

Remarks by NL for discussion in the iWG on the Accident reporting form, February 2020.

The meaning of this paper is to contribute to the discussions in the iWG. The point of view of the Netherlands is and remains that the purpose of section 1.8.5 is above all meant for gathering information to learn from accidents/incidents.

Agenda item 2

We are wondering what the rationality is behind not mentioning of the 'packer' and the 'consignor' in the redrafted accident reports ADR/RID/ADN?

In this respect we would like to discuss whether section 1.8.5.1 should be adjusted in a way that all the participants according to RID/ADR/ADN have the obligation or have the possibility to make a report in accordance with section 1.8.5?

Agenda item 4 ToR (Terms of Reference stated in INF.31/Rev.1)

ToR (a): Clarify the purpose of reporting information on accident, and identify the use of the reported information

The purpose of section 1.8.5 is for gathering information to learn from accidents/ incidents through:

- Reporting of incidents through a clear reporting form or system;
- Doing further investigations and analyze information to learn from accidents;
- Sharing information on UN ECE and OTIF websites by the Competent Authorities.

However, in our opinion learning from accidents does also include learning from near accidents or from repeated accidents of a serious nature.

To gather as much information as possible, all accidents (inclusive near accidents and repeated accidents) should be reported to the Competent Authority. To this purpose the reporting form is just a tool for the receipt of all accidents and such a form should be as low profile as possible in order to keep the administrative burden for the industry as minimal as possible. In our opinion this means that the accident form at all times should reflect a proper distinction between which information is asked based on what is 'nice-to-know' or 'need-to-know'.

For discussion by the WG:

- Should section 1.8.5 contain an introducing heading explaining the purpose of accident reporting?
- When does the reporting form reflect the proper distinction between what is 'nice-to-know' and 'need-to-know', knowing that the industry or companies will be very reluctant to share company sensitive information.
- We propose to adjust subsection 1.8.5.1 and replace the word "serious" before the words "accident or incident" with the words "(a nearly or repeated or serious)". With this also near or repeated accidents/incidents must be reported to the Competent Authority. The rationality behind this is that causes of near and repeated accidents/incidents provides also a lot of information which can lead to opportunities for learning.
The WG should discuss what could be the proper definitions for what is considered to be a near, repeated or serious accident/incident. This way the terms and definitions are the same for all the Contracting Parties.
- Should there be a good definition of what is meant by nearly or repeated accidents/incidents? Definitions for 'near accidents/incidents' could be derived from occupation regulations or from Seveso directives?
The exact texts could be drafted by the WG.
- Remove "if necessary" from subsection 1.8.5.2. It should be up to a Competent Authority whether an (near and repeated or serious) accident/incident report is to be shared with the Contracting Parties. The renewed text for this subsection could be drafted by the WG.

ToR (b) Clarify the participants responsible for sending the report and/or complementary information

We wonder what the unclarity here really is? Is it necessary to discuss this, as we think this should be clear enough because of the responsibilities mentioned in Chapter 1.4 of ADR/RID/ADN? We don't have an issue with this. So, we think we should leave it as it is.

ToR (e) Propose measures to facilitate the collection of the report by CA's and transmission of relevant information to UN and OTIF secretariat

NL is of the opinion that prescribing measures on this issue might interfere with the sovereignty of a Contracting Party. What could be done here is drawing up guidelines containing a procedure or options on how to deal with this??

ToR (h) Take into account the relevant IT tools, including the coordination with the development of Common Occurrence Reporting system (COR)

In NL we have an dedicated reporting and information centre in place. This is digitally available for anyone and offers a possibility for uploading a digitalized accident form.

For us this offers a possibility to gather information, analyze it and send it to and share it with interested parties.

We would like to discuss what the added value in this respect should be regarding the coordination with the COR. We think that the baseline in this all is gathering information from accidents/incidents (in a low profile manner as possible) for learning purposes and that every information delivered by the industry concerned shall be dealt with very carefully.