



EUROPEAN RAILWAY AGENCY			
Joint Network Secretariat Urgent Procedure			
Document ID: ERA/GUI/05-2014/SAF			
Document type:	Process Document, Procedure, Guide	Classification:	Extranet
Origin:	ERA	Activity Based Item:	Agency Management

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Document history		
Version	Date	Comments
0.1	28/01/2013	First draft after written consultation of the NSAs and NIBs Networks, the NRB and the first Task Force meeting
0.2 -0.4	07/02/2013	ERA internal discussions
0.5	03/04/2013	comments from TF members
0.6	24/04/2013	after 2 nd Task Force meeting
0.7-8	30/05/2013	after ERA internal consultation
0.9-1.0	29/07/2013	after 3 rd Task Force meeting
1.1	30/10/2013	Changes introduced for the QRP to be one of the JNS procedure
1.2	31/08/2014	Comments from NRB and NSA Network and JNS members introduced
1.3	30/09/2014	Approval by JNS Core Panel Members
1.4	30/11/2014	Final version

PURPOSE	When the notification is admissible, the purpose is to deliver an advice on an action plan defining voluntary, short term, practicable and harmonised operational response at EU level.
SCOPE	This procedure applies to all documented and factual notifications (safety issues) asking for a quick response to identified or potential risks. The procedure does not change the responsibilities laid on stakeholders or authorities by the EU legislation.
PPROCESS OWNER	Head of Safety Unit
PROCESS CUSTOMERS	Networks of National Safety Authorities and of National Investigation Bodies, Network of Representative Bodies, National Safety Authorities, National Investigation Bodies, Representative Bodies, Railway Undertakings, Infrastructure Managers, Keepers, ECM, Manufacturers and other Railway Actors.
PROCESS INPUT	Documented request based on factual evidence addressed to the Panel by any process customer.
PROCESS OUTPUT	<ol style="list-style-type: none"> 1. Advice on the admissibility of the notification by the Panel When the notification is admissible <ol style="list-style-type: none"> 2. Proposal for action plan by the JNS Urgent Procedure Task Force 3. Advice by the Panel on an action plan
PROCESS CONSTRAINTS	<p>The total length of the procedure is limited in time. It takes place from the notification until the proposal to take measures.</p> <p>The Panel forms its advice on the admissibility of the notification within 5 working days after it has received the notification and all the needed information.</p> <p>The Panel checks that the definition of the action plan is finalised as soon as possible and within up to 2 months after the Panel has received the notification and all the needed information. Exceptionally and on unanimous proposal by the Joint Network Secretariat Urgent Procedure Task Force members, the deadline of 2 months may be extended to 1 or 2 additional months, if the Panel agrees.</p>
LEGAL BASIS	see JNS Overarching Rules Document
PERFORMANCE INDICATORS	<ol style="list-style-type: none"> 1. effective filter of the notifications 2. timely issue of <ul style="list-style-type: none"> - advices on admissibility of notifications by the panel - proposal for action plan by the Task Force - advice on action plan by the Panel
RELATED DOCUMENTS	Agency Regulation Railway Safety Directive Interoperability Directive JNS Overarching Rules document JNS Normal procedure
ENABLERS	correct implementation of the Joint Network Secretariat Urgent Procedure request submission template, correct implementation of the Panel advice form, voluntary participation of all the interested stakeholders, factual and transparent communication and decision making, sufficient resources within the Agency in term of budget, staff and competences.

In addition to the general risks identified by the Overarching Rules Document the following risks specific to the Joint Network Secretariat Urgent Procedure have been identified:

GENERAL PROCESS RISK		
IDENTIFIED RISK	RISK LEVEL	MITIGATION PLAN
High number of notifications for Joint Network Secretariat Urgent Procedure are introduced	High	The Panel exercises a systematic filtering of the notifications, learns from doing, gives feedbacks to customers and evaluates the JNS Urgent Procedure.
Panel may not receive all the appropriate information.	High	The Panel can request to have more detailed information or to hear concerned parties.
Notifications are not considered in due time	Medium	The Panel is composed of full members and deputies. One of the selection criteria to be a member of the panel is availability.
Stakeholders use the JNS Urgent Procedure as an excuse for not endorsing their responsibilities	Medium	Clear definition of the scope of the JNS Urgent Procedure. Communicate on the fact that the procedure is a support and does not change the responsibilities set on stakeholders (Art 4 of the RSD in particular).
The concerned NIBs perceive(s) the JNS Urgent Procedure as interfering in its/their technical investigation.	Medium	The concerned NIBs are involved from the beginning in the JNS Urgent Procedure. However they are not obliged to participate in the procedure or in the decisions.
Political pressure	Medium	Decisions are based on facts and on the analysis of the level of potential impacts on the safety risks for the system.

I. DEFINITIONS AND ABBREVIATIONS

See Joint Network Secretariat Overarching Rules Document for more details.

II.A. Joint Network Secretariat Urgent Procedure FLOW CHARTS

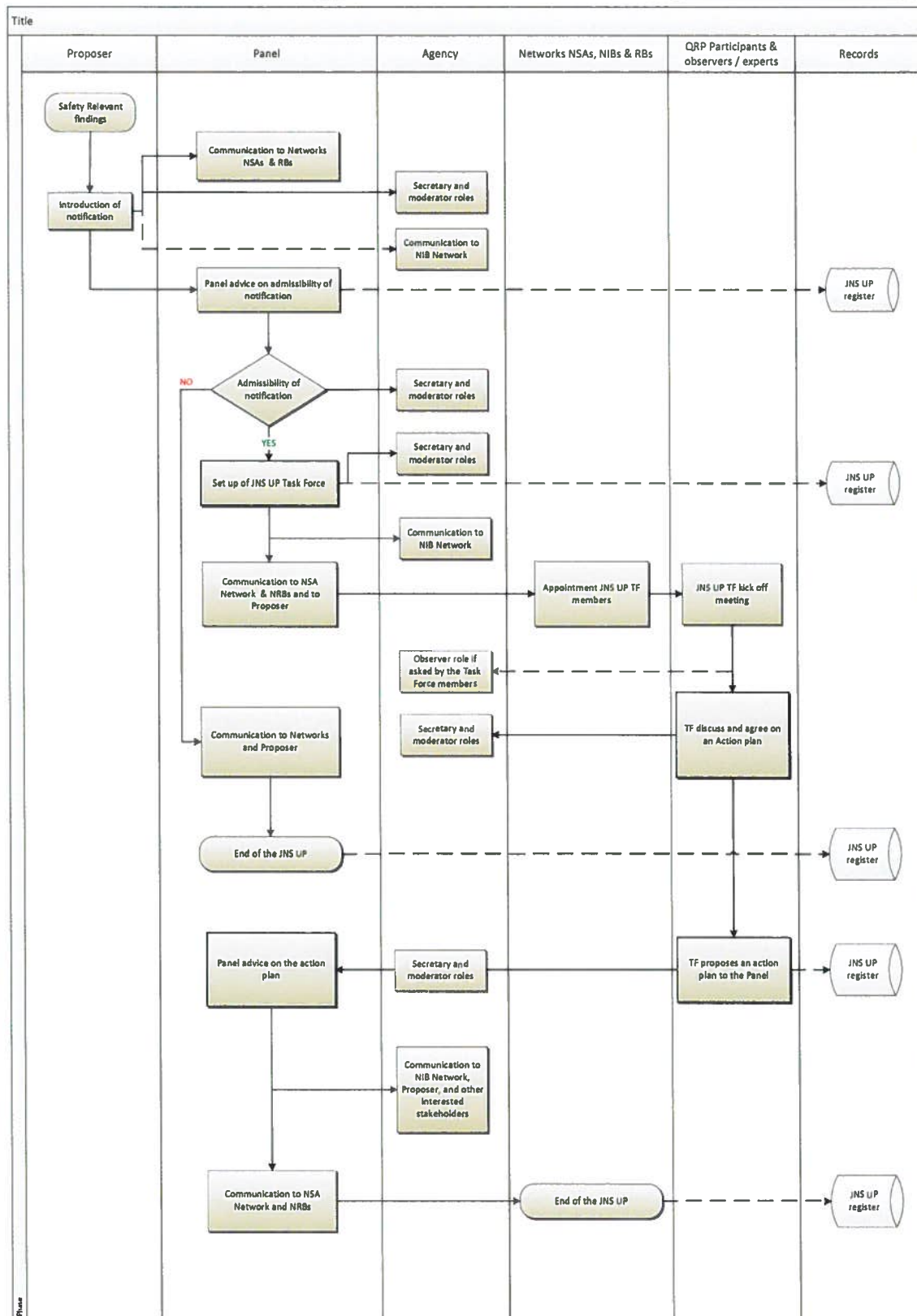


Figure 1. Flow chart describing the JNS Urgent Procedure and identifying roles and responsibilities

Legend

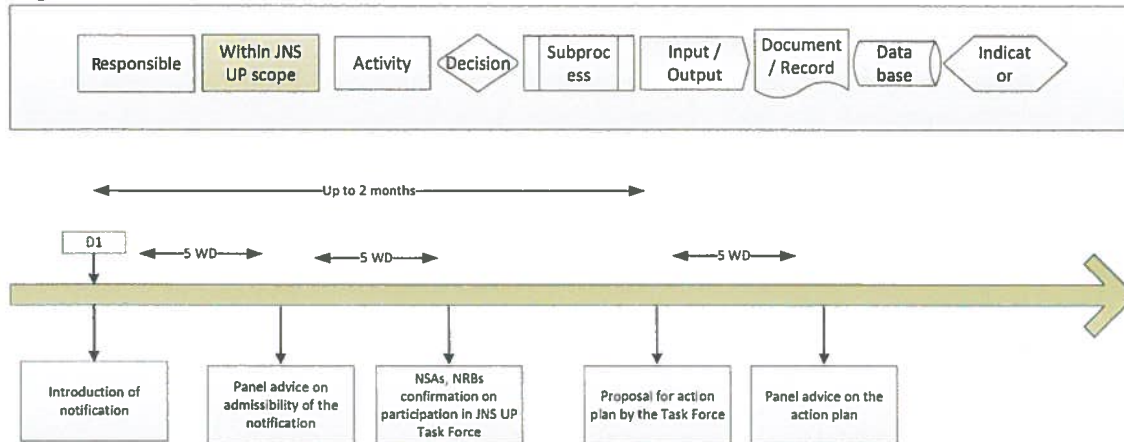


Figure 2. Flow chart describing the JNS Urgent Procedure time line

In case the deadline of the Task Force for defining an action plan is extended, the Panel advice will be extended with the same period of time.

II.B. DESCRIPTION

II.B.1 Roles, responsibilities and composition of the related bodies and the Panel for the Joint Network Secretariat (Urgent and Normal Procedure)

In addition to the roles and responsibilities described in the Joint Network Secretariat Overarching Rules Document, the following specific roles and responsibilities shall apply:

The Agency is involved in the Panel as described in the Overarching Rules Document.

A staff member of the Agency ensures the role of the Secretariat of the Panel

- providing administrative support (drafting agendas, minutes of meetings, etc.),
- organizing meetings when these are asked by the Panel members. Panel meetings can take place in the Agency premises. JNS Panel meetings for JNS Urgent and Normal Procedures are reimbursed.
- facilitating the setting up of the JNS Urgent Procedure Task Forces (sending invitations, drafting agendas and minutes of meetings, etc.),
- communicating with the NIB Network, the Proposer of the request and the Commission as described in point II.B.7.7.
- keeping the records of the outputs as described in the point II.B.3.8.
- facilitating the follow up and the monitoring of the action plan by the Panel as described in point II.B.4.

Another staff member of the Agency ensures the role of the chairman (moderator) of the Panel

- Facilitating the discussions between the Panel members and the emergence of the Panel outputs: advice on the admissibility of the notification and advice on the action plan.
- Explaining and clarifying the European Regulatory framework and its application.

The Agency plays the same role in the JNS Urgent Procedure Task Force.

In addition; Agency staff members may be observer in the JNS Urgent Procedure Task Force if the Task Force asks for it. In this case Agency they are not members of the Task Force. Their role is limited to providing technical expertise and explaining the EU regulatory framework.

The JNS Urgent Procedure Task Force is a specific Task Force set up when a notification is considered by the Panel admissible. The Task Force may be set up on an ad hoc basis depending on each specific request. It is composed of the members of the Task Force and of the observers. To ensure the efficiency of the Task Force, the total number of members and observers should be limited (about 10).

The Members in the JNS Urgent Procedure Task Force are the persons / bodies / organisations that the Panel has recommended to participate and in addition those from the NSAs Network and the Network of NRBs. The members are responsible to collectively agree on the proposal for an action plan. The lists of participants in the Task Force are suggested by the Panel based on the suggestions made by the Proposer.

In addition, the NRBs and the NSAs and the NIB Networks are informed about the request of JNS Urgent Procedure and the suggestion of the Panel on this request. The Panel members inform the NSA Network and the NRB Network.

Organisations / bodies that are part of the Networks are responsible to answer within 10 working days to confirm the Panel suggestion to involve them either as participating organisations / bodies (NSAs, NRBs) or as observers (NIBs). Organisations / Bodies which are part of the Networks can also ask to be involved in the JNS Urgent Procedure provided they answer within the set deadline.

The observers in the JNS Urgent Procedure Task Force are technical experts that the Proposer and the Panel have recommended to participate.

Observers can be staff from the NIBs involved in the investigation of a specific occurrence which is linked with the request. They may report to the participants in the Task Force on their knowledge of the safety relevant findings since these are/will be investigated. They may also report their knowledge from other investigations.

In addition, other observers can be involved in the procedure depending on the needs of some specific expertise. The involvement of additional expertise can be asked by the participants in the JNS Urgent Procedure Task Force on a case by case basis depending on the needs. Agency staff members may play the role of experts. These experts are not participants in the JNS Urgent Procedure Task Force but observers.

The role of the observers is to give technical information such as findings from accidents investigations to the participants and to support the participants in defining the suggested actions.

II.B.2. Scope of the JNS Urgent Procedure

The notified issue is admissible if all **following conditions are fulfilled:**

- The reported issue concerns more than one country¹ or actors active on more than one country.

¹ "Country" covers the countries that are members to the Agency Administrative Board and Switzerland when there is an EU-Switzerland Agreement on the field on Railway Safety and Interoperability that will make the participation of Switzerland in the Agency work possible.

- There is a need for an urgent and harmonised operational reaction at the European level since the reported fact(s) can have a high effect at the system level.
- It is likely that the immediate measures taken by the actors involved in the event will not mitigate or avoid the considered risk within a short period of time.
- The correct implementation of EU law does not allow acting efficiently on the reported issue within a short time period.
- There are enough information and knowledge available to define an action plan².
- It is likely that the proposed actions will mitigate or avoid the considered risk within a short period of time. Actions producing a significant effect only after a long period of time (long term actions) are out of the scope of the procedure. For these, other existing processes can be applied such as the JNS Normal Procedure.

The scope of the JNS Urgent Procedure is defined in details through the filtering questions (listed in Annex 2).

The JNS Urgent Procedure is without prejudice to the immediate measures taken by the responsible stakeholders to ensure the safe operations. Such immediate measures may take place even before the JNS Urgent Procedure starts.

II.B.3. Flow of the procedure

II.B.3.1. How to notify issues

The Proposer notifies an issue to the Panel using the *JNS Urgent Procedure Notification* template³ via a functional mailbox: JNS@era.europa.eu.

In particular, the notification includes:

- contact details of the Proposer,
- a factual and detailed description of the safety related findings triggering the introduction of the notification if possible including the suspected/potential causes,
- a description of the reasons why the request is introduced as an urgent action,
- the identification of the impacts and the risks of the reported facts have on the railway system: safety (fatalities, injuries...), financial (infrastructure and rolling stock damages, operation disruptions...), environmental and/or other societal impacts,
- the description of the immediate measures that have already been implemented to mitigate the risks,
- justified / evidenced answers to the set of the filtering questions Q 1 to Q 5,
- a rapid risk analysis,
- a description of what are the Proposer's expectations concerning the potential outcomes of the JNS Urgent Procedure,
- a list of the bodies / organisations that should be involved (members and observers) as temporary members in the panel and/or in the JNS Urgent Procedure Task Force.

² The aim of this criterion is to avoid that JNS Urgent Procedure is admissible in cases where long research/survey would be necessary to define an efficient action plan. Such cases would be better addressed via other existing processes (long term actions).

³ See template *JNS Urgent Procedure Notification* in Annex 1.

II.B.3.2. How to filter notifications

Who applies the filter?

The Panel receives the request introduced by the Proposer.

In addition to the JNS Core Panel members, temporary members can be added depending on the notification to be considered. JNS Core Panel members based on the pool of possible temporary members decide within 2 working days which temporary members should be part of the Panel.

The Panel filters each notification and gives an advice on the admissibility of the JNS Urgent Procedure in accordance with its scope and criteria.

How is the filter made?

The Panel gives its advice on the admissibility of the notification by answering to the Filtering Questions⁴ using all the information provided by the Proposer and giving a grounded answer to each question. The JNS Urgent Procedure can be activated when all the questions are answered positively.

In case the notification is considered as not admissible by the Panel, the Panel may suggest addressing the issue at another level (e.g. issue that may be addressed at the local operational level, issue that may be addressed through the Joint Network Secretariat, etc.).

II.B.3.3. Advice of the Panel on the admissibility of the request

The Panel gives its advice within 10 working days by using the template *Panel advice on the admissibility of the JNS Urgent Procedure notification*⁵.

The Panel advice is not legally binding. The Panel gives its advice:

- indicating whether the notification is admissible or not,
- giving its detailed answers to the questions listed in the dedicated template,
- listing the stakeholders that should participate in the JNS Urgent Procedure Task Force based on the suggestions made by the Proposer,
- Indicating whether the Proposer should be involved or not in the JNS Urgent Procedure Task Force,
- Suggesting the key issues and questions to be considered by the JNS Urgent Procedure Task Force on the notification.

II.B.3.4. Setting up of the ad hoc JNS Urgent Procedure Task Force

When the notification is admissible, the Panel sets up the JNS Urgent Procedure Task Force for the detailed examination of the notification.

Depending on what is the most appropriate for each case, the Panel makes suggestions on the organization of the JNS Urgent Procedure Task Force. The Panel gathers the requests for involvement received from the Representative Bodies and the NSAs. If the NIBs are part of the Panel, it is done in the same way for NIBs. If NIBs are not part of the Panel, the Agency provides its support. The Panel establishes the list of members and observers on that basis.

⁴ See template *Panel advice on the admissibility of the JNS Urgent Procedure notification* in Annex 2.

⁵ See Template – *Panel advice on the admissibility of the JNS Urgent Procedure notification* in Annex 2.

The ad hoc JNS Urgent Procedure Task Force establishes its work plan and deadlines, the means / ways of communication, the number of meetings and sets the agenda in order to answer as quick and as accurately as possible to the key issues and questions raised by the Panel.

The ad hoc JNS Urgent Procedure Task Force considers, where appropriate, other issues and questions than those suggested by the Panel.

II.B.3.5. Ad hoc JNS Urgent Procedure Task Force – Drafting the proposal for action plan

The suggested actions to be taken as the outcome of the ad hoc JNS Urgent Procedure Task Force are agreed collectively by consensus by the participants in the ad hoc JNS Urgent Procedure Task Force. The JNS Urgent Procedure Task Force makes its proposal for action plan by the date set by itself as soon as possible but not later than two months after the reception of the JNS Urgent Procedure request by the Panel. Exceptionally and if proposed unanimously by the JNS Urgent Procedure Task Force members, the deadline of 2 months may be extended to 1 or 2 additional months, if the Panel agrees.

The grounds / motivations for suggested actions are described, as well as the expected impact of the proposed action on the risks having motivated the request for a JNS Urgent Procedure.

The JNS Urgent Procedure Task Force proposes for each case whether the outcomes of the JNS Urgent Procedure should be made available to the public depending on the case.

The suggested action plan is presented in the template – Outcome of the JNS Urgent Procedure response – proposal for action plan⁶.

The proposed action plan is submitted to the Panel.

The outcome of the ad hoc JNS Urgent Procedure Task Force of the request is to propose an **action plan** consisting in short term actions that have an effect on the problem within a short period of time.

The monitoring of the action plan is out of the scope of the JNS Urgent Procedure. (see point II.B.4).

The criteria for the types of actions included in the action plan are the followings:

- measures proportionate to the needs, risks and targets,
- feasible measures taking into account the competitiveness of railway transport mode,
- measures mitigating and / or solving the notified safety relevant findings within a short time period,
- measures that do not create disproportionate side effects on the railway system (safety, interoperability and opening of the market),
- voluntary measures,
- the definition of the action plan takes into account an estimation of the effect of the plan in reducing the targeted risk(s).

II.B.3.6. Panel – Giving its advice on the proposed action plan

The Panel gives an advice on the action plan proposed by the JNS Urgent Procedure Task Force:

- It suggests short term actions.

⁶ See template Outcome of the JNS Urgent Procedure – proposal for action plan in Annex 3.

- It assesses whether the suggested actions are voluntary.
- It suggests whether the suggested actions should be made public or not.
- It suggests how to collect information and feedbacks on the actual effectiveness of their implementation.

The JNS Urgent Procedure Task Force proposals for action plan are addressed to the Panel that considers them and on this basis forms its own advice within 5 working days. The Panel checks that the JNS Urgent Procedure Task Force proposal for action plan matches the criteria for the types of actions to be adopted (see point II.B.3.5).

The Panel communicates its advice on the action plan to the Proposer, the NSA Network, the Network of Representative Bodies and the NIBs Network.

II.B.3.7. Communication

For communication the following rules apply:

on the introduction of a request

The Panel members inform their respective Networks by email (the NSA Network and the Network of Representative Bodies) of all the received notifications. In case NIBs are part of the Panel, the same applies for the NIB Network. If NIBs are not of the Panel, the Agency, via its usual contact point, informs the NIB Network.

Such information is confidential, that is to say restricted to the organisations / bodies members of the Networks.

The Secretary of the JNS Panel informs the Commission.

on the activation of the procedure

The Panel members inform their respective Networks by email (the NSA Network and the Network of Representative Bodies) of all the received notifications. In case NIBs are part of the panel, the same applies for the NIB Network. If NIBs are not of the panel, the Agency, via its usual contact point, informs the NIB Network.

The Panel informs the Proposer.

The Secretary of the Panel informs the Commission.

on JNS Urgent Procedure Task Force proposal for action plan

All information and discussions are confidential, i.e. restricted to the Panel, the JNS Urgent Procedure Task Force and their respective Networks and the relevant Agency staff members.

on Panel proposal advice on the action plan

The Panel members inform their respective Networks (the NSA Network and the Network of Representative Bodies) of the outcomes of the JNS Urgent Procedure. In case NIBs are part of the panel, the same applies for the NIB Network. If NIBs are not of the panel, the Agency, via its usual contact point, informs the NIB Network.

The Panel informs the Proposer.

The secretary of the Panel informs the Commission.

II.B.3.8. Recording

The secretary of the Panel keeps records of:

- All introduced notifications Panel advice on the admissibility of the notifications
- JNS Urgent Procedure Task Force proposal for action plan
- Panel advice on the action plan

II.B.4. Follow up and monitoring of the action plan

This recorded information is used for the return of experience and further improvement. The monitoring and follow-up actions are not in the scope of the JNS Urgent Procedure as such (since the JNS Urgent Procedure is launched on an ad hoc basis).

On request of the JNS Urgent Procedure Task Force or on its own initiative, the Panel follows up of the JNS Urgent Procedure action plan implementation if the initial action plan needs to be reviewed or if the initial notification needs to be amended following new facts/information.

III. TEMPLATES / FORMS

- Template – *JNS Urgent Procedure notification* (Annex 1)
- Template – *Panel advice on the admissibility of the notification for a JNS Urgent Procedure* (Annex 2)
- Template - *Outcome of the JNS Urgent Procedure – Panel advice on the action plan suggested by the JNS Urgent Procedure Task Force* (Annex 3)

IV. RECORDS AND OTHER OUTPUTS

RECORD NAME	STORAGE RESPONSIBLE	STORAGE LOCATION	MINIMUM RETENTION TIME
Notification	Panel Secretariat	Agency server Agency extranet when relevant	5 years
Panel advice on the admissibility of the notification	Panel Secretariat	Agency server Agency extranet when relevant	5 years
Outcome of the JNS Urgent Procedure – Panel advice on action plan	Panel Secretariat	Agency server Agency extranet when relevant	5 years

Annex 1. Template – JNS Urgent Procedure notification

JNS Urgent Procedure notification form		
1.	Proposer Name of the organisation / body	
2.	Contact Name and contact details	
3.	Describe the safety relevant findings triggering the introduction of the request, including the description of suspected/potential causes. Factual description	
4.	Describe the immediate measures that have been implemented to mitigate the risk.	
5.	Describe the reasons why the notification is introduced as an urgent action	
6.	Identify the risks (severity / frequency) the reported facts have on the railway system: safety (fatalities, injuries...), financial (infrastructure and rolling stock damages, operation disruptions...), environmental and other societal impacts Provide a rapid risk analysis.	
7.	Please give detailed and motivated / grounded answers to the set of the filtering questions In your view,....	
	Q1	Does the request contain sufficient information?
		Do the reported facts concern a new risk, unknown until now or on which there is hardly any knowledge?
		Is there sufficient knowledge / information on the problem to immediately define effective action(s)?
	Q2	Do the reported fact(s) involve/concern/are of interest for more than one country? Do the reported fact(s) involve/concern/are of interest for actors active on more than one country?

	<p>Q3</p> <p>Is the risk high? (<i>risk = severity X frequency</i>). It can be either qualitative or quantitative risk analysis.</p> <p>Can the reported fact(s) have a high safety risk on several stakeholders from different countries?</p>	
	<p>Q4</p> <p>Would the foreseen immediate / short term action(s) suggested via this procedure have an effect on the problem within a short period of time?</p>	
	<p>Q5</p> <p>Is it likely that the immediate measures taken by the involved actors will not mitigate or avoid the considered risk within a short time period? (If such measures are sufficient, the JNS Urgent Procedure is not applicable. If these are not sufficient, the JNS Normal Procedure can be applicable).</p> <p>The correct implementation of EU law does not allow acting efficiently on the reported issue within a short time period. (Prima facie check).</p>	
8.	<p>What are the expected outcomes of the JNS Urgent Procedure? Suggest specific topics and deadlines</p>	
9.	<p>List the bodies / organisations that should be involved in the JNS Urgent Procedure(as Panel temporary members and / or as members of the JNS Urgent Procedure Task Force)</p>	
10.	<p>Supporting documents if needed</p>	

Annex 2. Template – Panel advice on the admissibility of the JNS Urgent Procedure notification

Panel advice on the admissibility of the JNS Urgent Procedure notification			
1.	Reference of the notification		
2.	Panel advice on the admissibility of the urgent procedure on the notification (indicate yes or no)		
3.	Provide detailed and grounded / motivated answers to the following questions A favourable answer to all the following questions is required to activate the JNS Urgent Procedure		
Q1	Does the request contain sufficient information?		
	Do the reported facts concern a known risk on which there is sufficient knowledge?		
	Is there sufficient knowledge / information on the problem to immediately define effective action(s)?		
	Q2	Do the reported fact(s) involve/concern/are of interest for more than one country? Do the reported fact(s) involve/concern/are of interest for actors active on more than one country?	
	Q3	Is the risk high? The level of risk corresponds to the severity multiplied by the frequency. It can be either qualitative or quantitative risk analysis. Can the reported fact(s) have a high safety risk on several stakeholders from different countries?	
Q4	Would the foreseen immediate / short term action(s) suggested via this procedure have an effect on the problem within a short period of time?		
Q5	Is it likely that the immediate		

	<p>measures taken by the involved actors will not mitigate or avoid the considered risk within a short time period? (If such measures are sufficient, the JNS Urgent Procedure is not applicable. If these are not sufficient, the JNS Urgent Procedure can be applicable).</p>	
	<p>The correct implementation of EU law does not allow acting efficiently on the reported issue within a short time period. (Prima facie check).</p>	
4.	<p>List the stakeholders that should participate in the JNS Urgent Procedure and proposes their level of involvement (as Panel temporary members and / or as members of the JNS Urgent Procedure Task Force, during the complete JNS Urgent Procedure or limited to some identified cases).</p>	
5.	<p>Should the Proposer be involved in the procedure? If yes, to what extent (during the complete JNS Urgent Procedure or limited to some identified cases)?</p>	
6.	<p>Key issues to be considered by the JNS Urgent Procedure Task Force</p>	
7.	<p>Deadline for the JNS Task Force to suggest an action plan to the Panel</p>	

Annex 3. Template - Outcome of the JNS Urgent Procedure – Panel advice on the action plan suggested by the JNS Urgent Procedure Task Force

<u>Panel advice on the action plan suggested by the JNS Urgent Procedure Task Force</u>		
1.	Reference of the notification	
2.	Reference of the Panel advice on the admissibility of the notification	
3.	Suggested action plan by the ad hoc JNS Urgent Procedure Task Force	
4.	Description of the suggested short term actions Indicate the timetable and the bodies / organisations responsible for their adoption	
5.	Do these suggested actions meet the criteria listed in the procedure (point II.B.3.5.)? (Yes/No and ground / reasons for answer)	
6.	Description of the action plan advised by the Panel	
7.	Suggestions on how to collect information and feedbacks of the suggested measures	