

Oliver Stewart
RAIB Recommendation Handling Manager



12 January 2023

Mr Andy Lewis
Deputy Chief Inspector of Rail Accidents
Cullen House
Berkshire Copse Rd
Aldershot
Hampshire GU11 2HP

Dear Andy,

RAIB Report: Derailment of a freight train at Llangennech, Carmarthenshire on 26 August 2020

I write to report¹ on the consideration given and action taken in respect of the recommendations addressed to ORR in the above report, published on 13 January 2022.

The annex to this letter provides details of actions taken in response to the recommendations and the status decided by ORR. The status of recommendations 1, 2, 6, 7, 8 & 9 is '**Progressing**'. The status of recommendations 3 & 4 is '**Insufficient response**'. RAIB addressed recommendation 5 directly to BELAC, the Belgium National Accreditation Body.

ORR will advise RAIB when further information is available regarding actions being taken to address these recommendations.

We will publish this response on the ORR website on 13 January 2023.

Yours sincerely,

Oliver Stewart

¹ In accordance with Regulation 12(2)(b) of the Railways (Accident Investigation and Reporting) Regulations 2005

Proposed response to RAIB

Initial consideration by ORR

1. Recommendations 1-4 and 6-9 were addressed to ORR when the report was published on 13 January 2022. RAIB addressed recommendation 5 direct to BELAC, the Belgium National Accreditation Body.
2. After considering the recommendations ORR passed recommendations 1&2 to Touax; recommendation 2 to DB Cargo Maintenance; recommendation 3 to Arlington Fleet Services; recommendation 4 to Wabtec; recommendation 6&8 to RSSB; and recommendation 7 to Network Rail, asking them to consider and where appropriate act upon them and advise ORR of its conclusions. The consideration given to each recommendation is included below.
3. This annex identifies the correspondence with end implementers on which ORR's decision has been based.

Recommendation 1

The intent of this recommendation is for Touax to validate, and where necessary improve, the way it manages the risk associated with its maintenance responsibilities for freight wagons operating in the United Kingdom.

Touax should commission an independent review of the actions it has taken to improve its management of maintenance following the accident at Llangennech and assess their completeness and effectiveness. In particular, this review should address:

- a. the effectiveness of the processes that have been put in place to ensure that safety critical systems and components are fully and correctly maintained by those contracted to do so;
- b. the appropriateness of current instructions concerning the inspection, maintenance, removal and reattachment of safety critical components;
- c. the traceability of safety critical components;
- d. its processes for learning from the experience of its own people and other maintainers;
- e. the dissemination of safety critical information including the reporting of dragging brake events and similar irregularities affecting the safety of its freight wagons; and
- f. the extent to which its staff understand their maintenance responsibilities and are competent to perform them.

The findings of the review should be fully assessed and implemented

to the extent necessary to reduce the risk of accidents linked to the condition of wagons.

ORR decision

4. Touax has undertaken a series of measures aimed at improving management of maintenance, as set out in its response to the recommendation. The actions are also subject to review as part of the ECM recertification process Touax is currently undergoing.

5. Having met with Touax in December 2022, we are satisfied with the progress being made to address this recommendation. We will ask Touax to provide a progress update later this year once the new procedures are in place.

6. After reviewing the information provided ORR has concluded that, in accordance with the Railways (Accident Investigation and Reporting) Regulations 2005, Touax has:

- taken the recommendation into consideration; and
- is taking action to implement it

Status: Progressing. ORR will advise RAIB when further information is available regarding actions being taken to address this recommendation.

Information in support of ORR decision

7. On 28 October 2022 Touax provided the following initial response:

***Rec 1 a** - As required by ECM 779/2019 Touax have completed a risk assessment to identify Safety Critical Components (SCC). The RA is based on the industry guidance from UIP and on the definition of safety critical components found in Commission Regulation (EU) No 1302/2014 "Safety critical components are components for which a single failure has a credible potential to lead directly to a serious accident". This is the only available definition of Safety Critical Components referring to freight wagons.*

A review of this risk assessment has taken place and in addition to the UIP guidance the recommendation of "Rail Wagon Associations working group into SCC" was also considered. The result of this review is that the RA maintains that only wheels and axles are classed as SCC. however, components that have an impact on safety but would not directly lead to a serious accident has been classed as safety relevant components (SRC).

Air brake components are classed as SRC as they cannot lead directly to a to an accident but are part of a series of events that can lead to a serious accident.

Touax maintenance documents have been updated and distributed to provide traceability of the SRC. Documents and necessary IT tools for SCC are already in place.

Updates have also been applied to the audit regime to better survey our maintenance providers that carry out work on SCC and SRC.

Further actions are dependant of the external review and the outcome of recommendations 2 and 3.

Rec 1 b - *Since the incident the maintenance specification for the TEA tank wagons has been updated to provide detailed instructions on the attachment of the C3W distributor and relay valve.*

New requirements have been added to record serial numbers of air brake equipment as they have been classed as SRC when exchanged, this applies to all Touax operated wagons not just the tanks. Toaux wagons with the similar design components are also going through an update to include the same level of detail for SRC.

There is an ongoing project to record these details for all wagons (UK and EU) within the Touax asset management system to provide traceability of SRC.

This recording of details on the maintenance documentation is supported by the audit process.

Further actions are dependant of the external review.

Rec 1 c - *Following the definition of SCC only wheelsets require full traceability we have updated our processes to provide traceability to SRC. Updated maintenance specification's requires maintenance providers to report serial numbers of SRC within brake system at exchange.*

As Wheelsets are classed as a SCC, traceability is one of Touax safety indicators for many years. Serial numbers of wheelsets are recorded at maintenance events and at exchange. This is then entered into our asset management system. We also track repairs/overhauls to each wheelset which is done in a similar manner, records are completed by the workshop and then entered into our system. In addition we have an ongoing project of automated data transmission from wheelset maintenance providers.

SRC components are also traced to a similar level. Components serial numbers are recorded at exchange, at maintenance and on overhaul / repair orders.

Further actions are dependant of the external review

Rec 1 d - *Touax quality management documents Tech 14 for the exchange of information and Tech 15 incident report have been updated to include the Safety Engineer UK/EU (SE) and that the SE is responsible for ensuring that information relevant to Touax/third party incidents are actioned accordingly. Previously all EU and UK exchanges and incident management went through the Maintenance Safety Manager and didn't include some UK specific exchanges.*

Summary sources of information, Network Rail National Operations Control, NIR, Gotcha, RAIB, third party maintenance providers used to provide maintenance function 4, TOPS, SAIT, NSA's, RU/FOC, other ECM's, professional Associations (RWA, FTC etc), Infrastructure managers and our customers.

These updates provide detail on how Touax exchange information. Depending on the content of these communications we will register that we have received it and what actions are required. It is only recorded when the information influences safety or is related to a Touax vehicle type (regardless of whether the vehicle in question is owned/leased by Touax).

Meetings are held weekly and quarterly to review information and incidents where knowledge and experience can be shared.

If an individual or group show a need / desire to learn more about a particular subject or system, trainings are arranged internally / externally. This can be triggered by employee annual competence review, weekly/quarterly meetings or following investigations.

Further actions are dependant of the external review.

Rec 1 e - *Touax is observing (among others) dragging brakes through NIR, NR event log and information given to the fleet managers from the FOC and our customers. Touax asset management system (Kheops) has had additional defect codes created to track and trend when dragging brakes are reported which will be reviewed during the weekly technical meeting for class 5 and during Quarterly Maintenance Reviews for class 4.*

Note: Touax use the codes within the General Contract of Use (GCU) along with some of our own to provide KPI's on wagon safety and performance. The codes are classed 3 – 5 with 5 being the most serious.

General trends for both classes are observed and analysed during Touax Quarterly Maintenance Review.

NB. SMIS is not an exchange tool available for Touax, because we are not an FOC. However, information like this is regularly communicated to fleet management from the FOC, our maintainers and via our process document Tech 14.

Further actions are dependant of the external review and implementation of other recommendations (i.e., access to SMIS)

Rec 1 f - *Since the incident the UK fleet managers have received training on the ECM functions and their roles to play in fulfilling the requirements.*

Trainings are organized on annual basis; last training took place March 2022.

Touax employment process requires staff to have required skillset to fulfil the role in which they are to undertake (Qual 14) which is checked during the interview process. Any deficiencies within this skillset are trained at the start of employment – for which Touax has onboarding process defined. Competence is checked during annual staff reviews where the staff are scored on the aspects required for the role. Staff are also able to request support for subjects they feel weak on, and additional train can be arranged if required. This is supported by the Touax internal audit process and training arranged as required.

Touax Qual 14, documents each roles required skillsets and experience from fleet manager to COO.

External contractors are audited by our Tech 04 process to ensure that all maintenance staff are compliant with Touax instructions, they are applying it correctly and are using staff suitable for the task in hand (competent).

Upon completion of the review any recommendations made will be reviewed and implements as required Details of any changes

Touax make to our processes or documents will be available to the ORR for reference.

In addition to the recommendation's comments Touax have:

- Risk assessed the continued use of the TEA tank wagons. The assessment required all wagons to be stopped and a detailed inspection and brake testing to be carried out.

- Started fitting the wagons with telemetry equipment that will monitor the wagons movements and alert Touax if excessive shocks are put through the wagons.

- Started fitting the wagons with RFID Tags which will allow for wagon identification by wayside monitoring equipment

- Commissioned and completed an independent brake expert to review

- o The Touax brake test procedures and how this is carried out by our maintenance provider.*
- o The design of the brake system fitted to the TEA tank wagon*

- Made changes to the roles and responsibilities of Touax fleet managers and engineers to be support the UK activities. Since 2020 Touax UK specific team responsible for maintenance grew from 3 to 6 full time employees.

- Introduced a new position of Safety Engineer UK (there is also a Safety Engineer EU).

- Mandated that all TEA wagon air brake valves are overhauled to the OEM processes

- Additional site visits and audits to what was planned as part of our annual schedule.

Recommendation 2

The intent of this recommendation is to identify and mitigate the risk associated with the maintenance of safety critical components on freight wagons at Robeston.

Touax Rail, in conjunction with DB Cargo Maintenance, should carry out a task analysis of the processes that are used for the maintenance of fuel tank wagons operating out of Robeston terminal, taking full account

of the risk associated with tasks being completed incorrectly and the working environment at the site. A time-bound plan should be developed for any necessary improvements that are identified.

This recommendation may also apply to other ECMs

ORR decision

8. The responses from Touax and DB Cargo Maintenance address the key points in the recommendation. Touax, as the ECM, and DB Cargo Maintenance as the wagon maintainer, have carried out a review of the maintenance tasks carried out at the Robeston terminal. Touax has identified Q4 2022 for the implementation of any improvements to the process. We will ask Touax for an update once those improvements are in place.

9. After reviewing the information provided ORR has concluded that, in accordance with the Railways (Accident Investigation and Reporting) Regulations 2005, Touax and DB Cargo Maintenance (DBCM) have:

- taken the recommendation into consideration; and
- is taking action to implement it

Status: Progressing. ORR will advise RAIB when further information is available regarding actions being taken to address this recommendation.

Information in support of ORR decision

10. On 28 October 2022 Touax provided the following initial response:

In response to the recommendation Touax have reviewed the data within our asset management system in regard to the maintenance and repair actions carried out by DB Cargo at the Milford Haven facility. The data was shared with DB Cargo.

Meetings were held on site to review the documentation available to staff that carry out repair work.

Together with DBC Maintenance risk analysis has been completed which identifies the repair actions and their consequences if the repair is not completed correctly, the existing controls and where task analysis is needed.

Work is ongoing to with DBC, and we are in progress of compiling OEM recommendations and best practice guidelines to produce task analysis documents which can be issued to other Touax maintenance providers.

Due to the complexity of this task completion date is set for end of Q4 2022.

11. On 28 October 2022 DB Cargo provided the following initial response:

Review, Risk Assessment, Task Analysis and Continuous Improvement

DBCM has reviewed maintenance activities completed on Touax wagons at Robeston and the associated Touax maintenance documents, identifying and enhancing any areas for improvement and identifying action points for Touax. Touax

has issued a number of updates to maintenance documentation (principally by correspondence) and has agreed to implement those changes by way of revised maintenance documentation which gives all parties the opportunity to raise any technical issues on daily/weekly productions calls.

DBCM has instigated several meetings and site visits with Touax to review the maintenance of Touax wagons and review Touax maintenance documents. From these meetings and visits, Touax has completed a review of all maintenance tasks completed on Touax wagons at Robeston and a review of maintenance tasks completed on SCS. As part of this process, Touax collated information from maintenance billing records and maintenance events recorded by Maximo. A comparison of the data noted task-completion and frequency. Touax and DBCM identified eleven tasks/maintenance events. A risk assessment was completed to identify all risks, the existing control measures and any areas for further risk mitigation. From the review of maintenance events, and in conjunction with the work completed by the RWA, Touax (in conjunction with DBCM) has set out the foundations of a RBTA and TBP. We have noted above that DBCM has done all that is practicable in this regard and the remaining actions need to be completed by Touax as the ECM. We understand that Touax will provide further particulars to ORR as to when these actions will be completed. See Reference 1 for more details.

DBCM has engaged with all parties associated with the maintenance of rail vehicles at Robeston and several meetings have been held on site to discuss and further enhance maintenance activities and site facilities.

DBCM has further enhanced communications with Touax to ensure that all daily production issues are resolved in a timely and effective manner and in relation to the sharing of information following incidents involving Touax vehicles (this has also been applied to other ECMs). DBCM has also further ameliorated the control of documentation issued by Touax and the manner in which third-party documentation is received, uploaded, stored and made available to all relevant personnel.

Site Audit

Site audits have been undertaken at Robeston which continue to demonstrate that the site is suitable and sufficient for maintenance to be completed on rail vehicles with an equal focus on continuous development.

Recommendation 3

The intent of this recommendation is to mitigate risks involved in the overhaul of the safety critical components of freight wagons maintained by Arlington Fleet Services Ltd.

Arlington Fleet Services Ltd, in conjunction with Touax Rail, should review and improve its quality management arrangements for maintaining and overhauling safety critical systems and components of wagons at Eastleigh works. This should include completing a task analysis of the processes that are used for undertaking and verifying

the work done in accordance with Touax's work instructions. It should also check that the instructions issued to staff are complete and suitable for the task. A time-bound plan should be developed for the areas of improvement that are identified

ORR decision

12. Arlington Fleet Services Ltd (AFSL) have provided maintenance instructions for the Type ZA1 tank wagon, but it is not clear if this is representative of a wider review of quality management arrangements for maintaining and overhauling safety critical systems and components of wagons at Eastleigh works.

13. We do not consider this response to adequately address the recommendation. We will approach AFSL in due course to discuss how relationships with all ECMs they are contracted to are handled.

14. After reviewing the information provided ORR has concluded that, in accordance with the Railways (Accident Investigation and Reporting) Regulations 2005, Arlington Fleet Services Ltd and Touax Rail have:

- Taken the recommendation into consideration
- But has not provided a sufficient response setting out how it will be delivered.

Status: Insufficient response. ORR will advise RAIB when further information is available regarding actions being taken to address this recommendation.

Information in support of ORR decision

15. On 31 October 2022 Arlington Fleet Group Ltd provided the following response:

In response to your letter, we have implemented a specific instruction for the overhaul of the tank wagons in question which I attach a copy of.



QPP-042-ZA1_102t
Class_A_Tank_Wagon

Within this instruction, we have amended the way in which we review and assess competence and we have implemented the changes presented to us from Touax with regard to the offending pipe bracket. This instruction is the result of a task by task review of Touax's work instructions. Recommendation 3 of the RAIB report, however, required this to be done in conjunction with Touax. We are awaiting feedback from Touax regarding our new instructions and to our review but, to date, Touax has not engaged with Arlington or offered input to the process.

I hope to keep you updated of any further progression but we are now in the hands of Touax to engage with us to complete the recommendation.

Recommendation 4

The intent of this recommendation is to validate the design of the interface between the relay valve and the pipe bracket on the GF4-SS1 brake group.

Wabtec Faiveley should use the findings of this investigation to review the design of the interface between the VCAV relay valve and GF4-SS1 pipe bracket and implement any necessary improvements. This should include a review of the position of the equipment on the vehicle, the type and number of fastenings, specified torque values, related instructions for the detachment and reattachment of a relay valve, and how the security of safety critical component fixings is monitored. A time-bound plan should be developed for any necessary improvements that are identified

ORR decision

16. The recommendation was addressed to Wabtec Faiveley as the organisation identified in the RAIB report as the designer and manufacturer of the braking system (including the C3W distributor and relay valve) that was installed on wagon GERS 89005. We have since been notified by Wabtec that Wabtec Faiveley is not a recognised legal entity and so the recommendation can not be acted upon. In order to progress this recommendation, we have asked RAIB to identify the correct legal entity.

17. After reviewing the information provided ORR has concluded that, in accordance with the Railways (Accident Investigation and Reporting) Regulations 2005, Faiveley Transport (Birkenhead) Ltd has:

- Indicated that the recommendation has been taken into consideration by the equipment designers, but has not yet provided a response

Status: Insufficient response. ORR will advise RAIB when further information is available regarding actions being taken to address this recommendation.

Information in support of ORR decision

18. On 28 October 2022 Wabtec responded as follows:

We write in response to your letter of 1st September 2022 which requires a response to Recommendation 4 in the associated Rail Accident Report dated January 2022, attached. This recommendation requires a response from an entity referred to as 'Wabtec Faiveley'.

We are unsure to what this refers to as there is no legal entity of which we are aware called Wabtec Faiveley.

We therefore invite you to clarify this point in order for us to understand the report and try to assist you, as we are currently unable to do so.

Recommendation 5

The intent of this recommendation is to improve the surveillance and certification processes of entities in charge of maintenance (ECM) of wagons carrying dangerous goods.

BELAC, the Belgium National Accreditation Body, should use the findings from this report to carry out a review of the processes that are used to assess certification bodies who apply for or undertake surveillance and assurance certification of entities in charge of maintenance of wagons transporting dangerous goods.

Any areas for improvements that are identified should be incorporated into the surveillance and certification process.

This may also apply to the arrangements which the United Kingdom Accreditation Service (UKAS) has for accreditation of bodies engaged in certification of entities in charge of maintenance.

ORR decision

The recommendation was addressed by RAIB directly to BELAC. Accordingly, no action has been taken in respect of the recommendation by ORR.

Recommendation 6

The intent of this recommendation is to provide practical guidance on good practice in wagon maintenance.

RSSB, in conjunction with the National Freight Safety Group and entities in charge of maintenance (ECMs) with UK certification, should commission guidance on the practical application of the ECM regulations in the freight sector. This guidance should provide existing and new ECMs with examples of good practice that can be adopted to meet the legal requirements for all four ECM functions. It should also document ORR's regulatory strategy for freight wagon maintenance and its reasonable expectations of ECMs when operating in the UK, particularly in respect of outsourced maintenance delivery activities

ORR decision

19. ORR hosted a workshop on 13 September 2022 for those organisations likely to be impacted by this recommendation, including representatives from the FOC, ECM and wagon maintenance sectors. RSSB and DfT were also represented at the meeting.

20. At the meeting RSSB made a proposal to lead and coordinate the development of guidance on the practical application of the ECM regulations. RSSB proposed establishing working groups to address recommendations 6 and 8, with the Llangennech Recommendations Steering Group (LRSB) to oversee and coordinate the work of both groups.

21. Nominations for the working groups for each recommendation and the steering group have been received and membership finalised. Each group will have an appointed lead and consist of relevant subject matter experts, with the task of collating and analysing information and delivering a response. External support will be managed by the working group as and when required.

22. RSSB have agreed to provide us with periodic updates on the work of the groups and timescales for delivery of agreed outputs.

23. After reviewing the information provided ORR has concluded that, in accordance with the Railways (Accident Investigation and Reporting) Regulations 2005, RSSB has:

- taken the recommendation into consideration; and
- is taking action to implement it

Status: Progressing. ORR will advise RAIB when further information is available regarding actions being taken to address this recommendation.

Information in support of ORR decision

24. On 21 December 2022 RSSB provided the following project update:

1. Project Update Report

<i>Project Name</i>	<i>Llangennech RAIB Recommendations 6 & 8</i>
<i>RSSB Project Code</i>	<i>2022-SSH-049</i>
<i>Update to ORR/Industry Stakeholders</i>	<i>14/12/22</i>
<i>Completed by</i>	<i>Dougie Hill, Principal Freight Strategy Implementation – Rail Safety and Standards Board</i>

2. Key Achievements in the period

- *Rail Safety and Standards Board project manager appointed to work with Freight lead on the project*
- *Industry structure steering group and working group member nominations identified*

- *Formal letters to industry group members distributed 13 Dec 2022 – confirmed response requested by 19 Dec 2022*
- *Correspondence distributed to industry group members providing details of recommendations 6 & 8.*
- *Initial set up meeting for steering group and working groups planned for 25 Jan 2023 at Rail Safety and Standards Board offices Helicon London*

3. Forward Planned Activities

- *Administration preparation for the initial set up meeting*
- *Issue Terms of Reference for the groups*
- *Agree agenda for group meetings*
- *Agree frequency for group meetings*
- *Discuss and agree key activities that support recommendations*
- *Agree and produce practicable deliverables plan and action tracker*

Recommendation 7

The intent of this recommendation is to reduce the risk that wagons will continue to run with undetected dragging brakes or locked wheelsets.

Network Rail in conjunction with RSSB and the National Freight Safety Group should review the technology and systems currently being used in the UK and other European countries to identify how improvements can be made to the railway's ability to alert a train driver, signaller or control room to a wagon defect that may lead to a derailment, such as dragging brakes or an axle bearing failure. This review should include consideration of:

- the use of existing or new trackside equipment that is designed to detect overheated wheels and transmit an alarm; and
- equipment installed on wagons that is capable of detecting a safety critical fault and transmitting an alarm.

A risk-based plan should be formulated for the introduction of such improved systems, that accounts for the likelihood and consequences of a dangerous goods train derailment

ORR decision

25. The recommendation covers both equipment fitted to the infrastructure and wagons. Network Rail confirmed that parts 1 and 2 of the action plan will consider solutions for equipment fitment to infrastructure and wagons. Action 3 will focus on

infrastructure as the other action relating to fitment on wagons is not within the accountability of Network Rail to resolve since it has commercial implications for FOCs. ORR will consider how to progress this part of the recommendation in due course.

26. After reviewing the information provided ORR has concluded that, in accordance with the Railways (Accident Investigation and Reporting) Regulations 2005, Network Rail has:

- taken the recommendation into consideration; and
- is taking action to implement it

Status: Progressing. ORR will advise RAIB when further information is available regarding actions being taken to address this recommendation.

Information in support of ORR decision

27. On 2 August 2022 Network Rail provided the following action plan:

Action Plan

Please provide milestones with dates

Action 1: Consultation and Review of existing technology and systems currently used in the UK and Europe – To be undertaken in consultation with RSSB, Freight Safety Group and Europe’s Rail Joint Undertaking programme. Completion of outputs – 30/11/22

Action 2: Review and assessment of available equipment that can detect safety critical fault and transmit an alarm – Analysis of suitable equipment and status of such equipment for use on UK or European network – 30/11/22

Action 3: A plan to be developed outlining opportunity for such systems to be developed and made available for use. The plan will include a risk-based assessment prioritising the systems that would be introduced to reduce the likelihood and consequences of a dangerous goods train derailment. - 01/05/23

Recommendation 8

The intent of this recommendation is to improve the management of wagon maintenance on GB railways. This recommendation should be implemented in parallel with the existing programme of work for condition monitoring of freight wagons on the network (CFVN) and any actions taken in response to recommendations 1, 2, 3 and 4.

The National Freight Safety Group and the Freight Technical Committee, in conjunction with Network Rail and other industry stakeholders should develop a comprehensive programme of measures designed to promote the improvement of freight wagon maintenance in the UK. The programme should address all areas of significant risk, and aim to address the following issues:

- a. how to capture and record high quality data relating to events which are recognised precursors to accidents, such as dragging brakes, to enable the better identification of the root causes and trends;
- b. how to encourage the effective sharing of safety related information between wagon owners and maintainers;
- c. the promotion of improved maintenance instructions, equipment, working conditions, methods and levels of compliance;
- d. quality and management assurance processes that encompass ECMs, workshops, contractors and suppliers of specialised services; and
- e. how to develop the competence of those undertaking maintenance of freight wagons, including the ability to spot defects that may affect the safe operation of freight wagons.

Once developed and agreed by stakeholders, the programme of measures should be implemented and progress monitored by the National Freight Safety Group

ORR decision

28. ORR hosted a workshop on 13 September 2022 for those organisations likely to be impacted by this recommendation, including representatives from the FOC, ECM and wagon maintenance sectors. RSSB and DfT were also represented at the meeting.

29. At the meeting RSSB made a proposal to lead and coordinate the development of guidance on the practical application of the ECM regulations. RSSB proposed establishing working groups to address recommendations 6 and 8, with the Llangennech Recommendations Steering Group (LRSG) to oversee and coordinate the work of both groups. Nominations for the working groups for each recommendation and the steering group have been received and membership finalised. Each group will have an appointed lead and consist of relevant subject matter experts, with the task of collating and analysing information and delivering a response. External support will be managed by the working group as and when required.

30. RSSB have agreed to provide us with periodic updates on the work of the groups and timescales for delivery of agreed outputs.

31. After reviewing the information provided ORR has concluded that, in accordance with the Railways (Accident Investigation and Reporting) Regulations 2005, RSSB has:

- taken the recommendation into consideration; and
- is taking action to implement it

Status: *Progressing*. ORR will advise RAIB when further information is available regarding actions being taken to address this recommendation.

Information in support of ORR decision

32. On 21 December 2022 RSSB provided the update action plan at paragraph 22.

Recommendation 9

The intent of this recommendation is to address a gap in the regulatory oversight of freight wagon maintenance.

The Department for Transport and the Office of Rail and Road should jointly review the current arrangements for the oversight of entities in charge of maintenance (ECMs) and certification bodies that are not based in the UK. As a minimum the review should include consideration of:

- the effectiveness of current arrangements for the oversight of ECMs that are not based in the UK;
- current barriers to effective engagement with ECMs and certification bodies that are based outside the UK; and
- avenues for closer engagement with EU national safety authorities on matters related to rolling stock maintenance.

The outcome of the review should be used to inform any necessary changes to policy or legislation in this area

ORR decision

33. DfT has announced its intention to end the recognition of EU ECM certificates from 30 June 2023. This period of recognition has been extended beyond the original proposed date of 1 January 2023 to allow the affected ECMs and wider freight industry sufficient time to prepare. ORR understands that ending the recognition of EU ECM certificates aligns with a wider government policy to end the unilateral recognition of EU certificates/markings and documentation for placing manufactured goods onto the GB market. The proposal has been discussed with ORR and stakeholders in the UK ECM market and there is agreement that it would address concerns about the current limitations on ORR's ability to monitor the surveillance of ECMs certified by certification bodies that are not based in the UK.

34. The Llangennech derailment highlighted the potential for weaknesses in the surveillance of ECMs to contribute to serious safety failings and ORR considers that ending the recognition of EU certification of ECMs would reduce this risk.

35. A regulatory change to the Railways and Other Guided Transport Systems (Safety) Regulations 2006 (ROGS) will be required to end the current recognition of EU ECM certificates for ECM operating in the UK. DfT has been engaging closely with the affected ECMs who will need to seek certification by a UK based certification body in order to continue to comply with ROGs once it is amended, and with the

current UK certification bodies. This is to understand the work that will be required and the timing of the change reflects the need for sufficient time for the affected ECMs to prepare their applications for UK certification.

36. After reviewing the information provided ORR has concluded that, in accordance with the Railways (Accident Investigation and Reporting) Regulations 2005, ORR has:

- taken the recommendation into consideration; and
- is taking action to implement it

Status: Progressing. ORR will advise RAIB when further information is available regarding actions being taken to address this recommendation.