Investigation of accidents in the maritime transport sector

2005/0240(COD) - 25/04/2007 - Text adopted by Parliament, 1st reading/single reading

The European Parliament adopted a resolution drafted by Jaromir **KOHLICEK** (GUE/NGL, CZ) making several amendments to the proposal. The main ones are as follows:

- Parliament emphasised the need to ensure the independence of the body or entity carrying out the investigation;

- the Agency must, in the light of the results of the analyses of previous accidents, incorporate into the joint methodology any elements arising from the analyses which may be of interest for the prevention of new disasters and the improvement of maritime safety in the EU;

- the IMO guidelines on the fair treatment of seafarers in the event of a maritime accident counteract the risk of the criminalisation of the captain and the crew. They could give them more confidence in investigation methods, and should therefore be used by the Member States. Accordingly, Member States shall comply with the IMO guidelines on the fair treatment of seafarers in the event of a maritime accident;

- investigations under the Directive shall not be concerned with determining liability nor apportioning blame;

- the definition of "safety recommendation" was amended;

- Member States shall ensure that in the course of accident investigations, witnesses are protected from having their statements being obtained by third country authorities so as to prevent such statements or information from being used in criminal investigations in the countries in question;

- a safety investigation shall be started as promptly as is practicable after the marine casualty or incident occurs and no later than two months after its occurrence;

- should two or more Member States concerned not determine which Member State is to lead the investigation, they shall immediately implement a recommendation by the Commission on the

matter, based on an opinion from the Agency;

- Parliament deleted a clause stating that information can only made available for purposes other than the safety investigation if the appropriate judicial authority in that State determines that the advantage of disclosure outweighs the adverse impact on that investigation or on any future investigations;

- every three years, the Commission shall provide information to the European Parliament in the form of a report which shall set out the degree of implementation and compliance with the provisions of the Directive, as well as the further steps considered necessary in the light of the recommendations set out in the report;

- the Commission, acting with the assistance of the Agency, shall incorporate into the joint methodology the conclusions of the accident reports and the safety recommendations contained therein.