

# PERMANENT COOPERATION FRAMEWORK ACCIDENT INVESTIGATION

## Salient Points 7<sup>th</sup> meeting, 6 – 8 June 2017

### Executive Summary

#### Attendees

The seventh meeting of the Permanent Cooperation Framework (PCF) for the Investigation of Accidents in the Maritime Transport Sector was held at EMSA premises during 6-8 June 2017.

The meeting was chaired by Mr Steve Clinch, the PCF Chairperson, assisted by Mr Ron Damstra, as Deputy Chairperson.

The meeting was attended by 31 experts from 25 organisations representing 24 MS. The European Commission (COM) was represented by DG – MOVE and assisted by EMSA. The Secretariat for the meeting was provided by EMSA.

#### Introduction

The main agenda points of the meeting were<sup>1</sup>:

1. Adoption of PCF6 Report and PCF6 Salient points;
2. Updates by Member States, EMSA and COM;
3. Purpose, scope, application:
  - Legal clarification on certain provisions of Directive 2009/18/EC (AI Directive)
  - Progress reports on WG11 - Definitions on marine casualties
  - WG8 - Ship Shore / Operations
4. Operational readiness:
  - List of sources on marine accidents and incidents
  - Practices/procedures on data confidentiality during investigations carried by external experts
  - WG12 - Progress report on best practices for AI
5. Initial assessment and response:
  - Updated list of national resources and updating procedure
6. Strategy and evidence collection: Best practices for evidence collection
7. Analysis: Human Element in accident investigation
8. Safety recommendations:
  - WG9 – Progress report on Promulgation of SR
  - EMCIP portal - Visualisation of SR/AT
9. Investigation reports: WG4 - Improving Report Writing
10. Outcome of safety investigations: WG1 – Amendment of principles
11. Training / Qualification:
  - WG4 – Progress report;
  - Update on training activities carried out by EMSA
12. EMCIP:
  - Current development
  - Principles for reporting investigation data
  - Future EMCIP
  - Taxonomy review (update)
13. Work Programme: update/follow-up

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<sup>1</sup> PCF7 was preceded by an EMSA meeting on the capacity building initiatives carried out by the Agency to support AIB.

#### 14. AOB:

- Ex post evaluation Directives Flag State Directive & Accident Investigation Directive
- EMSA Annual Overview of Marine Casualties and Incidents 2017
- Update of the existing PCF agreements
- Horizontal assessment – End of cycle
- 2<sup>nd</sup> inter-sessional PCF workshop

The Agenda was completed with the paper PCF7/5.3 “Evaluation of the EU Directive” submitted by UK/Gibraltar and with a presentation made by Croatia on the recently established multimodal AIB and its activities.

#### **Purpose, scope, application**

COM updated PCF about the ex-post evaluation of Flag State and AI Directives and mentioned that the Commission Legal Service have not yet provided feedback to the request for legal clarification on certain provisions of the AI Directive made by EMSA.

MS actively discussed these issues within the PCF, particularly on “marine injuries”, and expressed, as a general view, that there is no automatic link between “serious injuries” and “serious marine casualties”.

#### **PCF Working Groups Progress Reports**

The **WG4** on training/qualification of accident investigators delivered its progress report. PCF approved the Annexes 1 to 7 (the guidelines were approved at PCF6). Annex 8 (Catalogue of training courses) will be further elaborated to be submitted at PCF8.

It was decided to merge WG4 with **WG4a** on report writing to develop high level topics supporting the procurement for an advanced training on AI.

**WG7** on **Marine injuries** was reopened at PCF7 to further discuss definitions in light of the discussion that took place about the link between “serious injury” and “serious marine casualty”.

Feedback on the principles developed by **WG8** (ship-shore operations) were exchanged and, in general, MS considered that this fits the need.

Principles developed by **WG9** on promulgation of SR have been validated by MS. PCF agreed to instruct WG9 to assess the feasibility to prepare a safety digest at EU level to spread lessons to be learned from marine casualties and incidents.

**WG11** on definitions presented its status report. It was decided to put this WG on hold pending the reply from the COM on legal clarification.

**WG12** on best practices on AI submitted a booklet summarising the outcome of the 1<sup>st</sup> PCF Intersessional seminar, held at EMSA premises on 1 December 2016. MS validated this document and considered this as a useful source of information. PCF members regarded the workshop as a very positive initiative and expressed willingness to have a similar event during 2017.

#### **Operational readiness and initial assessment and response**

MS validated (with minor changes) the following documents: (i) list of sources to gather information on marine accidents and incidents, (ii) practices/procedures on data confidentiality, and: (iii) updated list of national resources. These documents have been favourably considered by MS as valuable sources of information.

#### **Strategy and evidence collection**

A new WG on Evidence collection (**WG14**) was launched to develop some Guidelines on best practices on preserving and collecting evidence, in particular when it is not possible to promptly deploy investigators e.g. in areas concerned by risks to health or security issues.

## **Analysis**

Issues related to “Human Element” (HE) were widely discussed. PCF agreed to bring the discussion to the 2<sup>nd</sup> intersessional seminar on Best Practices on AI.

### **Outcome of safety investigation**

PCF agreed: (i) to change the title of the data sharing scheme, (ii) to improve the disclaimer in EMCIP related to limitations of the data provided, (iii) to amend to data sharing scheme agreed at PCF5.

MS agreed not to share the “Description” of the occurrence in the list of information that can be released to requestors from UG4 since it could include sensitive information. No objection was noted to remove “Coastal State”, “Number of Substantially interested States” and “Substantially Interested State” from the dataset for UG4.

MS agreed to some amendments to the existing principles concerning the role of AI bodies and EMSA when a request related to UG4 is made. However Sweden declared that they would not be able to take part in the agreement and in the trial for legal reasons.

### **European Maritime Casualty Information Platform (EMCIP)**

EMSA provided several updates on the activities related to the EMCIP database, including the deliverables for 2017, the taxonomy revision and the development of the new system.

MS expressed their views on a number of topics relevant for the new EMCIP that will be further assessed at the meeting of the EMCIP Focus Group (28-29 June 2017).

### **Any Other Business**

Existing PCF agreements will be kept undisclosed to the general public and EMSA will consolidate these agreements in a single document.

PCF established a new WG (**WG13**) tasked to prepare, together with EMSA, the 2<sup>nd</sup> intersessional seminar on Best Practices on AI focused on HE.

### **Conclusion**

The Chairperson concluded by summarising the agreements made and closed the meeting. The PCF8 meeting is expected to take place in June 2018.