reporting

- **The Agency must keep a public database containing the reports on accidents and the annual reports of the NIBs**
- **The Agency has created the following databases**
 - on accidents, based on the notifications and the NIB's final reports
 - on accidents from 1990 until the implementation of the Safety Directive, based on the evaluation of press releases
 - annual reports of the NIBs
- **<http://pdb.era.europa.eu>**



The network of NIBs

- **The investigation bodies shall conduct an active exchange of views and experience to**
 - develop common investigation methods,
 - develop common principles for follow-up of safety
 - adapt to the development of technical and scientific progress
- **The Agency shall organise and facilitate cooperation between the ... investigation bodies...**



The network of NIBs - guidance

The Agency has developed in cooperation with the network

- **a template for the annual reports**
 - Available on request
- **guidance on safety recommendations**
 - <http://www.era.europa.eu/Document-Register/Documents/2010-07-19-guidance-on-safety-recommendation-safety-directive-art-25.pdf>
- **guidance on good reporting practice**
 - Available on request



The network of NIBs - safety information system

- **2 similar incidents, but no link between the information**
- **After discussion in the network of NIBs development of a 3-level-information-system:**
 - **Safety alert (issued by NIB)**
 - **Safety information (Database managed by ERA)**
 - **European Safety Bulletin (shared around key players)**
- **National safety authorities (NSAs) were involved in the discussion and in the development**



The network of NIBs - safety information system

NSAs and NIBs from candidate countries may nominate staff for getting a “guest” status. This means:

- **Full reading access**
- **Dissemination of own alerts/information through the Agency**



The network of NIBs - safety information system

Preconditions:

- The nominated staff member(s) must be official of an NIB of NSA or, if NIB/NSA are not yet established, the governmental organisation responsible for railway safety
- The nominated staff member(s) must agree on the policy of confidentiality.



The network of NIBs - safety information system

Procedure:

- Please send an e-mail expressing your interest to michael.rebentisch@era.europa.eu
- You will get an document with more information
- You may nominate staff member(s) dealing with railway safety in your country
- Registration for new users is carried out in two steps:
 - Registration as new user of the Agency`s system
 - Registration as user of the “safety information system”



Current activities

- Preparation of a framework for the training of investigators
- Restricted tender for developing a framework for training. Request to potential bidders disseminated, kick-off by mid-November

“Framework” means to

- evaluate the needs of the NIBs (language, skills)
- define the content of training
- define training methods



The investigation of accidents and incidents, learning lesson from them, and sharing information about such matters is essential for ensuring a high level of railway safety.



Thank you for your attention!

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