

# PERMANENT COOPERATION FRAMEWORK

## ACCIDENT INVESTIGATION

PCF Meeting N° 6  
Lisbon, 20-23/06/2016  
Agenda item 2

PCF 6/2.1  
21/04/2016

### Agenda

#### Submitted by Secretariat

#### Opening of PCF6

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| <b>1. Timetable</b>  | PCF 6/1.0            |
| <b>2. Agenda</b>   |                      |
| 1. Adoption of agenda  | PCF 6/2.1            |
| 2. List of participants  | PCF 6/2.2            |
| <b>3. PCF 5</b>  |                      |
| 1. Adoption of PCF5 Report   | PCF 5 report         |
| 2. Adoption of PCF5 Salient points   | PCF 5 salient points |
| <b>4. Tour de table</b>  |                      |
| 1. Member States   | Presentation         |
| 2. The Commission  | Verbal (COM)         |
| 3. EMSA  | Verbal (COM)         |
| <b>5. Purpose, scope, application</b>  |                      |
| 1. Work Group 7 progress report: Marine Injuries   | PCF 6/5.1 - UK       |
| 2. Work Group 8 progress report: Ship Shore / Operations with a ship   | PCF 6/5.2 - DE       |
| 3. Work Group 10 progress report: Issues identified during the implementation of the Directive 2009/18/EC  | PCF 6/5.3 - NL       |
| 4. High priority mitigation measures <sup>1</sup> :  |                      |
| A. Legal clarification about some provisions of the Directive (ref. ID1 - section 1.1);  |                      |
| B. Support to the recognition and the acceptance of the IB's role in performing safety investigation i.e. promoting cultural change (ref. ID2 - section 2.1).  |                      |
| 5. Medium priority mitigation measures   |                      |
| A. Organisation of periodical meetings with the concerned authorities and the industry (ref. ID34 - section 6.1);  |                      |
| B. Definition in cooperation with the maritime authorities of best practices tailored to the fishing industry (ref. ID35 - section 6.1).   |                      |
| <b>6. Operational readiness</b>  |                      |
| 1. High priority mitigation measures:  |                      |
| A. Streamlining of the communication flow from the national authorities that receive the initial information when accidents occur at sea or at port e.g. MRCC, VTSs, MAS, Port authorities etc. (ref. ID15 – section 3.1); |                      |
| B. Most effective commercial sources providing information about marine casualties (ref. ID16 - section 3.1).  |                      |

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<sup>1</sup> Reference for mitigation measures quoted in this draft agenda is made bearing in mind the document "Issues and mitigation measures overview" and its Annex 1, as a follow up of the workshop on implementation issues related to the Directive. The relevant section of the document is also pointed out.

## 7. Initial assessment and response

1. High priority mitigation measures:
  - A. Development of harmonised procedures supporting an effective partnership between MS with a view to share technical expertise (ref. ID3 - section 2.2);
  - B. Establishment of an EU broad expert network allowing a ready access and rapid response when a need is identified (ref. ID4<sup>2</sup> - section 2.2);
  - C. Conduct of preliminary assessment: selection of one alternative approaches (ref. ID21 - section 3.2):
    - i. To better clarify the existing principles for the preliminary assessment by providing further breakdown and quantifying criteria. This is expected to generate better guidance to the IB and, likely, to improve the quality of the reasons not to carry out a safety investigation, if such a decision is taken;
    - ii. To remove the reference to “serious casualties” from the Directive bringing the Directive in line with the latest IMO Investigation Code (Res. MSC 255(84)). This would imply that the preliminary assessment for serious casualties would be no longer an obligation for MS.
2. Medium priority mitigation measures:
  - A. To draft best practices to support the screening of the suitable service providers on the basis of their potential conflict of interest (ref. ID8 – section 2.4) and to contract the selected provider (ref. ID10 – section 2.4)
3. Mitigation measure for future consideration:
  - A. Framework to support sharing of installations, facilities and equipment for safety investigations (ref.ID6 – section 2.2)
  - B. Assessment of best practices when working with 3rd countries (ref. ID24 – section 4).

## 8. Strategy and evidence collection

1. Confidential data / WG3: Feedback on agreed principles PCF 6/8.1 - PCF Sat
2. High priority Mitigation measures:
  - A. Guidelines/template to request the concerned parties (e.g. companies) to preserve evidences if it is not possible to promptly deploy investigators e.g. in areas concerned by risks to health or security issues (ref. ID5 – section 2.2<sup>3</sup>);
  - B. Best practices supporting the preparation of MoU with other stakeholders (e.g. Prosecutors and police) to facilitate the course of the investigation within the MS jurisdiction (ref. ID11 – section 2.5<sup>4</sup>)
3. Medium priority Mitigation measures:
  - A. Analysis of the accidental event context using position data collected through others sources if VDR data are not available. The use of EMSA maritime application could be further explored to support the IB needs in this area (ref. ID22 – section 3.3);
  - B. Dedicated initiatives at national level to determine whether the penalties imposed for non-respect of the provisions to preserve VDR data are sufficient, appropriate and dissuasive and, if not, consideration should be given to increasing the penalties for non-compliance (ref. ID14 – section 2.7);
  - C. Enhancement of the cooperation with local authorities that are the first to be aware of a marine casualty or an incident, e.g. MRCC, VTSS, MASs etc... This could include, amongst other, specific provisions to request ships’ masters to preserve VDR data when a casualty occurs (ref. ID13 – section 2.7)

## 9. Analysis

1. Early Alerts / WG6: feedback on agreed principles PCF 6/9.1 – PCF Sat

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<sup>2</sup> This measure is also relevant to cope with the issue in section 2.4

<sup>3</sup> This measure is also relevant to cope with the issue in section 2.7

<sup>4</sup> This measure is also relevant to cope with the issue in section 4.1

2. Medium priority Mitigation measures: Specific training and guidance to analyse the human erroneous actions and environmental effects to improve the detection of the contributing factors and, therefore, the quality of SR (ref. ID23 – section 3.3<sup>5</sup>)

#### 10. Safety recommendations

1. Follow Up of SR / WG2: Feedback on agreed principles PCF 6/10.1 - PCF Sat
2. Work Group 9 progress report: Promulgation of SR PCF 6/10.2 - UK
3. Medium priority Mitigation measures:
  - A. Specific training on SR focused on the following topics: (i) suitable methodologies to link the SR to the analysis; (ii) proper identification of the SR addressees, and (iii) drafting SR in line with the common methodology (ref. ID28 – section 5.2<sup>5</sup>).
  - B. Common procedure supporting IB to assess in what extent the addressees took SR into account (ref. ID29 – section 5.2)

#### 11. Investigation reports

1. Interim report / WG5: Feedback on agreed principles PCF 6/11.1 - PCF Sat
2. Medium priority Mitigation measures:
  - A. Possibility to publish in EMCIP an abstract written in English if the report is in other national languages. A common understanding about the structure and content of this abstract should be agreed (ref. ID25 – section 5.1);
  - B. Specific training on report writing (ref. ID26 – section 5.1<sup>5</sup>).

#### 12. Outcome of safety investigations

1. Data sharing / WG1: Feedback on agreed principles PCF 6/12.1 - PCF Sat
2. Framework on Safety on board ro-ro ferries PCF 6/12.2 - Italy

#### 13. Training / Qualification

1. Work Group 4 progress report: Training / Qualification. PCF 6/13.1 - EMSA
2. Training activities by EMSA PCF 6/13.2 - EMSA
3. Medium priority Mitigation measures: Best practices to ensure that investigators belonging to private companies have the appropriate working knowledge in the areas pertaining the safety investigations (ref. ID9 – section 2.4)

#### 14. EMCIP

1. EMCIP Developments of current EMCIP PCF 6/14.1 - EMSA
2. EMCIP User Group PCF 6/14.2 - EMSA
3. EMCIP Reporting of occurrences PCF 6/14.3 - EMSA
4. EMCIP Future EMCIP PCF 6/14.4 - EMSA
5. Taxonomy review: update PCF 6/14.5 – EMSA
6. Reporting of ESAW data to EUROSTAT via future EMCIP PCF 6/14.6 - UK
7. High priority Mitigation measure: Possibility of amending art.17.3 of the Directive to provide the MS - instead of the IB - with the reporting obligations in EMCIP. This would allow more flexibility at national level to establish which organisation would be responsible to feed the system (ref. ID32 – section 5.3)

#### 15. Work Programme

1. Update / Follow up PCF 6/15.1 - Chair

#### 16. AOB

1. 5Y implementation report - REFIT AI Directive Commission
2. EMSA Annual Overview of Marine Casualties and Incidents 2016 Verbal (EMSA)
3. VDR issue - Workshop Verbal (EMSA)

#### 17. Election Chair and Vice-Chair persons

#### Closure of PCF6

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<sup>5</sup> This measure is also relevant to cope with the issue in section 2.3