



National Investigation Body (NIB) Network

NIB Peer Review Report for NIB ROMANIA

Review date: 2018

Peer Review Report - Record of changes

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

Version	Date	Changes
V0.1	01-06-2018	N/A
V0.2	03-07-2018	Proposed minor corrections on factual information by NIB RO
V1.0	14-07-2018	Version adopted by Panel after analysing NIB RO comments.

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 2016/796). 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 good/best practice and areas of possible improvement found during the reviews.

The Peer Review is based on a NIB's 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 [\[link to NIB website\]](#).

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 targetted at issues where the reviewers believe there will be greatest value to the NIB being reviewed and to other NIBs.

PART 2 – BACKGROUND AND STATISTICS

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

Table A – NIB & Review Information	
National Investigation Body (NIB)	Agenția de Investigare Feroviară Română - AGIFER
NIB type (eg multi-modal)	Single modal
Date questionnaire completed by NIB	27 February 2018
Date of site visit	03 May 2018
Date report finalised by Peer Review Panel	24 July 2018
Peer Review Panel members (name/state)	1. Nelson Oliveira (NIB PT) 2. David Murton (NIB IE) 3. Petr Menci (NIB CZ)
Observers (name/state)	1. Kurt Olsen (NIB NO) 2. Rob Rumping (Agency) [NOTE: In the quality of observer to the peer-review process]
Route length of track in NIB's country	10766
Traffic in NIB's country (train-kilometres per year)	87,9 million train-km (2016)

Table B – NIB Staffing

B1	Number of permanently employed rail investigators (including part time workers).	29 (includes 6 persons with other positions – managers, heads of departments, counselors who can be investigator in charge or investigator)
B2	Full time equivalent number of permanently employed rail investigators.	29
B3	Full time equivalent number of administrative staff permanently employed on rail investigators.	12
B4	Number permanently employed rail investigators who can act as Investigator in Charge.	29
B5	Are there investigators not permanently employed by the NIB who can be employed on an ad hoc basis. Briefly explain the contractual arrangements.	No

Table C – NIB Scope and Statistics Averaged Over 3 Years (includes 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?	Yes	Yes	Yes	Yes	Yes	No	No	No	No
	Number of notifications per year averaged over last 3 years	1	52,7	3,66	0,66	0	No	No	No	No
C2	Average number of accidents investigated per year	1,7	24	0	0	0	No	No	No	No
C3	Average number of incidents investigated per year	Not applicable to Article 20(1) investigations	19,7	4	0,7	0	No	No	No	No
C4	Average number of safety recommendations produced per year	2,7	21,3	1,3	0,3	0	No	No	No	No
C5	Average number of safety recommendations implemented per year	1,7	7,7	0,7	0,3	0	No	No	No	No
C5	Average number of reports produced per year	1	37	3	0,7	0	No	No	No	No

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

D1	Deployed (Some or all work undertaken out of the office)	0
D2	Not deployed (All work undertaken from the office)	0

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

		<i>At the time of completing the questionnaire</i>
E1	Investigations required by Article 20(1)	1
E2	National law requirement outside Article 20(1)	29
E3	Non-mandatory accidents and incidents	2
E4	Other investigations (e.g. class investigation)	0
E5	Average time to complete mandatory investigations (average of investigations completed in previous three years)	344 days
E6	Average time to complete non-mandatory investigations (average of investigations completed in previous three years)	206 days

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

With regards to the way AGIFER carries out its activities, we believe that the strengths of our organization are:

- Our investigators have experience in all the railway disciplines (track, locomotives, wagons, traffic management, signalling). All of them have worked previously at the national infrastructure manager, or on the Railway Bodies from the Ministry of Transports. This fact allows us to do investigation without external experts, ensuring a high degree of independence.

Within our body we have two investigators – psychologists, with backgrounds in the railway field.

- Territorial distribution of the investigators (on the national infrastructure manager railway counties) and the availability of cars ensure a quick displacement to the accident site.
- The immediate presence of the investigators at the accident site is ensured by quick notification made by phone on the 3 notification channels:
 - Notification of the investigator on duty from AGIFER headquarters by the operators of the national emergency centre for reception and analysis of emergency calls from ASFR,
 - Notification of the investigator on duty from AGIFER headquarters by the General Safety Inspectorate of CNCFR (infrastructure manager),
 - Notification of the investigator on duty from the territorial structure by the Safety Regional Inspectorate of CNCFR (infrastructure manager).

This procedure has provided reliability over time, and why not, could be followed by other NIBs.

Regarding difficulties:

- We believe that a big issue for AGIFER activity is reflected in the relatively low number of safety recommendations implemented.
- Another sensitive point is that legislation in force compels us to investigate all accidents and incidents occurring in the running of trains. This fact had its benefits when NIB was set up because it helped to implement the investigations concepts in the railway sector that had a blame-based culture. Now, however, we are in another stage where we should focus on those accidents from which the sector has to learn.

Given that the Directive no.798/2016 will be transposed in the Romanian legislation, it will be an appropriate time to change the investigation regulations to reflect the directive.

PART 3 – COMMENTS FROM PEER REVIEW PANEL

Legal framework (100 series questions in questionnaire)

- National legislation has yet not been updated to take account of Directive 2016/798. The NIB acts in accordance with National legislation.
- The legislation establishes that NIB has to be funded from its own income, not normally receiving funds from the State. See section 300 below.

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

- The national legislation requires the NIB to investigate all accidents and incidents in the operation of trains, according to stated definition of accidents and incidents.
- Tramways are out of the scope of the NIB.
- The NIB is vertically organized with well-defined hierarchies and responsibilities, whose CEO is the General-Manager.
- The NIB has an administration board with the function of establishing the budget and the strategy. This board is composed of the General-Manager and four academics of railway sciences.
- The NIB has its headquarters (with top management, heads of departments, investigators and clerical staff) in București and regional offices (with at least two investigators each) in the seven operational regions of the rail network, so as to allow quick presence at the site of any accident.
- For coordination between the headquarters and the regional offices, the NIB performs regular meetings and contacts by telephone and e-mail.

Resources (300 series questions)

- In accordance with National Legislation and Government decision, agreed with the EC, the annual funding for the NIB comes entirely from a tariff for the investigation of railway accidents and incidents, paid by the economic operators within the Romanian railway sector according to the size of their operations, the value for which is established on a defined criteria by the Administration Board and approved through Order of the Minister of Transports. This way of funding has associated contracts between the NIB and each economic operator.
- The NIB considers that the available budget is enough for investigations. Extra budget for very large accidents may be obtained,

under the law conditions, from the Budgetary Reserve Fund at the Government disposal, allocated by the Ministry of Transports. This mechanism has never been used.

- NIB has 29 full time investigators, six of which also perform managerial duties. NIB considers that staff is sufficient for requirements.
- There is a low turn-over of staff, giving stability to the NIB and salaries are compatible with industry.
- The NIB staff has specialists in all railway specialties, with considerable railway experience. Thus, are able to perform most technical analysis within the NIB.
- The NIB has 10 vehicles (9 of which 4x4), distributed amongst headquarters and regional offices (except in one).
- The NIB has specialized equipment for measuring track geometry.

Training arrangements (400 series questions)

- NIB staff has previous training and experience in railway field
- On periodical meetings of NIB staff regular external and internal training in accident investigation areas is provided.
- Training by other experienced NIBs or external institutions is being provided to staff, either on site or abroad (for example NIB NO, NIB UK, Agency, Cranfield University, ...)

Notification & decision process (500 series questions)

- The National legislation establishes the notification procedures.
- Three complementary channels for notification to the NIB are provided to ensure reliability of notifications.
- The NIB has a 24/7 on-call roster by investigators for receiving notifications and organising mobilization.
- NIB RO is satisfied with the notification procedures and timescale.
- When allowed to within the framework of the legislation, the NIB will evaluate the learning expected so as to decide whether to investigate or not.
- All investigations performed are put in a data-base from the decision to investigate.

Evidence collection and analysis (600 series questions)

- The NIB Director-General appoints the investigation team.
- At least two investigators will always attend the site, according to the regional location, mobilizing the means available at regional offices and headquarters. In case of a large accident, they are supplemented by at least two others from the headquarters so as to fulfil all required specialties.
- The NIB has MoU with Prosecutor and transport police. The NIB is satisfied with the arrangements and there are no reported difficulties in sharing control of site and evidence.
- Regional manager from IM is responsible for keeping site and evidence untouched, with the help of the transport police, until the NIB arrives.
- The NIB performs the collection of evidence with their own means, including track measurements and train data records.
- The NIB has easy access to staff and management for interviews.
- The NIB does not have an investigation manual, but has procedures for parts of the process.
- The NIB does not use formal analysis methods but considers that the large railway and investigation experience of investigators is considered appropriate to guarantee thoroughness.
- The NIB management has weekly meetings with the investigation teams for the follow up of the investigation progress.

Report preparation and publication (700 series questions)

- In the last three years, the NIB has issued per year 42 reports on average.
- The report format follows national legislation, in general corresponding with directive annex V
- The reports are prepared by the investigation teams (commissions) and validated and authorized by the Deputy General-Manager and General-Manager.
- The NIB sends draft reports to interested parties (NSA, IM, RUs,...) for consultation.
- Received comments are integrated on final report whenever considered relevant.
- The NIB does not have a process for recording of decisions made in relation to comments received.

Handling safety recommendations (800 series questions)

- From 2014 to 2016 the NIB has issued 90 safety recommendations.
- At the date of the peer-review on-site, 23% were implemented, 33% were not implemented and 44% have received no feedback from the NSA.
- The NIB has stated that it made several initiatives to try to improve the level of response from the NSA.
- The NIB stated that the end-implementers have implemented some recommendations even without any involvement or feedback from the NSA.

Health & safety of investigators (900 series questions)

- Standard health and safety equipment is provided to investigators by the NIB.
- Investigators have mandatory training by law.

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

- NIB RO will, during the next six months, try to reengage with the NSA regarding the status of the pending safety recommendations.

Panel comments on effectiveness

- The NIB is performing the work that it is required to by the National Legislation.
- Reports are published within one year after the accident.
- The reports examined by the Panel are technically well supported and identify direct, underlying and root causes, as well as contributing factors.
- Recommendations for the improvement of safety and prevention of similar accidents are issued in the reports (on average, 30 per year).
- However, the low level of recommendations' implementation (23%) suggests that the NIB is having difficulties in attaining its purpose within the Romanian railway safety system, which should motivate a reflexion from the NIB regarding the content of the recommendations and effectiveness of interaction with the NSA, but also from the Romanian Transport Ministry and the European Union Agency for Railways.

Panel comments on independence

- The Panel considers that the NIB works with a high level of independence, complying with all but one item in the criteria: The fact that, by National Law, the NIB is not in the liberty to decide which non-serious accidents it shall investigate, puts a large workload on the NIB, which may deter from time and resource consuming in-depth investigations into SMS and the supervision done by the regulator.

Identification of strengths

- ✓ Robust notification procedure.
- ✓ Effective MoU with PP and police, assuring full cooperation and access on site.
- ✓ Existence of regional branches, to ensure presence at the site of accidents within a maximum of 3 hours.
- ✓ High level of technical expertise, covering all railway disciplines.
- ✓ Humans factors experts in the staff.
- ✓ High level of staff retention.
- ✓ Reports with a high level of technical foundation.
- ✓ Reports include section on the consequences of the accidents for the railway traffic and on the recovery process.
- ✓ Active participation in NIB network and other investigation related forums.

Identification of areas where improvements are suggested

- ❖ The Panel suggests that the NIB takes the necessary actions so that the upcoming National legislation revision to conform with the revised RSD, incorporates the necessary changes so that only serious accidents (as defined in the Directive) will be of mandatory investigation, leaving to the discretion of the NIB the decision to investigate all other accidents and incidents according to their criteria and usefulness for the improvement of safety.
- ❖ The Panel suggests that the NIB should consider using the SMS investigation tool developed by the Agency to get greater depth of analysis in relation to the SMS of the railway companies and also to consider the role and supervision carried out by the NSA.
- ❖ The Panel suggest that the reports could better reflect the investigations made in relation to human factors and SMS.
- ❖ The Panel suggests that the NIB give consideration to present the summary of testimonies in the reports as a collection of only the relevant statements, avoiding repetition of information and only associating them to their authors when strictly relevant to the

investigation, so as to reinforce anonymity.

- ❖ The Panel suggests that the NIB continues to pursue investigation trainings offered by other Investigation Bodies and the Agency.

Additional comments by the Panel (if any).

- The Panel considered useful the initial presentation that the NIB provided regarding the railway sector in the country and will integrate this learning in the peer-review handbook.
- The Panel would like to thank the NIB for participating in the peer-review very openly and for the courtesy with which it was received.

PART 3 – COMMENTS FROM NIB

Comments by the NIB (if any).

- Minor corrections to factual information were provided separately.
- No other comments provided.