



Marine Casualty Investigation

in EU-25 and EEA Member States

(Interim Report)

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1. Scope

This review provides information on how marine casualty investigation is presently structured in the EU-25 and EEA Member States. It focuses on the legal approach, the administrative responsibilities and the organisational structures framing the investigations as well as on the human resources and their work status.

Although some issues of marine casualty investigation in Europe have been studied, identified and described in prior EU studies on casualty investigation, examples of only very few Member States were looked at and no full overview exists.

Article 2 (a), (e) and (f) of Directive 1406/2002 and the EMSA Work Programmes 2004 and 2005 tasking EMSA with assisting the Commission in the preparatory work for developing new legislation, with the development of a common methodology and a database for investigations as well as with the analysis of investigation reports, the objective of this report is therefore to gain a basic overview on existing structures and practicalities in the field of marine casualty investigation in the EU and EEA Member States.

2. Approach

In a first approach contact was made with the authorities responsible for casualty investigation in the 27 EU and EEA Member States and first general information on existing legislation, structures and procedures was collected from them as well as from internet sources.

In a second approach EMSA created a datasheet for each Member State which was sent to each respective Member State for amendments, corrections and verification. EMSA received revised datasheets from 17 Member States.

In addition national legislation, procedures and other information available on the internet or received in copy from the Member States were screened.

So far EMSA has only been able to carry out visits to a very limited number of investigation bodies of the Member States; however additional information and clarification were gained by these visits.

Hence for some Member States a considerable amount of reliable information has been gained, for others there is still a need to receive more. The information available at present is however deemed sufficient to draw an overall picture of interim character. Therefore this report focuses on basic issues of general importance and is designed as an interim review within a continuing information gaining and analysing process.

The findings are consolidated and presented in order of some key factors for marine casualty investigation in the following text as well as in an overview on Member State groups following particular approaches and in preliminary information sheets for each Member State.

3. Overview and Conclusions

Variety of structures

Structures and minimum standards vary significantly in the Member States. This results in the EU having far from common and reliable minimum standards in marine casualty investigation.

Permanence

Whether or not the employment or appointment of marine casualty investigators and the existence of an investigation entity are permanent varies widely. Some investigation entities are created in the form of a standing authority, others are organised as commissions assembling when the need arises.

Separation

In some Member States investigation entities are separated from the national administration responsible for maritime safety, in others they are integrated into and supervised by that administration. In some Member States an investigation entity is legally separated from but factually staffed by the personnel of the same maritime administration. Most Member States provide for the assistance of the maritime police, coastguard, harbour masters and other maritime administrations to a separated investigation body in its investigation; in some countries these forces and organisations of the maritime administration, functioning as a first investigation institution, carry out a preliminary or first level investigation themselves which, depending on the result or recommendation of such preliminary or first level investigation, may then be followed by the full investigation of a separated investigation body.

Guarantee of Independence

An explicit guarantee of the independence of the investigators and of the investigation entity is given in the law of a small group of Member States (France, Germany, Iceland, Ireland).

Cooperation

Provisions on cooperation with other States are rare in the legislation of the Member States; where existing they remain general and hardly create binding duties to co-operate. Some Member States incorporate or refer generally to the IMO Code for the Investigation of Marine Casualties and Incidents; only two Member States list permanent or ad-hoc agreements with other states (Cyprus, Hungary).

Publication of reports

Many Member States do not regularly publish full reports of the investigations carried out.

Specific legislation

Whereas many Member States regulate marine casualty investigation in specific and detailed acts and regulations, others only provide brief provisions in general shipping acts and have no specific rules designed to provide particular guidance, procedures and powers for marine safety investigation purposes.

Enactment of IMO rules; EU provisions on marine casualty investigation

The (internationally non-binding) IMO Code for the Investigation of Marine Casualties and Incidents has been enacted by some Member States and references to Directive 1999/35/EC (Art. 12) can often be found in the legislation. None of the screened national instruments refers to Directive 2002/59/EC which, under a broader scope than that of Directive 1999/35/EC and among other provisions relevant for casualty management and investigation, in Art. 11 obliges Member States to ensure that investigations comply with the IMO Code.

Modality approaches

The vast majority of Member States maintains mono-modal structures, i.e. investigation entities exclusively dealing with marine casualty investigation. Only a small minority of Member States maintains multi-modal investigation entities combining the investigation of casualties in the different transport modes. However, the multi-modal-oriented sharing and combining of investigation experiences (circulars, seminar meetings, common analysis) in the different transport sectors is on the rise and increasingly practised in countries which structurally apply the mono-modal approach.

Dislocation

Decentral elements in the location of separate investigation institutions or resources are maintained by a minority of Member States. However, by virtue of integrating maritime administrations (typically coastguards and harbour masters) into investigations many Member States indeed indirectly also involve (non-separate) decentral elements. Most Member States have centralized their marine safety investigation sources in one investigation entity which typically has its seat within, attached to or nearby the premises of the headquarters of the national maritime administration.

4. Particular information

Provision for investigation:

All Member States, except the Czech Republic, provide for the investigation of marine casualties.

The Czech Republic possesses a register for seagoing ships, but no such ships are presently registered therein and thus the Czech Republic has not yet enacted any consequential legislation and administration for marine casualties.

Provision for investigation entities:

All Member States, except a small group of land-locked Member States (Austria, Czech Republic, Slovakia), provide either for a permanent entity responsible for the investigation of marine casualties or for pre-defined structures to assemble or create such an entity in the case of a casualty.

Austria and Slovakia, due to the absence of coastlines and the limited size of their fleets, have not created any marine investigation entity out of the ministerial department responsible for maritime transport; only Austria has yet been confronted with a casualty and arranged its investigation through an external expert investigating on behalf of the ministerial administration.

Purely safety related investigation entities which investigate solely for marine safety related purposes (not related to disciplinary / criminal charges or liability claims) exist in a large group of Member States (Finland, France, Germany, Iceland, Poland, Spain, Sweden, United Kingdom). The investigation entities of most other Member States are directly or indirectly linked to or deal fully with civil, disciplinary or criminal law procedures in the turn of their investigation; their findings may have a clear impact on the careers or liability of those involved in the casualty and hence influence their willingness to provide full information on the causes of a casualty.

A small group of Member States has tasked courts with marine casualty investigation (Malta, Poland, The Netherlands, Norway).

Separation of investigation entity:

All investigating entities of a group of Member States (Cyprus, Estonia, Hungary, Latvia, Lithuania, Slovenia,) are at present clearly not separate entities but part of the maritime administration.

In Sweden this is the case for one of its two entities investigating marine casualties.

In Denmark an investigation division has been set up within the maritime administration and hence administratively it is a non-separate entity. However, the Danish law stipulates that the division shall carry out its investigations separately from the other functions and activities of the maritime administration.

Luxembourg, in 2004, created the administrative frame for an investigation cell within the ministry of transport which will be functionally parted from the ministerial maritime administration.

In Poland and Lithuania the harbour masters, being part of the maritime administration, will carry out certain parts or types of investigations. In Poland however they carry out their actions on behalf of the maritime chambers of the courts which control the investigations separately from any administration.

Malta and The Netherlands have tasked investigation cells within their maritime administration with a first level inquiry into casualties which may then, on the proposal of a charged investigator of that the cell or by order of the Minister, be followed by the full investigation of a (separate) court.

In Greece the maritime authorities - namely the Coast Guard including the port authorities - are tasked with an investigation of first instance. This may be followed by the investigation of a separated investigation council if the Minister of Merchant Marine orders such an investigation. The council members are appointed by the Minister; its president being a judge nominated by the Minister of Justice, the other members are partly employees of the maritime administration and partly experts of not necessarily administrative background.

Italy provides for one central commission and a number of local commissions dealing with marine casualty investigation. The members of the local commissions are appointed by the harbour masters which as members of the Coast Guard, are part of the maritime administration; the commission members are partly deployed by the maritime administration (Coast Guard) and partly by experts not necessarily of administrative background. The central commission, which has to a large degree been created to comply with Directive 1999/35/EC, consists of officers from the Coast Guard and civil servants of the maritime administration; it is required to be chaired by an Admiral of the Coast Guard.

Portugal provides for ad-hoc commissions which investigate under the control of the maritime administration.

The other Member States have separated all investigation activities, entities and their personnel from the other administrations.

The Member State with the longest standing tradition in maintaining separate casualty investigation institutions for marine casualty investigation is Germany where a separate marine investigation system was created in 1877 and reformed in 2002. Other fully or partly separate systems were institutionalized in The Netherlands (court) in 1909, in Belgium (commission) in 1925, in Poland (court) in 1925, in Greece (commission) in 1970, in Malta (court) in 1970, in the United Kingdom (permanent authority) in 1989, in Sweden (permanent authority) in 1990, in Finland (permanent authority) in 1996, in France (permanent authority) in 1997, in Iceland (commission) in 2000, in Spain (commission) in 2001 and in Ireland (commission) in 2002. Norway is presently considering a revision of its court-based system and the creation of a separated commission.

Separation of staff and employment links

A small group of Member States (Belgium, Ireland, Greece, Spain) provides for separate entities in the form of a board or commission out of the formal structure of their maritime administrations, where employment links to the administration remain form all or some of the commission/board members:

In Spain the members assembling in and forming these entities are all employees of the maritime administration. The members are always the heads of the most involved departments of the ministry responsible for maritime transport. Hence separation is achieved administratively and formally; structurally and factually the administration remains closely linked with the investigation entity through this staffing practice in a similar way to the investigation commissions in Greece, Italy and Portugal.

In Belgium the commission members, not necessarily but possibly being employees of the maritime administration, are presently appointed by the King. A new regulation is in the legislative process which foresees that a new autonomous marine investigation cell shall be created and that members of the investigation cell cannot be employees of the maritime administration; only the director of the department of maritime transport will be exempted from that rule and become member of the cell.

In Ireland, just like in Italy and Greece, some members of the investigation board are employees of the maritime administration.

Permanence of investigation work:

A large group of Member States does not permanently and exclusively employ any investigators tasked with the purpose of purely safety related (other than civil, disciplinary or criminal charges) marine casualty investigations (Austria, Belgium, Czech Republic, Greece, Hungary, Ireland, Lithuania, Norway, Portugal, Spain, Slovenia, Slovakia).

In these Member States the personnel tasked with investigation will become and work as investigators only when the concrete need arises, e.g. in the case of a casualty or if administrative matters require a meeting. Hence, so long as this concrete requirement or event has not yet risen or occurred, or when the investigation is finished, their role as investigator exists virtually and parallel to their main profession and occupation in another field of the marine or transport sector; their role as investigator might therefore be described as a “reserve” function.

In many Member States the use of such a “reserve” approach is common to provide additional expertise and resources; most of those Member States which employ marine investigators exclusively and permanently for marine casualty investigation may also make use of external experts for special tasks or appoint non-permanent investigators in addition to the main permanent team of a permanent investigation body.

Co-operation

Some Member States provide for or set certain conditions for the exchange of information with other States (Denmark, Germany), some allow or call on other States to investigate on their behalf (Iceland, Norway), and some refer to or incorporate the co-operation-promoting, but non-conclusive IMO Code into their national laws (Germany, Lithuania, Luxemburg, Spain). However, none of the Member States appears to provide for a clear and precise obligation of full co-operation with or mutual assistance to other (Member) States.

With regard to agreements for co-operation, Hungary pointed to an agreement with Bulgaria, Poland, the Russian Federation, the Czech Republic and Slovakia.

Dislocation / Centralisation:

Decentral elements in the location of separate investigation institutions or resources is maintained by a minority of Member States (France, Italy, Lithuania, Poland). However, by virtue of integrating or allowing parts of the maritime administrations (typically police forces, coastguards, harbour masters) to assist in investigations many Member States indeed maintain or have replaced (non-separate) decentral elements.

Germany has recently given up its long standing decentral system of maintaining a number of separate bodies for marine casualty investigation along its coasts and has replaced it with a central separate marine investigation agency. Germany has however maintained decentral elements for disciplinary matters which have been separated from the now centralised and purely safety related investigation mechanism in the turn of a reform of the entire marine casualty investigation system in 2002.

Modality approaches

The vast majority of Member States still follows a mono-modal approach, but some are increasingly adopting inter-modal elements:

A small minority of Member States maintains multi-modal investigation structures: Only Finland has fully integrated all marine casualty investigations into a multi-modal body dealing with casualties in the air, rail, road and industrial sector; The Netherlands are in the legislative process of doing the same. Sweden has vested certain types of marine casualty in the administration and others in a multi-modal body. Hungary has tasked its general transport safety inspectorates with marine casualty investigations.

The vast majority of all other Member States has in place mono-modal structures of maintaining investigation entities exclusively dealing with marine casualty investigation. However, mono-modal organized Member States like Germany and the United Kingdom, though not going the multi-modal way to its organizational and structural end, have adopted some parts of the multi-modal investigation philosophy and share a common approach in matters where there is a mutual benefit to do so. Most significant are inter-modal links to the air sector, which in Germany have influenced the legal approach and work structures in marine casualty investigation.

Parts of the recently revised German act on marine casualty investigation refer to a corresponding act on air accident investigation. Such inter-modal links and exchange are on the rise and accepted best practice in many Member States.

Guarantee of Independence

An explicit guarantee of the independence of the investigators and of the investigation entity is given in the law of France, Germany, Iceland and Ireland.

France provides that with regard to the conduct of the investigation the body or person charged with the investigation shall neither receive nor ask for any instructions by any authority or organisation.

German law declares that no orders can be given to the investigation bureau concerning its investigations; if given, the bureau is prohibited to follow such an order.

Iceland has laid down that its investigation board shall operate independently of the public authorities and other investigators, the public prosecutors and the courts.

Ireland provides that the investigation board, in the performance of the investigation, shall be completely independent of the Minister and any other person or body.

Integrated casualty (investigation) management

In relation to the approach, access and securing of material and witnesses evidence some EU Member States (France and Finland in detail) address, in their laws on casualty investigation, the relation between the different administrations and forces which are typically involved in the management of a casualty (e.g. disaster response, police, prosecution, investigation body).

No Member State requires in the screened laws the potentially involved administrations to mutually prepare plans and clarify and coordinate such powers and relations prior to a casualty; the relation between the investigation entity and other casualty management related authorities is typically left open.

Iceland has most recently addressed the case of a parallel investigation of its marine investigation board and the police and stipulated the duty of both parties to collaborate on an equal basis.

Overview on approach groups among Member States

1) Permanence

No investigation entity/body/unit/commission:

3 EU MS - Austria, Slovakia, Czech Republic

Marine investigators permanently employed by investigation entity/body/unit:

13 EU - United Kingdom, France, Germany, Denmark, Italy, Latvia, Luxembourg, The Netherlands, Sweden, Malta, Cyprus, Finland

Investigation commissions not permanently employing investigators:

5 EU MS - Belgium, Greece, Ireland, Portugal, Spain

(permanently listed and/or additionally appointed members assembling ad-hoc after casualty)

2) Transport mode coverage

Mono-modal approach:

18 EU MS + 2 EEA MS - Malta, Cyprus, Greece, United Kingdom, France, Germany, Denmark, Italy, Ireland, Lithuania, Latvia, Estonia, Spain, Portugal, Luxembourg, Belgium, The Netherlands (in transition), Sweden (partly); *Norway, Iceland*

Multi-modal approach:

2 - 4 MS - Finland, Hungary (?), Sweden (partly), The Netherlands (transformation pending)

3) Staff & branch dislocation:

Decentral approach:

4 EU MS + 1 EEA MS

France, Italy, *Norway*, Lithuania; Poland

Central approach: all other bodies

4) Separation / incorporation of investigation body

Non-separate investigation unit or investigators as part of maritime administration:

10 EU MS - Cyprus, Estonia, Malta, Italy, Lithuania, Latvia, Hungary; The Netherlands (in transition), Portugal, Sweden (partly)

Part of administration, but separate from safety related maritime administration:

2 EU MS – Denmark, Luxembourg

Separate investigation bodies:

All other

5) Independence

Independence of investigation body from other administration (below minister or parliament) guaranteed by published legal act:

6 EU MS (+ 1 pending) - Germany, France, Finland, Iceland, Ireland; The Netherlands (transition pending), Belgium (in preparation)

6) Technical investigation jurisdiction (other than ro-ro or high speed vessel related):

Investigation *may* be carried out into casualties, irrespective of flag, occurring within in the own territorial sea:

United Kingdom, France, Portugal, Ireland

Investigation *may* be carried out into casualties, irrespective of flag, occurring within in the own territorial sea, only if further requirements are met:

Denmark: "Danish interests involved"

Sweden: "special reasons exist"

Investigation *must* be carried out into casualties occurring within the own territorial sea:

Belgium, Cyprus, Iceland, Italy (for EU flagged vessels), Lithuania (unless otherwise agreed with a flag state)

Jurisdiction seawards of the territorial sea:

Belgium: «En cas d'accident de mer ou d'incident de mer survenu à un navire dans la zone sur laquelle la Belgique exerce sa juridiction, une enquête est immédiatement ouverte sur les circonstances de l'accident ou incident.»

Denmark: if "Danish interests involved" and casualties are related to bunkering operations out of Danish waters,

Germany: "Art. 94 (7) - also in connection with Art. 58 (2)" mentioned as international public law provision on investigation duties. This source listing of the German act indicates that Germany may exercise flag state jurisdiction to investigate on its ships in a foreign EEZ.

Ireland: in "international waters contiguous to Irish waters" (contiguous zone, part of the EEZ), but only for vessels "normally located or moored in Irish waters and under the control of a resident of the State",

Lithuania: applies investigation jurisdiction to casualties which resulted in loss of life of or major injury to a citizen of the Republic of Lithuania irrespective of the flag of the vessel or its location

Iceland: clear provision on investigation jurisdiction in the EEZ "if Icelandic interests are concerned" and "if the board sees reason" to investigate

IMO Code fully, partly or its principles incorporated or referred to in national law:

Germany, Denmark, Lithuania, Spain, Luxembourg, Cyprus, Belgium (in preparation);

(Italian regulations make reference to IMO circulars precedent to the IMO Code)



Austria

In its shipping act Austria requires casualties of vessels under its flag to be investigated. Due to the very limited number of casualties (one since the opening of the present register) no further provisions or permanent structures exist. The matter is handled by the Federal Ministry of Transport directly. If the need arises it contracts an external expert is to carry out an investigation. The IMO Code was and will be incorporated into every contract concluded with such an external investigator.

Resources

permanently employed marine investigators: 0	annual budget: No info
permanently appointed marine investigators: 0	electronic database: NO
ad-hoc selectable marine investigators: 0	regular publications: NO

Structure

central or decentral: central	mono- or multi-modal: mono-modal	separate or integral: integral
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Legislation

explicitly incorporating IMO Code: NO
explicitly providing for independence of investigation: NO
explicitly providing for investigation cooperation with other states: NO

Statistics

	1998	1999	2000	2001	2002	2003
SOLAS fleet	No info	No info	No info	No info	No info	No info
very serious & serious casualties of that fleet	No info	No info	No info	No info	No info	No info
very serious & serious casualties of foreign SOLAS ships in national waters	No info	No info	No info	No info	No info	No info

Sources. The data contained in this sheet is based on information received from the Member State and/or information available in public information sources by October 2004. Definitions. “*Permanently employed*” means employed for investigation purposes only and for a term of office that is not determined by the conduct of one specific casualty; “*permanently appointed*” means appointed for a term of office that is not determined by the conduct of one specific casualty; “annual budget” means a separate amount of money specifically set aside for casualty investigation; “*regular publications*” include the publishing of investigation reports; “*separate*” means functionally detached from the maritime administration; “*independence*” means a status ensuring that the conduct of the investigation will be determined by the investigation body only and that no person outside of that body may interfere with the conduct; “*SOLAS ship*” means a cargo ship of 500 GT or more and any passenger ship engaged on international voyages.



BELGIUM

Belgian law of 1926 institutes a council of investigation for accidents involving Belgian ships; the council has disciplinary powers. The council members are appointed by the King and represent the different profession groups of seamen and fishermen. A decree is currently being processed to include Directive 1999/35/EC requirements and the provisions of the IMO Code into Belgian law. The decree will create an autonomous cell to identify the causes and circumstances of accidents and incidents at sea with the aim of preventing future accidents.

Resources

permanently employed marine investigators: 0	annual budget: No info
permanently appointed marine investigators: 2	electronic database: No info
ad-hoc selectable marine investigators: 20	regular publications: NO

Structure

central or decentral: central	mono-or multi-modal: mono-modal	separate or integral: separate
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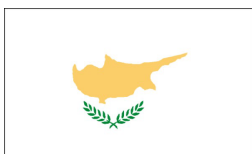
Legislation

explicitly incorporating IMO Code: NO
explicitly providing for independence of investigation: NO
explicitly providing for investigation cooperation with other states: NO

Statistics

	1998	1999	2000	2001	2002	2003
SOLAS fleet	No info	No info	No info	No info	No info	No info
very serious & serious casualties of that fleet	No info	No info	No info	No info	No info	No info
very serious & serious casualties of foreign SOLAS ships in national waters	No info	No info	No info	No info	No info	No info

Sources. The data contained in this sheet is based on information received from the Member State and/or information available in public information sources by October 2004. **Definitions.** “*Permanently employed*” means employed for investigation purposes only and for a term of office that is not determined by the conduct of one specific casualty; “*permanently appointed*” means appointed for a term of office that is not determined by the conduct of one specific casualty; “annual budget” means a separate amount of money specifically set aside for casualty investigation; “*regular publications*” include the publishing of investigation reports; “*separate*” means functionally detached from the maritime administration; “*independence*” means a status ensuring that the conduct of the investigation will be determined by the investigation body only and that no person outside of that body may interfere with the conduct; “*SOLAS ship*” means a cargo ship of 500 GT or more and any passenger ship engaged on international voyages.



CYPRUS

Cyprus has tasked the marine surveyors of its ministerial department of merchant shipping with marine casualty investigation. Within the frame of the division for casualty investigation and notices to mariners there are 2 surveyors fully occupied in co-ordinating the investigations which might be carried out by some of the other 24 surveyors of the department. The IMO Code forms and is applied as part of the Cyprus legislation. Investigation reports are normally released to concerned parties.

Resources

permanently employed marine investigators: 2	annual budget: 34,000 Euro
permanently appointed marine investigators: 0	electronic database: NO
ad-hoc selectable marine investigators: 27	regular publications: NO

Structure

central or decentral: central	mono-or multi-modal: mono-modal	separate or integral: integral
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Legislation

explicitly incorporating IMO Code: YES
explicitly providing for independence of investigation: NO
explicitly providing for investigation cooperation with other states: NO

Statistics

	1998	1999	2000	2001	2002	2003
SOLAS fleet	1602	1556	1475	1407	1443	1357
very serious & serious casualties of that fleet	36	37	28	32	13	13
very serious & serious casualties of foreign SOLAS ships in national waters	1	2	3	4	2	1

Sources. The data contained in this sheet is based on information received from the Member State and/or information available in public information sources by October 2004. Definitions. “*Permanently employed*” means employed for investigation purposes only and for a term of office that is not determined by the conduct of one specific casualty; “*permanently appointed*” means appointed for a term of office that is not determined by the conduct of one specific casualty; “annual budget” means a separate amount of money specifically set aside for casualty investigation; “*regular publications*” include the publishing of investigation reports; “*separate*” means functionally detached from the maritime administration; “*independence*” means a status ensuring that the conduct of the investigation will be determined by the investigation body only and that no person outside of that body may interfere with the conduct; “*SOLAS ship*” means a cargo ship of 500 GT or more and any passenger ship engaged on international voyages.



CZECH REPUBLIC

Having presently no seagoing vessels registered and being a land-locked state, the Czech Republic is presently neither a flag nor a coastal state in terms of casualties involving sea-going ships. No arrangements for marine casualty investigation are provided for.

Resources

permanently employed marine investigators:	annual budget:
permanently appointed marine investigators:	electronic database:
ad-hoc selectable marine investigators:	regular publications:

Structure

central or decentral:	mono-or multi-modal:	separate or integral:
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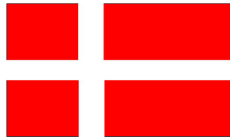
Legislation

explicitly incorporating IMO Code:
explicitly providing for independence of investigation:
explicitly providing for investigation cooperation with other states:

Statistics

	1998	1999	2000	2001	2002	2003
SOLAS fleet						
very serious & serious casualties of that fleet						
very serious & serious casualties of foreign SOLAS ships in national waters						

Sources. The data contained in this sheet is based on information received from the Member State and/or information available in public information sources by October 2004. Definitions. “*Permanently employed*” means employed for investigation purposes only and for a term of office that is not determined by the conduct of one specific casualty; “*permanently appointed*” means appointed for a term of office that is not determined by the conduct of one specific casualty; “annual budget” means a separate amount of money specifically set aside for casualty investigation; “*regular publications*” include the publishing of investigation reports; “*separate*” means functionally detached from the maritime administration; “*independence*” means a status ensuring that the conduct of the investigation will be determined by the investigation body only and that no person outside of that body may interfere with the conduct; “*SOLAS ship*” means a cargo ship of 500 GT or more and any passenger ship engaged on international voyages.



DENMARK

Denmark has tasked its maritime administration with casualty investigation and created therein a division carrying out this task. Although this division is administratively part of the administration, the Danish law provides that the investigations of that division shall be carried out separate from the functions and activities of all other departments of the administration. If Danish interests are involved, certain casualties involving foreign ships shall also be investigated by the division; such casualties occurring outside Danish waters shall also be investigated by the division in co-operation with the flag state.

Resources

permanently employed marine investigators: 4	annual budget: 575,000 Euro
permanently appointed marine investigators: 0	electronic database: YES
ad-hoc selectable marine investigators: 0	regular publications: YES

Structure

central or decentral: central	mono-or multi-modal: mono-modal	separate or integral: integral
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Legislation

explicitly incorporating IMO Code:
explicitly providing for independence of investigation:
explicitly providing for investigation cooperation with other states:

Statistics

	1998	1999	2000	2001	2002	2003
SOLAS fleet	No info	No info	No info	No info	No info	No info
very serious & serious casualties of that fleet	1/ no info	1/ no info	1/ no info	0/ no info	1/ no info	2/ no info
very serious & serious casualties of foreign SOLAS ships in national waters	No info	No info	No info	No info	No info	1

For some years no or limited information (no figures for serious casualties) is presently available.

Sources. The data contained in this sheet is based on information received from the Member State and/or information available in public information sources by October 2004. Definitions. “*Permanently employed*” means employed for investigation purposes only and for a term of office that is not determined by the conduct of one specific casualty; “*permanently appointed*” means appointed for a term of office that is not determined by the conduct of one specific casualty; “annual budget” means a separate amount of money specifically set aside for casualty investigation; “*regular publications*” include the publishing of investigation reports; “*separate*” means functionally detached from the maritime administration; “*independence*” means a status ensuring that the conduct of the investigation will be determined by the investigation body only and that no person outside of that body may interfere with the conduct; “*SOLAS ship*” means a cargo ship of 500 GT or more and any passenger ship engaged on international voyages.



ESTONIA

Estonia has tasked its maritime administration with marine casualty investigation in as much as casualties involving ship safety are involved. The maritime administration has created a department for marine casualty investigation and maritime safety development which does not only compile reports on casualties, but also issues decisions on dangerous incidents. Investigators of other states may be invited to take part in an investigation.

Resources

permanently employed marine investigators: 6	annual budget: No info
permanently appointed marine investigators: 0	electronic database: NO
ad-hoc selectable marine investigators: 7	regular publications: YES

Structure

central or decentral: central	mono-or multi-modal: mono-modal	separate or integral integral
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Legislation

explicitly incorporating IMO Code: No info
explicitly providing for independence of investigation: No info
explicitly providing for investigation cooperation with other states: No info

Statistics

	1998	1999	2000	2001	2002	2003
SOLAS fleet	75	74	67	50	50	41
very serious & serious casualties of that fleet	1	0	8	2	0	1
very serious & serious casualties of foreign SOLAS ships in national waters	0	1	2	0	1	0

Sources. The data contained in this sheet is based on information received from the Member State and/or information available in public information sources by October 2004. **Definitions.** “*Permanently employed*” means employed for investigation purposes only and for a term of office that is not determined by the conduct of one specific casualty; “*permanently appointed*” means appointed for a term of office that is not determined by the conduct of one specific casualty; “annual budget” means a separate amount of money specifically set aside for casualty investigation; “*regular publications*” include the publishing of investigation reports; “*separate*” means functionally detached from the maritime administration; “*independence*” means a status ensuring that the conduct of the investigation will be determined by the investigation body only and that no person outside of that body may interfere with the conduct; “*SOLAS ship*” means a cargo ship of 500 GT or more and any passenger ship engaged on international voyages.



FINLAND

Finland is the only Member State that has fully vested marine casualty investigation into a multi-modal investigation board financed and administered by the Ministry of Justice. All authorities must inform the board about casualties and the board will then decide on launching an investigation. Depending on the casualty the board will investigate itself, propose to the Minister of Justice the appointment of an accident investigation commission, or appoint such a commission directly. These commissions will work through the board's structure. A list of additional, non-permanent, potential investigators, which receive regular training to investigate for government purposes, is maintained by the board. If appointed, such investigators will work in a status of public servant. The board may order any authority or service to report on what action has been taken to implement the recommendations of an investigation report.

Resources

permanently employed marine investigators: 2	annual budget: No info
permanently appointed marine investigators:	electronic database: NO
ad-hoc selectable marine investigators: 20	regular publications: YES

Structure

central or decentral: central	mono-or multi-modal: multi-modal	separate or integral: separate
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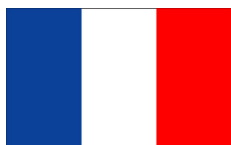
Legislation

explicitly incorporating IMO Code: NO
explicitly providing for independence of investigation: NO
explicitly providing for investigation cooperation with other states: NO

Statistics

	1998	1999	2000	2001	2002	2003
SOLAS fleet	No info	No info	No info	No info	No info	No info
very serious & serious casualties of that fleet	No info	No info	No info	No info	No info	No info
very serious & serious casualties of foreign SOLAS ships in national waters	No info	No info	No info	No info	No info	No info

Sources. The data contained in this sheet is based on information received from the Member State and/or information available in public information sources by October 2004. Definitions. "Permanently employed" means employed for investigation purposes only and for a term of office that is not determined by the conduct of one specific casualty; "permanently appointed" means appointed for a term of office that is not determined by the conduct of one specific casualty; "annual budget" means a separate amount of money specifically set aside for casualty investigation; "regular publications" include the publishing of investigation reports; "separate" means functionally detached from the maritime administration; "independence" means a status ensuring that the conduct of the investigation will be determined by the investigation body only and that no person outside of that body may interfere with the conduct; "SOLAS ship" means a cargo ship of 500 GT or more and any passenger ship engaged on international voyages.



FRANCE

France, in 1997, created the investigation entity BEAMer that maintains a centralized core team in Paris and decentral elements in the form of regional representatives located in the different coastal regions of France. The Minister of Transport appoints the director of BEAMer. BEAMer may propose to, and will investigate on order of the Minister. As guaranteed explicitly by the law, it will then investigate in total independence from any other authority. Prosecutions are not dealt with by BEAMer and its relationship to the public prosecutor, who may carry out an investigation in parallel, is regulated in an act on casualty investigation. Investigators of foreign states may take part in an investigation and may for that purpose act on French territory or on French ships in line with arrangements of BEAMer's director.

Resources

permanently employed marine investigators: 7	annual budget: No info
permanently appointed marine investigators: 12-15	electronic database: NO
ad-hoc selectable marine investigators:	regular publications: YES

Structure

central or decentral: decentral	mono-or multi-modal: mono-modal	separate or integral: separate
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Legislation

explicitly incorporating IMO-Code: NO
explicitly providing for independence of investigation: YES
explicitly providing for investigation cooperation with other states: YES

Statistics

<i>no information</i>	1998	1999	2000	2001	2002	2003
SOLAS fleet	No info	No info	No info	No info	No info	No info
very serious & serious casualties of that fleet	No info	No info	No info	No info	No info	No info
very serious & serious casualties of foreign SOLAS ships in national waters	No info	No info	No info	No info	No info	No info

Sources. The data contained in this sheet is based on information received from the Member State and/or information available in public information sources by October 2004. Definitions. "Permanently employed" means employed for investigation purposes only and for a term of office that is not determined by the conduct of one specific casualty; "permanently appointed" means appointed for a term of office that is not determined by the conduct of one specific casualty; "annual budget" means a separate amount of money specifically set aside for casualty investigation; "regular publications" include the publishing of investigation reports; "separate" means functionally detached from the maritime administration; "independence" means a status ensuring that the conduct of the investigation will be determined by the investigation body only and that no person outside of that body may interfere with the conduct; "SOLAS ship" means a cargo ship of 500 GT or more and any passenger ship engaged on international voyages.



GERMANY

The German system of marine casualty investigation dates back to 1877. The system has been reformed by a new marine casualty investigation act in 2002. Local investigation bureaus were given up and one Federal Bureau of Maritime Casualty Investigation was created. It is funded and administered by the Ministry of Transport. The law parts any disciplinary elements from the investigations of the bureau and explicitly grants it independence; it declares void any orders which may be given to influence such investigations. The new law refers in many parts to a national law on air accident investigation. Data can be transferred to other states if safety related matters provided for in binding agreements require such transfer. In its annual report the bureau summarizes the investigation co-operation with other states.

Resources

permanently employed marine investigators: 6	annual budget: 1000000 €
permanently appointed marine investigators:	electronic database: YES
ad-hoc selectable marine investigators: 66	regular publications: YES

Structure

central or decentral: central	mono-or multi-modal: mono-modal	separate or integral: separate
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Legislation

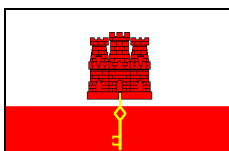
explicitly incorporating IMO Code: NO
explicitly providing for independence of investigation: YES
explicitly providing for investigation cooperation with other states: YES

Statistics

	1998	1999	2000	2001	2002	2003
SOLAS fleet	847	701	692	605	549	482
very serious & serious casualties of that fleet	5 / (No info)	4/ (No info)	1 / (No info)	0 / (No info)	2	9
very serious & serious casualties of foreign SOLAS ships in national waters	3/ (No info)	2/ (No info)	0/ (No info)	0/ (No info)	0/	0

For some years no or limited information (no figures for serious casualties) is presently available.

Sources. The data contained in this sheet is based on information received from the Member State and/or information available in public information sources by October 2004. Definitions. “*Permanently employed*” means employed for investigation purposes only and for a term of office that is not determined by the conduct of one specific casualty; “*permanently appointed*” means appointed for a term of office that is not determined by the conduct of one specific casualty; “annual budget” means a separate amount of money specifically set aside for casualty investigation; “*regular publications*” include the publishing of investigation reports; “*separate*” means functionally detached from the maritime administration; “*independence*” means a status ensuring that the conduct of the investigation will be determined by the investigation body only and that no person outside of that body may interfere with the conduct; “*SOLAS ship*” means a cargo ship of 500 GT or more and any passenger ship engaged on international voyages.



GIBRALTAR

The Department of Shipping reports to the Chief Executive of the Ministry for Trade, Industry and Communications and delegates the investigation of very serious casualties to the MAIB. Other investigations are conducted by the Department of Shipping on an ad-hoc appointment basis.

Resources

permanently employed marine investigators: 0	annual budget: 1,500 Euro
permanently appointed marine investigators: 4	electronic database: NO
ad-hoc selectable marine investigators: 18	regular publications: NO

Structure

central or decentral: central	mono-or multi-modal: mono-modal	separate or integral: integral
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Legislation

explicitly incorporating IMO Code: No info
explicitly providing for independence of investigation: No info
explicitly providing for investigation cooperation with other states: No info

Statistics

	1998	1999	2000	2001	2002	2003
SOLAS fleet	26	39	65	93	138	170
very serious & serious casualties of that fleet	1	1	3	0	1	6
very serious & serious casualties of foreign SOLAS ships in national waters	0	0	0	0	3	1

Sources. The data contained in this sheet is based on information received from the Member State and/or information available in public information sources by October 2004. Definitions. “*Permanently employed*” means employed for investigation purposes only and for a term of office that is not determined by the conduct of one specific casualty; “*permanently appointed*” means appointed for a term of office that is not determined by the conduct of one specific casualty; “annual budget” means a separate amount of money specifically set aside for casualty investigation; “*regular publications*” include the publishing of investigation reports; “*separate*” means functionally detached from the maritime administration; “*independence*” means a status ensuring that the conduct of the investigation will be determined by the investigation body only and that no person outside of that body may interfere with the conduct; “*SOLAS ship*” means a cargo ship of 500 GT or more and any passenger ship engaged on international voyages.



GREECE

Greece has tasked its Coast Guard with the first instance investigation of marine casualties which shall report to the Minister of the Merchant Marine. If the Minister then orders an additional full investigation, a separate maritime investigation council shall investigate. Its members are from the judiciary, Navy, Coast Guard and professional associations (masters, engineers, naval architects). Its findings are delivered to the Minister; they may, but do not have to, be used for disciplinary charges and criminal prosecution.

Resources

permanently employed marine investigators: 0	annual budget: No info
permanently appointed marine investigators: 0	electronic database: No info
ad-hoc selectable marine investigators: No info	regular publications: No info

Structure

central or decentral: decentral and central	mono-or multi-modal: mono-modal	separate or integral: separate
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Legislation

explicitly incorporating IMO Code: NO
explicitly providing for independence of investigation: NO
explicitly providing for investigation cooperation with other states: NO

Statistics

	1998	1999	2000	2001	2002	2003
SOLAS fleet	No info	No info	No info	No info	No info	No info
very serious & serious casualties of that fleet	No info	No info	No info	No info	No info	No info
very serious & serious casualties of foreign SOLAS ships in national waters	No info	No info	No info	No info	No info	No info

Sources. The data contained in this sheet is based on information received from the Member State and/or information available in public information sources as of October 2004. **Definitions.** “*Permanently employed*” means employed for investigation purposes only and for a term of office that is not determined by the conduct of one specific casualty; “*permanently appointed*” means appointed for a term of office that is not determined by the conduct of one specific casualty; “annual budget” means a separate amount of money specifically set aside for casualty investigation; “*regular publications*” include the publishing of investigation reports; “*separate*” means functionally detached from the maritime administration; “*independence*” means a status ensuring that the conduct of the investigation will be determined by the investigation body only and that no person outside of that body may interfere with the conduct; “*SOLAS ship*” means a cargo ship of 500 GT or more and any passenger ship engaged on international voyages.



HUNGARY

Hungary has tasked a branch of its transport administration with the investigation of marine casualties: Being the investigation body of first instance the central inspection of transport, which contains a shipping department, will be responsible for investigations according to SOLAS and the IMO Code; it is supervised by the general inspection which functions as second instance followed by courts as third instance. Hungary lists one person qualified to be appointed as investigator.

Resources

permanently employed marine investigators: 0	annual budget: No info
permanently appointed marine investigators: 0	electronic database: NO
ad-hoc selectable marine investigators: 1	regular publications: NO

Structure

central or decentral: central	mono- or multi-modal:	separate or integral: integral
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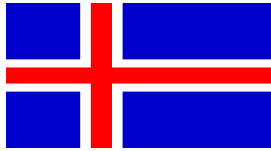
Legislation

explicitly incorporating IMO Code: NO
explicitly providing for independence of investigation: NO
explicitly providing for investigation cooperation with other states: NO

Statistics

	1998	1999	2000	2001	2002	2003
SOLAS fleet	1	1	1	--	2	2
very serious & serious casualties of that fleet	0	0	0	0	0	0
very serious & serious casualties of foreign SOLAS ships in national waters	0	0	0	0	0	0

Sources. The data contained in this sheet is based on information received from the Member State and/or information available in public information sources by October 2004. Definitions. “*Permanently employed*” means employed for investigation purposes only and for a term of office that is not determined by the conduct of one specific casualty; “*permanently appointed*” means appointed for a term of office that is not determined by the conduct of one specific casualty; “annual budget” means a separate amount of money specifically set aside for casualty investigation; “*regular publications*” include the publishing of investigation reports; “*separate*” means functionally detached from the maritime administration; “*independence*” means a status ensuring that the conduct of the investigation will be determined by the investigation body only and that no person outside of that body may interfere with the conduct; “*SOLAS ship*” means a cargo ship of 500 GT or more and any passenger ship engaged on international voyages.



Iceland

Iceland has created a separate marine casualty investigation board in 2000. It assembles 5 members who are appointed by the minister of transport and must have sufficient qualifications and experience for this type of investigation. The board is entitled by law to fully or partly entrust a foreign state with the investigation. The law also provides explicitly for the independence of the board from any other public administration, investigators, prosecutor or court. Iceland entitles the board to investigate casualties of all foreign vessels sailing to or from Iceland and casualties occurring in the Icelandic Exclusive Economic Zone if Icelandic interests are involved.

Resources

permanently employed marine investigators: 2	annual budget: No info
permanently appointed marine investigators: 1	electronic database: No info
ad-hoc selectable marine investigators:	regular publications: No info

Structure

central or decentral: central	mono-or multi-modal: mono-modal	separate or integral: separate
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Legislation

explicitly incorporating IMO Code: NO
explicitly providing for independence of investigation: YES
explicitly providing for investigation cooperation with other states: YES

Statistics

	1998	1999	2000	2001	2002	2003
SOLAS fleet	No info	No info	No info	No info	No info	No info
very serious & serious casualties of that fleet	No info	No info	No info	No info	No info	No info
very serious & serious casualties of foreign SOLAS ships in national waters	No info	No info	No info	No info	No info	No info

Sources. The data contained in this sheet is based on information received from the Member State and/or information available in public information sources by October 2004. Definitions. “*Permanently employed*” means employed for investigation purposes only and for a term of office that is not determined by the conduct of one specific casualty; “*permanently appointed*” means appointed for a term of office that is not determined by the conduct of one specific casualty; “annual budget” means a separate amount of money specifically set aside for casualty investigation; “*regular publications*” include the publishing of investigation reports; “*separate*” means functionally detached from the maritime administration; “*independence*” means a status ensuring that the conduct of the investigation will be determined by the investigation body only and that no person outside of that body may interfere with the conduct; “*SOLAS ship*” means a cargo ship of 500 GT or more and any passenger ship engaged on international voyages.



IRELAND

Ireland revised its law on marine casualty investigation in 2000 and created a separate, independent investigation board in 2003. Beside one chief surveyor and one secretary who work on a permanent or part-time basis for the board, its members are the head and employees of a department of the maritime administration which are appointed and financed as board members by the Minister for Marine and Natural Resources. They assemble and investigate when the task of the investigation board so requires. The board may prosecute summary offences.

Resources

permanently employed marine investigators: 0 permanently appointed marine investigators: 0 ad-hoc selectable marine investigators:	annual budget: 290,000 Euro
	electronic database: NO
	regular publications: YES

Structure

central or decentral: central	mono-or multi-modal: mono-modal	separate or integral: separate
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Legislation

explicitly incorporating IMO Code: NO
explicitly providing for independence of investigation: YES
explicitly providing for investigation cooperation with other states: NO

Statistics

	1998	1999	2000	2001	2002	2003
SOLAS fleet	No info	No info	No info	No info	No info	No info
very serious & serious casualties of that fleet	No info	No info	No info	No info	No info	No info
very serious & serious casualties of foreign SOLAS ships in national waters	No info	No info	No info	No info	No info	No info

Sources. The data contained in this sheet is based on information received from the Member State and/or information available in public information sources by October 2004. Definitions. “*Permanently employed*” means employed for investigation purposes only and for a term of office that is not determined by the conduct of one specific casualty; “*permanently appointed*” means appointed for a term of office that is not determined by the conduct of one specific casualty; “annual budget” means a separate amount of money specifically set aside for casualty investigation; “*regular publications*” include the publishing of investigation reports; “*separate*” means functionally detached from the maritime administration; “*independence*” means a status ensuring that the conduct of the investigation will be determined by the investigation body only and that no person outside of that body may interfere with the conduct; “*SOLAS ship*” means a cargo ship of 500 GT or more and any passenger ship engaged on international voyages.



ITALY

Italy follows a commission-based approach that is combined with decentral elements. There are 13 local commissions and one central commission tasked with marine casualty investigation; the latter focuses on international and centralized administrative tasks. The local commissions assemble when there is a need to carry out their work; its members are otherwise typically employed by the maritime administration and will do the work in the commission parallel to their every-day work.

Resources

permanently employed marine investigators: 0	annual budget: NO
permanently appointed marine investigators: 4	electronic database: NO
for each one of the 13 local Commissions	regular publications: NO
ad-hoc selectable marine investigators: YES	

Structure

central or decentral: decentral	mono-or multi-modal: mono-modal	separate or integral: integral
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Legislation

explicitly incorporating IMO Code: NO
explicitly providing for independence of investigation: NO
explicitly providing for investigation cooperation with other states: YES
(an internal investigation looking for criminal responsibility is always carried out)

Statistics

	1998	1999	2000	2001	2002	2003
SOLAS fleet (*)	752	754	755	775	829	843
very serious & serious casualties of that fleet	5	6	10	15	8	7
very serious & serious casualties of foreign SOLAS ships in national waters (no statistics data available)	No info	No info-	No info-	No Info	No info-	No info

(*) The number of ships is referred to ships ≥ 100 GT on international trades, as given to the Commission with the additional information on SAF

Sources. The data contained in this sheet is based on information received from the Member State and/or information available in public information sources by October 2004. Definitions. “*Permanently employed*” means employed for investigation purposes only and for a term of office that is not determined by the conduct of one specific casualty; “*permanently appointed*” means appointed for a term of office that is not determined by the conduct of one specific casualty; “annual budget” means a separate amount of money specifically set aside for casualty investigation; “*regular publications*” include the publishing of investigation reports; “*separate*” means functionally detached from the maritime administration; “*independence*” means a status ensuring that the conduct of the investigation will be determined by the investigation body only and that no person outside of that body may interfere with the conduct; “*SOLAS ship*” means a cargo ship of 500 GT or more and any passenger ship engaged on international voyages.



LATVIA

Latvia enacted orders on marine casualty investigation in April 2004. Investigations are carried out by a division for casualty investigation of the Maritime Administration which may be assisted by experts from other departments of the administration.

Resources

permanently employed marine investigators: 2	annual budget: 0
permanently appointed marine investigators: 3	electronic database: NO
ad-hoc selectable marine investigators: 5	regular publications: YES

Structure

central or decentral: central	mono-or multi-modal: mono-modal	separate or integral: integral
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Legislation

explicitly incorporating IMO Code: No info
explicitly providing for independence of investigation: NO
explicitly providing for investigation cooperation with other states: NO

Statistics

	1998	1999	2000	2001	2002	2003
SOLAS fleet	1	1	2	1	5	11
very serious & serious casualties of that fleet	0	0	0	0	0	0
very serious & serious casualties of foreign SOLAS ships in national waters	0	0	0	0	0	0

Sources. The data contained in this sheet is based on information received from the Member State and/or information available in public information sources by October 2004. Definitions. “*Permanently employed*” means employed for investigation purposes only and for a term of office that is not determined by the conduct of one specific casualty; “*permanently appointed*” means appointed for a term of office that is not determined by the conduct of one specific casualty; “annual budget” means a separate amount of money specifically set aside for casualty investigation; “*regular publications*” include the publishing of investigation reports; “*separate*” means functionally detached from the maritime administration; “*independence*” means a status ensuring that the conduct of the investigation will be determined by the investigation body only and that no person outside of that body may interfere with the conduct; “*SOLAS ship*” means a cargo ship of 500 GT or more and any passenger ship engaged on international voyages.



LITHUANIA

Lithuania involves two levels of administration in marine casualty investigation: 1) The Lithuanian Maritime Safety Administration has a central role in marine casualty investigations. 2) Harbour masters are conducting certain types of preliminary and full investigations in respect of casualties in port.

Resources

permanently employed marine investigators: 0 permanently appointed marine investigators: ad-hoc selectable marine investigators: 0	annual budget: 0
	electronic database: NO
	regular publications: NO

Structure

central or decentral: partly central, partly decentral	mono-or multi-modal: mono-modal	separate or integral: integral
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Legislation

explicitly incorporating IMO Code: YES
explicitly providing for independence of investigation: NO
explicitly providing for investigation cooperation with other states: NO

Statistics

	1998	1999	2000	2001	2002	2003
SOLAS fleet	87	87	75	75	71	73
very serious & serious casualties of that fleet	3	0	3	3	4	5
very serious & serious casualties of foreign SOLAS ships in national waters	0	1	1	2	1	0

Sources. The data contained in this sheet is based on information received from the Member State and/or information available in public information sources by October 2004. Definitions. “*Permanently employed*” means employed for investigation purposes only and for a term of office that is not determined by the conduct of one specific casualty; “*permanently appointed*” means appointed for a term of office that is not determined by the conduct of one specific casualty; “annual budget” means a separate amount of money specifically set aside for casualty investigation; “*regular publications*” include the publishing of investigation reports; “*separate*” means functionally detached from the maritime administration; “*independence*” means a status ensuring that the conduct of the investigation will be determined by the investigation body only and that no person outside of that body may interfere with the conduct; “*SOLAS ship*” means a cargo ship of 500 GT or more and any passenger ship engaged on international voyages.



LUXEMBOURG

In 2002 Luxembourg enacted legal instruments on marine casualty investigation and set up a technical investigation entity within the Ministry of Transport. In the form of an Annex to a regulation on marine casualty investigation the IMO Code is a central part of the legislation which explicitly mentions assistance of other EU Member States and the possibility to delegate investigations to other EU and non-EU States.

Resources

permanently employed marine investigators: permanently appointed marine investigators: ad-hoc selectable marine investigators: No info	annual budget: No info
	electronic database: No info
	regular publications: No info

Structure

central or decentral: central	mono-or multi-modal: mono-modal	separate or integral: integral
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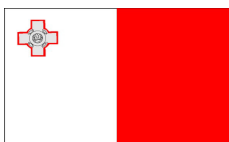
Legislation

explicitly incorporating IMO Code: YES
explicitly providing for independence of investigation: NO
explicitly providing for investigation cooperation with other states: NO

Statistics

	1998	1999	2000	2001	2002	2003
SOLAS fleet	No info	No info	No info	No info	No info	No info
very serious & serious casualties of that fleet	No info	No info	No info	No info	No info	No info
very serious & serious casualties of foreign SOLAS ships in national waters	No info	No info	No info	No info	No info	No info

Sources. The data contained in this sheet is based on information received from the Member State and/or information available in public information sources by October 2004. **Definitions.** “*Permanently employed*” means employed for investigation purposes only and for a term of office that is not determined by the conduct of one specific casualty; “*permanently appointed*” means appointed for a term of office that is not determined by the conduct of one specific casualty; “annual budget” means a separate amount of money specifically set aside for casualty investigation; “*regular publications*” include the publishing of investigation reports; “*separate*” means functionally detached from the maritime administration; “*independence*” means a status ensuring that the conduct of the investigation will be determined by the investigation body only and that no person outside of that body may interfere with the conduct; “*SOLAS ship*” means a cargo ship of 500 GT or more and any passenger ship engaged on international voyages.



MALTA

Marine accident investigation is the task of the Court of Magistrates and of the Minister responsible for shipping. The Minister may appoint a person to carry out a preliminary investigation. If recommended by that investigator or ordered by the Minister, a full formal investigation by the Court will be carried out which shall be assisted by one or more assessors with the necessary engineering, nautical or other special skills. The investigator shall also apply for such formal investigation where it is likely that the certificates of masters or other officers will be cancelled or suspended. The court may also cancel or suspend such certificates and fulfil certain functions of evidence taking which will comply with the provisions for criminal prosecution. Such material can then be used in criminal proceedings.

Resources

permanently employed marine investigators: 2	annual budget: No info
permanently appointed marine investigators:	electronic database: No info
ad-hoc selectable marine investigators:	regular publications: No info

Structure

central or decentral: central	mono-or multi-modal: mono-modal	separate or integral: integral
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Legislation

explicitly incorporating IMO Code: NO
explicitly providing for independence of investigation: NO
explicitly providing for investigation cooperation with other states: NO

Statistics

	1998	1999	2000	2001	2002	2003
SOLAS fleet	No info	No info	No info	No info	No info	No info
very serious & serious casualties of that fleet	No info	No info	No info	No info	No info	No info
very serious & serious casualties of foreign SOLAS ships in national waters	No info	No info	No info	No info	No info	No info

Sources. The data contained in this sheet is based on information received from the Member State and/or information available in public information sources as of October 2004. **Definitions.** “*Permanently employed*” means employed for investigation purposes only and for a term of office that is not determined by the conduct of one specific casualty; “*permanently appointed*” means appointed for a term of office that is not determined by the conduct of one specific casualty; “annual budget” means a separate amount of money specifically set aside for casualty investigation; “*regular publications*” include the publishing of investigation reports; “*separate*” means functionally detached from the maritime administration; “*independence*” means a status ensuring that the conduct of the investigation will be determined by the investigation body only and that no person outside of that body may interfere with the conduct; “*SOLAS ship*” means a cargo ship of 500 GT or more and any passenger ship engaged on international voyages.



NETHERLANDS

Since 1909 marine casualties are investigated in a preliminary inquiry of the Shipping Inspectorate and, if necessary, in a full inquiry of a Court of Inquiry which is performed by the Maritime Court of the Netherlands. On recommendation of the Inspectorate the court of inquiry may make an inquiry into the competence of masters and officers and may declare them incompetent. The court may also take disciplinary action against those masters/officers for misconduct or in consequence of a casualty. New legislation enactment is pending in the Netherlands which would transfer the task of marine casualty investigation to a separate, multi-modal investigation body.

Resources

permanently employed marine investigators: 2.5	annual budget: No info
permanently appointed marine investigators:	electronic database: YES
ad-hoc selectable marine investigators:	regular publications: YES

Structure

central or decentral: central	mono-or multi-modal: mono-modal	separate or integral: integral
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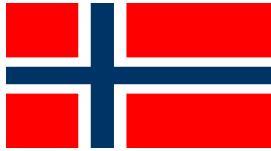
Legislation

explicitly incorporating IMO Code: NO
explicitly providing for independence of investigation: NO
explicitly providing for investigation cooperation with other states: NO

Statistics

	1998	1999	2000	2001	2002	2003
SOLAS fleet	1242	1286	1321	1371	1399	1378
very serious & serious casualties of that fleet	96	117	91	132	143	270
very serious & serious casualties of foreign SOLAS ships in national waters		0	0	3	1	1

Sources. The data contained in this sheet is based on information received from the Member State and/or information available in public information sources as of October 2004. Definitions. “*Permanently employed*” means employed for investigation purposes only and for a term of office that is not determined by the conduct of one specific casualty; “*permanently appointed*” means appointed for a term of office that is not determined by the conduct of one specific casualty; “annual budget” means a separate amount of money specifically set aside for casualty investigation; “*regular publications*” include the publishing of investigation reports; “*separate*” means functionally detached from the maritime administration; “*independence*” means a status ensuring that the conduct of the investigation will be determined by the investigation body only and that no person outside of that body may interfere with the conduct; “*SOLAS ship*” means a cargo ship of 500 GT or more and any passenger ship engaged on international voyages.



NORWAY

Casualties of Norwegian ships are dealt with by maritime investigators (criminal prosecution related) and by civil courts. The latter shall hold a maritime inquiry which is largely civil liability related and shall be convened with two expert jurists. The inquiry may also be held by a Norwegian or, in absence of the competent officer, by a Danish or Swedish consular court or, depending on the port of next call after the casualty, by the courts of Denmark or Sweden under their laws. In cases of collision the granting of an inquiry is based on the principle of reciprocity in relation to foreign countries. Inquiries may be requested by the master of a ship involved, by a marine investigator or by the Maritime Directorate. The Directorate can exempt cases from the formal inquiry if another form of inquiry is deemed sufficient. The Ministry may, instead of the formal inquiry, order a special commission headed by a highly qualified jurist and assembling sufficient legal, nautical and technical expertise. Norway is presently reviewing its system and plans changes to the law.

Resources

permanently employed marine investigators:	annual budget: No info
permanently appointed marine investigators:	electronic database: YES
ad-hoc selectable marine investigators:	regular publications: YES

Structure

central or decentral: decentral	mono-or multi-modal: mono-modal	separate or integral: separate
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Legislation

explicitly incorporating IMO Code: NO
explicitly providing for independence of investigation: NO
explicitly providing for investigation cooperation with other states: YES

Statistics

	1998	1999	2000	2001	2002	2003
SOLAS fleet	No info	No info	No info	No info	No info	No info
very serious & serious casualties of that fleet	No info	No info	No info	No info	No info	No info
very serious & serious casualties of foreign SOLAS ships in national waters	No info	No info	No info	No info	No info	No info

Sources. The data contained in this sheet is based on information received from the Member State and/or information available in public information sources as of October 2004. Definitions. “*Permanently employed*” means employed for investigation purposes only and for a term of office that is not determined by the conduct of one specific casualty; “*permanently appointed*” means appointed for a term of office that is not determined by the conduct of one specific casualty; “annual budget” means a separate amount of money specifically set aside for casualty investigation; “*regular publications*” include the publishing of investigation reports; “*separate*” means functionally detached from the maritime administration; “*independence*” means a status ensuring that the conduct of the investigation will be determined by the investigation body only and that no person outside of that body may interfere with the conduct; “*SOLAS ship*” means a cargo ship of 500 GT or more and any passenger ship engaged on international voyages.



POLAND

Since 1925 Poland has tasked judges with the lead in marine casualty investigations: The judges work through two Maritime Chambers and one Maritime Chamber of Appeal and may require the maritime administration (in practice particularly harbour masters) to carry out certain investigation measures. The judges being appointed and separated from other judicial bodies by the Minister of Justice, the Chambers are financed and administered by the Minister responsible for maritime affairs who also supervises and administers the maritime administration, including harbour masters. When casualties occur, the maritime administration shall take typical field-related, first instance investigation measures (eg securing evidence) and inform the Maritime Chamber.

Resources

permanently employed marine investigators: 4	annual budget: 520,000 Euro
permanently appointed marine investigators: 0	electronic database: NO
ad-hoc selectable marine investigators: 0	regular publications: YES

Structure

central or decentral: decentral	mono-or multi-modal: mono-modal	separate or integral: separate
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Legislation

explicitly incorporating IMO Code: NO
explicitly providing for independence of investigation: NO
explicitly providing for investigation cooperation with other states: NO

Statistics

	1998	1999	2000	2001	2002	2003
SOLAS fleet	117	110	46	27	29	47
very serious & serious casualties of that fleet	15	10	9	3	2	3
very serious & serious casualties of foreign SOLAS ships in national waters	2	0	2	3	2	3

Sources. The data contained in this sheet is based on information received from the Member State and/or information available in public information sources as of October 2004. Definitions. “*Permanently employed*” means employed for investigation purposes only and for a term of office that is not determined by the conduct of one specific casualty; “*permanently appointed*” means appointed for a term of office that is not determined by the conduct of one specific casualty; “annual budget” means a separate amount of money specifically set aside for casualty investigation; “*regular publications*” include the publishing of investigation reports; “*separate*” means functionally detached from the maritime administration; “*independence*” means a status ensuring that the conduct of the investigation will be determined by the investigation body only and that no person outside of that body may interfere with the conduct; “*SOLAS ship*” means a cargo ship of 500 GT or more and any passenger ship engaged on international voyages.



PORTUGAL

Portugal follows an ad-hoc-commission approach: Once a casualty has occurred, a commission, typically consisting of three investigating members, is appointed by the maritime administration.

Resources

permanently employed marine investigators: 0 permanently appointed marine investigators: ad-hoc selectable marine investigators: 25	annual budget: No info
	electronic database: No info
	regular publications: No info

Structure

central or decentral: central	mono-or multi-modal: mono-modal	separate or integral: integral
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Legislation

explicitly incorporating IMO Code: NO
explicitly providing for independence of investigation: NO
explicitly providing for investigation cooperation with other states: NO

Statistics

	1998	1999	2000	2001	2002	2003
SOLAS fleet	No info	No info	No info	No info	No info	No info
very serious & serious casualties of that fleet	No info	No info	No info	No info	No info	No info
very serious & serious casualties of foreign SOLAS ships in national waters	No info	No info	No info	No info	No info	No info

Sources. The data contained in this sheet is based on information received from the Member State and/or information available in public information sources as of October 2004. Definitions. “*Permanently employed*” means employed for investigation purposes only and for a term of office that is not determined by the conduct of one specific casualty; “*permanently appointed*” means appointed for a term of office that is not determined by the conduct of one specific casualty; “annual budget” means a separate amount of money specifically set aside for casualty investigation; “*regular publications*” include the publishing of investigation reports; “*separate*” means functionally detached from the maritime administration; “*independence*” means a status ensuring that the conduct of the investigation will be determined by the investigation body only and that no person outside of that body may interfere with the conduct; “*SOLAS ship*” means a cargo ship of 500 GT or more and any passenger ship engaged on international voyages.



SLOVAKIA

In Slovakia the Maritime Office of the Ministry of Transport, Posts and Telecommunications is tasked with marine casualty investigation.

Resources

permanently employed marine investigators: 2 permanently appointed marine investigators: 0 ad-hoc selectable marine investigators: 0	annual budget: 0
	electronic database: NO
	regular publications: NO

Structure

central or decentral: central	mono-or multi-modal: mono-modal	separate or integral: integral
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Legislation

explicitly incorporating IMO Code: No info
explicitly providing for independence of investigation: No info
explicitly providing for investigation cooperation with other states: No info

Statistics

	1998	1999	2000	2001	2002	2003
SOLAS fleet	3	3	3	3	1	12
very serious & serious casualties of that fleet	0	0	0	0	0	0
very serious & serious casualties of foreign SOLAS ships in national waters	0	0	0	0	0	0

Sources. The data contained in this sheet is based on information received from the Member State and/or information available in public information sources as of October 2004. Definitions. “*Permanently employed*” means employed for investigation purposes only and for a term of office that is not determined by the conduct of one specific casualty; “*permanently appointed*” means appointed for a term of office that is not determined by the conduct of one specific casualty; “annual budget” means a separate amount of money specifically set aside for casualty investigation; “*regular publications*” include the publishing of investigation reports; “*separate*” means functionally detached from the maritime administration; “*independence*” means a status ensuring that the conduct of the investigation will be determined by the investigation body only and that no person outside of that body may interfere with the conduct; “*SOLAS ship*” means a cargo ship of 500 GT or more and any passenger ship engaged on international voyages.



SLOVENIA

In Slovenia marine casualties are investigated by the port state control officers of the Maritime Inspection Division which forms part of Slovenia's maritime administration.

Resources

permanently employed marine investigators: 0	annual budget: 0
permanently appointed marine investigators: 0	electronic database: NO
ad-hoc selectable marine investigators:	regular publications: NO

Structure

central or decentral: central	mono-or multi-modal: mono-modal	separate or integral: integral
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Legislation

explicitly incorporating IMO Code: No info
explicitly providing for independence of investigation: No info
explicitly providing for investigation cooperation with other states: No info

Statistics

	1998	1999	2000	2001	2002	2003
SOLAS fleet	4	4	4	4	4	4
very serious & serious casualties of that fleet	0	0	0	0	0	0
very serious & serious casualties of foreign SOLAS ships in national waters	0	0	0	2	0	1

Sources. The data contained in this sheet is based on information received from the Member State and/or information available in public information sources as of October 2004. Definitions. "*Permanently employed*" means employed for investigation purposes only and for a term of office that is not determined by the conduct of one specific casualty; "*permanently appointed*" means appointed for a term of office that is not determined by the conduct of one specific casualty; "annual budget" means a separate amount of money specifically set aside for casualty investigation; "*regular publications*" include the publishing of investigation reports; "*separate*" means functionally detached from the maritime administration; "*independence*" means a status ensuring that the conduct of the investigation will be determined by the investigation body only and that no person outside of that body may interfere with the conduct; "*SOLAS ship*" means a cargo ship of 500 GT or more and any passenger ship engaged on international voyages.



SPAIN

Spain follows a commission-based approach. Created in 2001, the *Comision Permanente de Investigacion de Siniestros Maritimos* is chaired by the Vice-Director of the Safety and Pollution Department, and manned by four other ministerial heads of unit. The commission will assemble once a casualty has occurred. The actual investigation measures are not necessarily carried out by the Commission: No operational personnel being occupied by the commission directly, other maritime administrations shall assist the Commission on order of the Commission's president. As explicitly provided for in the law, the investigation shall follow, or be guided by, the IMO Code. The investigation is completely confidential.

Resources

permanently employed marine investigators: 0	annual budget: 0
permanently appointed marine investigators: 6	electronic database: NO
ad-hoc selectable marine investigators: all experts serving the maritime administration	regular publications: NO

Structure

central or decentral: central	mono-or multi-modal: mono-modal	separate or integral: separate
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Legislation

explicitly incorporating IMO Code: YES
explicitly providing for independence of investigation: NO
explicitly providing for investigation cooperation with other states: NO

Statistics

	1998	1999	2000	2001	2002	2003
SOLAS fleet	259	260	270	285	297	302
very serious & serious casualties of that fleet	12/ no info	9/ no info	16/ no info	17/ no info	9/ no info	17/ no info
very serious & serious casualties of foreign SOLAS ships in national waters	no info	no info	no info	no info	no info	no info

Sources. The data contained in this sheet is based on information received from the Member State and/or information available in public information sources as of October 2004. Definitions. "Permanently employed" means employed for investigation purposes only and for a term of office that is not determined by the conduct of one specific casualty; "permanently appointed" means appointed for a term of office that is not determined by the conduct of one specific casualty; "annual budget" means a separate amount of money specifically set aside for casualty investigation; "regular publications" include the publishing of investigation reports; "separate" means functionally detached from the maritime administration; "independence" means a status ensuring that the conduct of the investigation will be determined by the investigation body only and that no person outside of that body may interfere with the conduct; "SOLAS ship" means a cargo ship of 500 GT or more and any passenger ship engaged on international voyages.



SWEDEN

Responsibilities and relationship being regulated by specific law, two authorities conduct investigations into marine casualties: 1) Being part of the maritime administration, a mono-modal investigation division investigates casualties; and 2) working and being staffed separately from the administration, a multi-modal investigation board investigates very serious casualties. The investigation division of the Maritime Administration is linked to the budget and administration of the Minister of Transport, whereas the multi-modal board, the bulk of its work presently being the investigation of aviation accidents and incidents, is financed by the Minister of Defence. Reporting to IMO, maintenance of the casualty database, creation of statistics and responding to detailed research requests from the press and public is undertaken by the investigation division of the maritime administration alone.

Resources

permanently employed marine investigators: 3 permanently appointed marine investigators: 3 ad-hoc selectable marine investigators:	annual budget: 650,000 Euro
	electronic database: YES
	regular publications: YES

Structure

central or decentral: central	mono-or multi-modal: mono- and multi-modal	separate or integral: non-separate and separate and
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Legislation

explicitly incorporating IMO Code: NO
explicitly providing for independence of investigation: NO
explicitly providing for investigation cooperation with other states: NO

Statistics

	1998	1999	2000	2001	2002	2003
SOLAS fleet	294	286	290	283	289	294
very serious & serious casualties of that fleet	1	4	2	2	4	1
very serious & serious casualties of foreign SOLAS ships in national waters	0	0	3	0	7	2

Sources. The data contained in this sheet is based on information received from the Member State and/or information available in public information sources as of October 2004. Definitions. “*Permanently employed*” means employed for investigation purposes only and for a term of office that is not determined by the conduct of one specific casualty; “*permanently appointed*” means appointed for a term of office that is not determined by the conduct of one specific casualty; “annual budget” means a separate amount of money specifically set aside for casualty investigation; “*regular publications*” include the publishing of investigation reports; “*separate*” means functionally detached from the maritime administration; “*independence*” means a status ensuring that the conduct of the investigation will be determined by the investigation body only and that no person outside of that body may interfere with the conduct; “*SOLAS ship*” means a cargo ship of 500 GT or more and any passenger ship engaged on international voyages.



United Kingdom

The UK identified the need for an independent investigation body in the investigation of the HERALD OF FREE ENTREPRISE disaster; consequently the UK founded MAIB as a separate body which only deals with marine casualty investigation for safety reasons. It occupies the largest team of permanently employed marine casualty investigators in the EU. MAIB's creation and status are not regulated in written law, whereas the powers and procedures of marine accident investigation are explicitly regulated in a merchant shipping act and casualty investigation regulations. The latter are presently in the legislative process of revision. MAIB produces analytical periodicals such as a "safety digest" and includes in its annual report a summary on its involvement in international co-operation.

Resources

permanently employed marine investigators: 18	annual budget: 3,300,000 Euro
permanently appointed marine investigators: 0	electronic database: YES
ad-hoc selectable marine investigators: 0	regular publications: YES

Structure

central or decentral: central	mono-or multi-modal: mono-modal	separate or integral: separate
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Legislation

explicitly incorporating IMO Code: NO
explicitly providing for independence of investigation: NO
explicitly providing for investigation cooperation with other states: NO

Statistics

	1998	1999	2000	2001	2002	2003
SOLAS fleet	236	245	282	294	363	464
very serious & serious casualties of that fleet	3	6	12	9	3	5
very serious & serious casualties of foreign SOLAS ships in national waters	20	26	18	11	6	5

Sources. The data contained in this sheet is based on information received from the Member State and/or information available in public information sources as of October 2004. Definitions. "Permanently employed" means employed for investigation purposes only and for a term of office that is not determined by the conduct of one specific casualty; "permanently appointed" means appointed for a term of office that is not determined by the conduct of one specific casualty; "annual budget" means a separate amount of money specifically set aside for casualty investigation; "regular publications" include the publishing of investigation reports; "separate" means functionally detached from the maritime administration; "independence" means a status ensuring that the conduct of the investigation will be determined by the investigation body only and that no person outside of that body may interfere with the conduct; "SOLAS ship" means a cargo ship of 500 GT or more and any passenger ship engaged on international voyages.