

Establishing the fundamental principles governing the investigation of accidents in the maritime transport sector

2023/0164(COD) - 06/12/2024 - Final act

PURPOSE: to lay down rules on the safety investigation of accidents in the maritime transport sector in order to improve maritime safety and protect the marine environment.

LEGISLATIVE ACT: Directive (EU) 2024/3017 of the European Parliament and of the Council amending Directive 2009/18/EC of the European Parliament and of the Council establishing the fundamental principles governing the investigation of accidents in the maritime transport sector and repealing Commission Regulation (EU) No 1286/2011.

CONTENT: this directive is part of a package of four new pieces of legislation on maritime safety that aim to support clean, safer and modern maritime transport in the EU. These acts amend the relevant Directives on:

- **the investigation of accidents in the maritime transport sector;**
- ship-source pollution ([2023/0171\(COD\)](#));
- compliance with flag state requirements ([2023/0172\(COD\)](#)), and
- port state control ([2023/0165\(COD\)](#)).

The revised ‘package’ achieves a careful balance between, on the one hand, the need to ensure a high quality of shipping and, on the other, the need to safeguard the competitiveness of the European shipping sector, while also maintaining reasonable costs for operators and Member States’ administrations.

The main elements of the revised directive on the investigation of accidents in the maritime sector are as follows:

Definitions and scope

Fishing vessels of **less than 15 metres in length** are now included in the scope of the directive, meaning that accidents resulting in the loss of life and vessels will be investigated in a harmonised manner.

The directive updates several definitions and references to relevant EU legislation and International Maritime Organisation (IMO) regulations for the sake of clarity and consistency. For example, a ‘fatal injury’ is any injury sustained by a person in an accident, and which results in his or her death within 30 days of the date of the accident, if the related information is available.

Harmonised investigations and obligation to investigate

The directive clarifies the legal provisions so that Member States’ accident investigation bodies investigate all accidents that need to be investigated in a timely and harmonised manner.

Each Member State will ensure that a safety investigation is carried out by the safety investigation authority after any **very serious marine casualty**:

- (a) involving a ship flying its flag, irrespective of the location of the casualty;
- (b) occurring within its territorial sea and internal waters as defined in UNCLOS, irrespective of the flag of the ship or ships involved in the casualty.

In the case of a fishing vessel of less than 15 metres in length, the safety investigation authority will without delay and **no later than two months after the very serious marine casualty, carry out a preliminary assessment** to determine whether to conduct a safety investigation.

When deciding whether to conduct a safety investigation, the safety investigation authority will take into account the evidence available, as well as the potential for the findings of the safety investigation to lead to the prevention of future marine casualties and incidents.

Maritime Safety Investigation Authority

The directive strengthens the provisions on the **independence** of accident investigation bodies and the confidentiality of their findings and reduces unnecessary administrative burdens.

Member States will ensure that safety investigations are conducted under the responsibility of an impartial, independent and permanent safety investigation authority, equipped with the necessary skills and with sufficient means and financial resources, and composed of investigators suitably qualified in the fields of marine casualties and incidents in order to comply with their obligations under this directive.

Accident reports

Safety investigations carried out under the directive will result in the publication of an **accident report** presented in a format defined by the competent safety investigation authority. The safety investigation authority will make every effort to present the accident report, including its conclusions and any recommendations, to the public, and in particular to the maritime sector, within 12 months of the date of the maritime accident or incident.

Training and operational support

The Commission, with the assistance of the Agency and in cooperation with the Member States, will facilitate the development of capacities within safety investigation authorities and the sharing of knowledge between them by providing regular training on new legal and technological developments, depending on the needs of safety investigation authorities.

ENTRY INTO FORCE: 26.12.2024.

TRANSPOSITION: no later than 27.6.2027.