

## CTG – Terms of Reference

### Annex

THE REPRESENTATIVES OF THE CONSULTATIVE TECHNICAL GROUP FOR COOPERATION IN MARINE ACCIDENT INVESTIGATION, having regard to the provisions of the Regulation (EC) No 1406/2002 of the European Parliament and the Council of 27 June 2002 establishing a European Maritime Safety Agency, and in particular:

- its Article 2(e) which gives EMSA the mandate to facilitate cooperation between the Member States and the Commission in the development of a common methodology for investigating maritime accidents, in the provision of the support of the Member States in activities concerning investigations related to serious maritime accidents, and in the carrying out of an analysis of existing accident investigation reports;
- its Article 2(f) which requires EMSA to provide the Commission and the Member States with objective, reliable and comparable information and data on maritime safety and on pollution by ships to enable them to take the necessary steps to improve maritime safety and prevention of pollution by ships and to evaluate the effectiveness of existing measures;
- its Article 2(c) which requires EMSA to work with the Member States to:
  - organise, where appropriate, relevant training activities in fields that are the responsibility of the port State and flag State;
  - develop technical solutions and provide technical assistance related to the implementation of Community legislation;

whereas:

(1) A high, uniform and effective level of maritime safety and prevention of pollution by ships within the community should be ensured at all times and all efforts should be made to reduce the number of accidents.

(2) The Work Programme 2006 for EMSA, as adopted by the Administrative Board on 28 November 2005, indicates that "regular meetings will be organised related to cooperation in the casualty investigation field."

(3) Article 2 (e) of Regulation 1406/2002 of the European Parliament and of the Council of 27 June 2002 establishing a European Maritime Safety Agency requires EMSA to facilitate cooperation between the Member States and the Commission in the development, with due regard to the different legal systems in the Member States, of a common methodology for investigating maritime accidents according to agreed international principles, in the provision of the support of the Member States in activities concerning investigations related to serious maritime accidents, and in the carrying out of an analysis of existing accident investigation reports.

(4) Article 10(2) of Directive 2002/59/EC of the European Parliament and of the Council of 27 June 2002 establishing a Community vessel traffic monitoring and information system requires Member States to ensure that Voyage Data Recorder (VDR) data are used in a marine accident investigation and are properly analysed. Article 11 of the same Directive requires Member States to cooperate in the investigation of marine casualties and incidents involving ships flying their flag.

(5) Article 12 of Council Directive 1999/35/EC of 29 April 1999 on a system of mandatory surveys for the safe operation of regular ro-ro ferry and high-speed passenger craft services" requires Member States to ensure that investigations are concluded in the most efficient way and in the shortest time possible.

(6) Article 10 of the proposal for a Directive of the European Parliament and of the Council establishing the fundamental principles governing the investigation of accidents in the maritime transport sector requires Member States to "establish a permanent cooperation framework enabling their respective marine casualty safety investigative bodies to cooperate among themselves and with the Commission to the extent necessary to attain the objectives of this Directive".

(7) The EMSA workshop staged in Brussels on 15 and 16 November 2005 concluded that there is general support from Member State representatives for the creation of a technical working group.

(8) The setting up of a Consultative Technical Group for Cooperation in Marine Accident Investigation will facilitate exchanges of information, cooperation and assistance between the investigative bodies in the Member States the Commission and EMSA and become a permanent working platform for EMSA and the Member States to develop technical solutions in the field of marine accident investigation on issues of common interest.

HAVE AGREED:

## **Article 1**

### **Initiation**

The Consultative Technical Group for Cooperation in Marine Accident Investigation hereinafter referred to as the 'Technical Group' is initiated by EMSA. It is composed by accident investigation experts designated by the Member States and by representatives of the Commission and EMSA and shall carry out its work in accordance with these Terms of Reference.

## **Article 2**

### **Mission**

The Technical Group shall serve as a working platform in the field of marine accident investigation within EMSA's mandate according to Regulation (EC) N° 1406/2002.

### **Article 3**

#### **Tasks**

The Technical Group shall in particular

- support the facilitation of cooperation between the Member States and the Commission in the development, with due regard to the different legal systems in the Member States, of a common methodology for investigating maritime accidents according to agreed international principles, in the provision of the support of the Member States in activities concerning investigations related to serious maritime accidents, and in the carrying out of an analysis of existing accident investigation reports as mentioned in Art 2 (e) of Regulation(EC) N° 1406/2002;
- support further and future tasks of the Agency related to accident investigation, such as work to organise training activities, to develop technical solutions and to provide technical assistance, and to provide objective, reliable and comparable information and data as mentioned in Article 2 (c), (f) of Regulation(EC) N° 1406/2002.

### **Article 4**

#### **Amendment of the Terms of Reference**

These Terms of Reference can be amended by the Technical Group, subject to agreement by EMSA.