



European Maritime Safety Agency

**SAFEMED III Seminar
on Marine Accident Investigation
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Main Concepts for Marine Accident Investigation

Jesús Valle Cabezas
Jesus.VALLE-CABEZAS@emsa.europa.eu

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European Maritime Safety Agency

Main Concepts for Marine Accident Investigation

Estimated duration:

- ✓ 1 hour and 15 minutes.

Content:

- ✓ Main concepts for Marine Accident Investigation
 - Independence and impartiality of the investigative bodies
 - Impartiality and impartiality of the investigation
 - Confidentiality of information

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Marine Accident Investigation Means to determine...



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Marine Accident Investigation Objective

"..conducted with the **objective** of **preventing** marine casualties and marine incidents in the future.", by "..uncovering the causal factors and other safety risks; "



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Marine Accident Investigation IMO Casualty Investigation Code

General:

- to report at least very serious casualty data to IMO (GISIS)

Mandatory:

- **Investigations** to be impartial and objective
- Investigations **shall** be conducted into **very serious marine** casualties (**Flag State**)
- Substantially interested States to be **notified**
- A substantially interested State may conduct a **parallel investigation**
- Cooperation to the **extent practical**
- **Substantially Interested States** are to be **consulted** (unless maintaining confidentiality is not guaranteed)
- Investigation reports made public

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Marine Accident Investigation IMO Casualty Investigation Code

Recommended:

- Flag State investigation body should be independent
- Investigating State should **allow participation** to the extent practicable
- **Evidence** should, so far as national laws allow, be prevented from **admission in civil/criminal proceedings**
- Prior to report publication, there should be 30 days **consultation** to allow interested parties to comment

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Marine Accident Investigation Directive 2009/18/EC

- Safety investigation (an enquiry conducted with the objective of preventing marine casualties and marine incidents in the future)
 - **No responsibility**
 - **No blame**
 - Not about the “WHO”, but about the “**WHAT**” and “**WHY**”
- Investigations to be conducted by **impartial, permanent** investigative bodies, **independent** in their organisation
- **Confidentiality** of information
- Obligations
 - Obligation to investigate all ‘**very serious casualties**’
 - Conduct preliminary assessments for ‘**serious casualties**’

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Marine Accident Investigation Directive 2009/18/EC

- When conducting an investigation (either as Flag, Coastal or substantially interested State):
 - **Only one investigation** and with cooperation of others
 - **Scope of conduct** of the investigation to be decided by the AI body/bodies
 - **Common methodology**
 - Effective **cooperation** to be enabled by formation of PCF
- Investigation reports published within **12 months**
- Accident data to be **recorded** in **EMCIP** (European Marine Casualty Investigation Platform)
- Member State to **follow up** safety recommendations

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Marine Accident Investigation Highlighted common topics

- Independence and impartiality of the investigative bodies
- Impartiality of the investigation
- Confidentiality of information

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Marine Accident Investigation Independency and impartiality of IBs

- The investigative body shall be:
 - endowed with necessary powers;
 - Unbiased;
 - independent in its organisation, of any party whose interests could conflict with the task entrusted to it;
 - staffed with individual investigators holding working knowledge and practical experience

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Marine Accident Investigation Impartiality of the investigations

- Investigations shall be:
 - carried out as effectively and rapidly as possible;
 - independent from criminal or other parallel investigations held to determine liability or apportion blame;
 - (not) unduly precluded, suspended or delayed by reason of such investigations.

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Marine Accident Investigation Confidentiality of information

Directive 2009/18/EC. Art 9.

Without prejudice to Directive 95/46/EC, Member States, acting in the framework of their legal systems, shall ensure that the following records are not made available for purposes other than the safety investigation, unless the competent authority in that Member State determines that there is an overriding public interest in the disclosure of:

- (a) all witness evidence and other statements, accounts and notes taken or received by the investigative body in the course of the safety investigation;
- (b) records revealing the identity of persons who have given evidence in the context of the safety investigation;
- (c) information relating to persons involved in a marine casualty or incident which is of a particularly sensitive and private nature, including information concerning their health.

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Thanks for listening!