

# Investigation of accidents in the maritime transport sector

2005/0240(COD) - 23/11/2005 - Document attached to the procedure

## COMMISSION'S IMPACT ASSESSMENT

*For further information regarding the context of this issue, please refer to the summary of the Commission's 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 and amending Directives 1999/35/EC and 2002/59/EC - COM(2005)0590.*

### 1- POLICY OPTIONS AND IMPACTS

The Commission considered four main policy options:

**1.1- Option 1: maintaining the current status quo ("do nothing"):** The first option is to discard any action at Community level in respect of marine casualty investigations. The "no policy change" option would perpetuate the current situation. This would mean that none of the very serious problems in this field would be addressed.

**1.2- Option 2: a non-legislative Community initiative encouraging the Member States to apply the recommendations in the IMO Code voluntarily:** This policy option would consist of a Community proposal to foster, develop and sustain a cooperative relationship among national marine investigators for the purpose of improving and sharing of knowledge in a European forum. Such a proposal could be based on a "Memorandum of Understanding" to be subscribed by the interested parties (voluntary cooperation agreement approach).

**1.3- Option 3: a submission to the IMO from the 25 EU Member States to amend the international conventions in order to establish a formal obligation to carry out technical investigations following maritime incidents:** The third option would be to propose a joint, unanimous position of all the EEA Member States and of the European Commission, for the purposes of promoting the amendment of the relevant instruments of the International Maritime Organisation. Such an amendment would aim, inter alia, to:

- introduce a number of amendments to the Code for the Investigation of Marine Casualties and Incidents,
- make the Code mandatory for all the nations in the world that are parties to the Safety of Life at Sea Convention (SOLAS).

This option would require discussion at the European Council with a view to obtaining the voluntary agreement of all the Member States to follow the position suggested by the Commission. Subsequently, it would require the support of a significant number of third countries at discussions within the International Maritime Organisation.

**1.4- Option 4: developing clear guidelines at Community level on carrying out technical investigations and on feedback of experience following all serious maritime incidents:** This would involve a proposal to the European Parliament and Council for the adoption, on the basis of Article 80(2) of the EC Treaty, of a new Directive introducing into Community law the principles governing the technical investigation of accidents in the maritime transport sector. This Directive would aim to complete the existing EU Maritime Safety Framework by ensuring that marine casualty investigations provide

adequate and timely feedback for the adoption of corrective action, at the appropriate level, for preventing loss of life at sea and pollution of the marine environment.

**CONCLUSION: Option 4 is the Commission's preferred option.** This option may lead to the quickest results, with the EU providing for a legislative framework for effectively implementing the instruments existing at international level to ensure the speedy and independent investigation of serious and very serious marine casualties. The Directive would establish the minimum requirements that all the EEA Member States should respect in that regard.

## IMPACTS

# Direct impacts

In terms of main direct economic impact, the implementation of the measures envisaged in the Commission's proposal would require a budgetary and organisational effort from the **Member States' administrations** which would vary from one Member State to another. Clearly, Member States with a large registered fleet and/or with coastal regions with heavy maritime traffic and/or other interests in the shipping sector would be the most affected.

As to the likely direct impact on the **industry**, the measures required to achieve the aims of the proposal would be of no cost to the shipping industry. It is in the industry's interests that investigations are undertaken in a timely and thorough fashion. Furthermore, the proposal is not seen as an administrative burden for the industry as it would become a more effective and uniformly applied tool for accident investigation.

## Indirect impacts

### Economic impacts:

**Shipping industry:** On the negative side, possible cost increases due to the introduction of corrective measures for preventing accidents (e.g. manning requirements, improved equipment or ship design specifications, etc.) could arise. On the positive side, there would be better vessel design, maintenance and operational requirements; wider and quicker notification of potential marine industry risk factors, enhanced cooperation between the industry and the investigating authorities, legal certainty about the scope and purposes of safety investigations, ability to share safety information for preventing the risk of similar accidents in other ships.

**Maritime Administrations:** a negative impact for some Member States' and some third countries' flag administrations arising from the cost of building up an adequate investigative capacity. Positive impacts would include better performance in the prevention of accidents and incidents; improved knowledge for surveying accident-prone ships; enhanced cooperation with other Member States and with third countries; a uniform approach to casualty investigation based on internationally agreed principles; an understanding of underlying causal factors and a better appreciation of the effectiveness of existing safety provisions, i.e. better links between the causes of accidents and regulatory action.

### Other economic impacts:

Overall: An improved state of operation of the fleet serving the EU (and of the world-fleet as a whole);

Better protection of commercial interests (shippers, insurers, ship finance, etc)

A safety system adapted to the risks and needs of the 21<sup>st</sup> century maritime transport system;

Huge savings in financial compensation for loss of lives and environmental damage.

**Environmental impacts:**

The system is designed to be effective in preventing the recurrence of marine environment catastrophes.

**2- FOLLOW-UP**

The Commission will monitor the effective implementation by the Member States of the administrative provisions necessary to comply with the proposed Directive. Member States would be under an obligation to communicate to the Commission the text of those provisions and a correlation table between those provisions and the Directive.

On a more operational level, the European Maritime Safety Agency is well placed to monitor the fulfilment of the obligations of the Member States in respect of the conduct of marine casualty investigations covered by the directive, the reporting requirements, issues related to methodology or proposals for corrective actions, at the appropriate level.

The reports and surveys of the International Maritime Organisation regarding performance of the Administrations in fulfilling the requirements of the IMO Code would also provide key information to monitor achievement of the expected results.