

Intergovernmental Commission for the Channel Tunnel

as

National Safety Authority for the Channel Tunnel

Supervision Strategy¹

1. Goal

The goal of the Intergovernmental Commission (IGC) is that the Channel Tunnel is safe.

The goal will be achieved by Channel Tunnel businesses effectively managing risk themselves using their own safety management systems and the IGC fulfilling its role as National Safety Authority (NSA) so that safety objectives are met.

2. Principles

IGC oversight of Channel Tunnel businesses safety management systems will be:

- **Proportionate** to the risks those businesses manage, and not their profitability, availability of resources or how long any contract they hold has left to run.
- **Consistent** with the strategy adopted by the French and British NSAs, based on regular communication with them so that:
 - the IGC will not duplicate supervision that is already done by the French or British authorities;
 - the IGC is aware of the safety performance of Channel Tunnel businesses in neighbouring countries.
- **Targeted** at the effectiveness of the safety management system of businesses, checking that the people in each business use their management system to achieve safe outcomes.
- **Transparent** and open about policy, practices and approach, whilst respecting the need for Channel Tunnel businesses to keep certain matters confidential between themselves and the IGC. This means, for example, letting stakeholders know the IGC's annual work programme, publishing its decisions on at its website and holding periodic information meetings on progress made.
- **Fair and accountable** under the law for activities, particularly enforcement, which will be in line with the enforcement policies of the French and British NSAs and subject to any appeal arrangements allowed by law. Under Article 76 of the [Channel Tunnel binational safety regulation](#), appeals against IGC

¹ Drawn up to comply with Article 3 of the [Common Safety Method on Supervision No 1077/2012](#).

decisions can be lodged before a French or British court, on the conditions allowed by the applicable national law in the national jurisdictions. If a matter has been referred to a court in one country, it prevents a second appeal being lodged about the same matter before a court of the other country.

- **Informed by** intelligence from many sources, such as:
 - the assessment of safety certificates;
 - the findings of any investigations by National Investigation Bodies (NIB);²
 - regular communication with NSAs in Member States within which Channel Tunnel businesses operate.³
- **Consistent** with this strategy.
- In the knowledge that **Channel Tunnel businesses may complain** about decisions taken during the IGC's supervision activities (without prejudice to a judicial review of those decisions or any enforcement appeal arrangements allowed by law).

3. Arrangements for supervision

3.1 Governance

The IGC is a National Safety Authority that involves two Sovereign States.

The IGC operates jointly and decisions on its behalf are made jointly by the Heads of the French and UK delegations to the IGC.

The IGC is advised on its safety responsibilities, including this supervision strategy, by the Channel Tunnel Safety Authority (CTSA) which operates jointly and includes delegations from each State. The heads of the French and UK delegations to the CTSA are members of the IGC and, as such, attend its meetings. This facilitates the exchange of information between the IGC and the CTSA, and helps the IGC to take account of the CTSA's opinions in its decision-making.

The CTSA is responsible for routine oversight of supervision activity carried out on behalf of the IGC in line with the strategy, whilst the IGC is responsible for agreeing the supervision strategy overall and for reviewing it periodically, with advice from the CTSA.

The IGC is responsible for reviewing the regulatory framework periodically, with advice from the CTSA. The [Binational Safety Regulation](#), decreed by the IGC and published on its website, describes the principles of safety regulation of the Fixed

² The IGC will oversee any NIB recommendations related to Channel Tunnel businesses and specific to tunnel risks, that may arise from a NIB investigation into an incident in the Channel Tunnel.

³ This will be achieved through the UK and FR NSA attendance at the ERA NSA network, plus their attendance at ILGGRI (International Liaison Group of Government Railway Inspectorates).

Link. It also describes arrangements concerning the unified safety rules applicable to the Fixed Link.

The IGC is responsible, acting on advice from the CTSA, for allocating sufficient resources, in people, time and money, for supervision activities. If people with specialist skills are needed, then the IGC will procure their services. A [workplan](#) for supervision, giving details of the resources available and how they will be used, is agreed each year.

3.2 People

Each government appoints half the members of the IGC, which consists of at most 16 members. At least two of these are CTSA representatives and, to that extent, the IGC includes people with competence in safety regulation as an NSA. The IGC delegation heads alternately serve as chair for a one-year term of office.

The two governments mutually agree the composition of the CTSA. Each government appoints half its members. The CTSA delegation heads alternately serve as chair for a one-year term of office.

The delegation heads will determine the expected competencies required from their respective members of the CTSA, mindful of the functions of the IGC as NSA. In the interests of transparency, the IGC will document the competences it seeks within the CTSA. Under Article 2 of Decree 86-342 of 11 March 1986, the members of the French delegation to the CTSA, including the delegation head, are appointed by decree of the Minister of Transport, with the agreement of the other ministers involved. The Minister of Transport's departments provide French secretarial facilities to the CTSA. The UK delegation is appointed by the Secretary of State for Transport, with UK secretarial facilities provided by the Office of Rail and Road (ORR), the British NSA.

For the purposes of their remits, the IGC and CTSA can request the co-operation of the departments of each government and of any expert or body of their choice.

The two governments grant the IGC and its members and agents the powers of investigation, inspection and examination necessary to the fulfilment of their tasks.

Joint working and joint decision making is expected by the IGC during supervision activity. This means, for example, that supervision on the French part of the site can be carried out by UK staff and discussed and agreed with their French counterparts, and vice versa.

Such joint working is facilitated by sub-groups of the CTSA which meet regularly to consider outcomes from supervision and other activities, such as inspection report outcomes, interoperability authorisations or safety certificate assessments. The co-chairs from the sub-groups are delegation members of the CTSA. The co-chairs oversee and guide the work of the warranted IGC inspectors from their respective

countries. They will monitor delivery of the supervision plan, alerting the CTSA and IGC to any major changes in resource or activity that may be necessary over time, perhaps as a result of investigations that need to be done. They will make sure that decisions are taken in a timely manner and reports of supervision agreed jointly without undue delay. They will ensure that IGC has an effective overall view of the safety performance of Channel Tunnel businesses.

The warranted IGC inspectors are expected to:

- Maintain their competence by participation in the competence management system of their home NSA, company or professional institution.
- Exercise their powers and responsibilities in line with the policies of the IGC, and taking account of the policies and approaches of their home NSA, company or professional institution.
- Carry out supervision activity in line with this strategy.
- Conduct their supervision activities attentive to the **Principles** given in this strategy.
- Make timely decisions and reports; in line with the IGC's decision-making principles on enforcement.
- Be alert to any issues of evident concern that (if found) they will not walk past without intervening to secure safety.
- Periodically, link the outcomes from assessment of authorisations or certificates with the outcomes from supervision activities and vice versa.
- Maintain an overall assessment of the safety performance of Channel Tunnel businesses.
- Participate in any review of the regulatory framework⁴ for supervision of the Channel Tunnel that the IGC may institute from time to time.

4. Strategic priorities for supervision: a management system focus

4.1 Safety management systems

IGC supervision will focus on the effectiveness of the safety management systems being operated by Channel Tunnel businesses.

There are two aspects to this which will be undertaken by staff on behalf of the IGC:

- Checking that Channel Tunnel businesses have sufficient understanding of the risks, and safety management capability to control those risks. This will be achieved by assessing written submissions for a safety authorisation from the infrastructure manager for the ChannelTunnel; and for safety certificates from any railway undertaking operating in the Channel Tunnel; and any submissions for significant changes and regular reviews.

⁴ Article 16(2)(f) of [Directive 2004/49/EC](#)

- Checking that Channel Tunnel businesses are operating the safety management systems that they have described in their authorisations or certificates, and that they have proper day-to-day management control of risks.

4.2 Co-operation with other National Safety Authorities, RAIB/BEA-TT, labour inspectorate and ECM certification bodies

For some businesses that operate through the Channel Tunnel and have more extensive facilities and operations in neighbouring States, the IGC will communicate routinely with the NSAs for those States and will use the results of the monitoring of these NSAs to satisfy itself that such businesses have proper day-to-day management control of risks. Specifically this will mean periodic contact between the NSAs and the representatives of the IGC, to share the results of their monitoring and feed that into the CTSA's workplans. This will enable the IGC to give priority to proper day-to-day management control of risks that are relevant to the Channel Tunnel environment, such as fire prevention and emergency response.

If the IGC detects anything serious during its monitoring activities, it alerts the NSAs which may have an interest in the finding. When this type of finding concerns the health and safety of workers or an entity in charge of maintenance (ECM) the IGC will notify the labour inspectorate, ORR or the ECM's certifying body.

Likewise the IGC ensures that any alerts sent to it by the other NSAs and/or controlling bodies are acted upon.

During the investigations conducted by RAIB/BEA-TT after a serious accident, the IGC and the investigating body exchange information as necessary, especially to identify any remedial measures to be set up without awaiting publication of the investigation report.

The IGC will consider whether there are any incidents that it becomes aware of (beyond those that a NIB) is required to investigate by law) that may justify an investigation by RAIB or BEA-TT, and discuss those with the appropriate NIB for their decision on whether to conduct an inquiry or not.

For some activities, working groups of representatives of these NSAs may be formed to work out a joint approach to the issues and help to deal with them as quickly as possible, and to the highest safety standards.

4.3 Top priorities for supervision

In terms of management systems, the IGC intends to supervise those parts of the system that it considers most important to deliver control of the risks that could give rise to multiple fatalities. This means a focus on the following important areas with

top priority to all subjects linked to the fire hazard, which is a major hazard for the Channel Tunnel:

- Management of a sample of the Class 1 risk areas arising from Eurotunnel's "Tableaux de bord" analysis, in particular:
 - infrastructure integrity
 - competence
 - emergency response
 - rolling stock integrity
- Management of:
 - fire prevention
 - railway operations for shuttles
- Checking action in response to the BEA-TT/RAIB investigation recommendations
- Management of ageing equipment and infrastructure, in particular:
 - management of modifications and changes, particularly decisions on which up-to-date standard to use
 - renewal of older equipment and arrangements to cope with obsolescence
 - focus on civil engineering and fixed equipment
- Management of major projects and the control of contractors and sub-contractors for projects and (generally) in the supply chain. Supervision will be of the *system* for project management and contractor control rather than focused on any particular project itself.
- Management of safety, and particularly the management of change, in the context of the commercial incentives on Tunnel businesses to grow their traffic and minimise their costs, particularly their staff costs.

The IGC will inquire into incidents reported by Channel Tunnel businesses that relate to the areas listed above. It will not inquire routinely into all adverse incidents that come to its attention. The IGC will consider what information it requires routinely from Channel Tunnel businesses over and above information that must be reported by law (such as certain accidents or incidents). The IGC will focus on information related to the list of important areas (above) on which it will be focusing its supervision and endeavour to keep routine reporting to a minimum.

4.4 Second priorities for supervision

As resources allow, the IGC will supervise those parts of the management system that deliver control of risks that are not likely to give rise to multiple fatalities but could give rise to significant harm. The management of the following will be targeted:

- Eurotunnel's own internal monitoring and controls. Its system for audit and review, focusing on how lessons are learned from incidents, repeat events

and analysis of data. Its system for change management and approach to design specification and mid-life design reviews.

- Terminal operations, especially all activities which may have a safety impact, such as loading operations.

4.5 Protecting the workforce from harm

The health and safety management systems being operated by Channel Tunnel businesses must effectively protect their workers from harm.

Enforcement of this aspect and investigation of associated accidents and incidents will be undertaken by the labour inspector in France and by ORR inspectors in the UK. There will be regular communication arranged between them.

To help ensure that Channel Tunnel businesses have proper day-to-day management control of risks to their workers, the IGC will routinely monitor data about the performance of Channel Tunnel businesses and will regularly communicate with the people undertaking enforcement and investigation work.

4.6 Entities in charge of maintenance

The IGC will ensure compliance with the regime for entities in charge of maintenance (ECM).

Through its regular communication with NSAs in neighbouring states, and Eurotunnel, the IGC will confirm that ECMs have been allocated as necessary to rolling stock operated by businesses that use the Channel Tunnel. The IGC communicates as necessary with the ECM certifying bodies on all matters relating to the maintenance of the freight rolling stock using the Channel Tunnel.

4.7 Techniques

The IGC's warranted inspectors will conduct supervision using techniques that include an appropriate mixture of:

- Interviews with people in Channel Tunnel businesses.
- Reviewing documents and records relevant to the area of risk they are overseeing.
- Examining the safety outcomes from management systems.

5. Role of the IGC

The IGC will **review** this supervision strategy regularly, and at least annually when the outcomes of supervision activity are known. The review may (or may not) lead to revision of the strategy.

At least once every 5 years, the IGC will review the regulatory framework⁵ for supervision of the Channel Tunnel.

Signed:

Heads of the French and UK delegations to the IGC

⁵ [CSM Supervision, article 1 \(3\)](#)