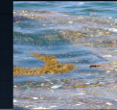


IMO and MARINE CASUALTY INVESTIGATION CODE

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Casualty Investigation Code

Name	Code of the International Standards and Recommended Practices for a Safety Investigation into a Marine Casualty or Marine Incident (Casualty Investigation Code)
Adopted	Resolution MSC.255(84), 16 May 2008
In force	Since 1 January 2010
Part of	SOLAS regulation XI-1/ 6

Objective of the Casualty Investigation Code

- provide a global and harmonic approach
- apply consistent methodology and approach
- reporting to IMO

Casualty Investigation Code

- **Marine safety investigation:** conducted **with the objective** of preventing marine casualties and marine incidents in the future
- **Principle of investigation:** **it is not the objective** to determine liability, or apportion blame

Independence of a Marine Safety Investigation

Part I, General Provisions, Chapter 1, Purpose

- Should be separate from, and independent of, any other investigation

Part II, Mandatory Standards, Chapter 11, Investigations not to be subject to external direction

- Shall be impartial and objective, report on the results of a marine safety investigation without directions or interferences

Part III, Recommended practices, Chapter 16, Principles of investigation

The investigators should have **functional independence** from parties involved, anyone with administrative responsibilities, and judicial proceedings.

They should be **free of interference** with respect to:

- gathering of all available information,
- analysis of evidence and determination of causal factors,
- drawing conclusions
- distribute draft report for comments, and
- preparation of the final report, and the
- making of safety recommendations.

Part II, Mandatory standards, Chapter 4, Marine safety investigation Authority

- Government **shall** provide the Organization with detailed contact information of the **marine safety investigation Authority(ies)**

Part II, Mandatory standards Chapter 5, Notification

- On the high seas or in an exclusive economic zone, the flag State **shall notify** other substantially interested States as soon as is reasonably practicable.
- Within the territory, including the territorial sea, the flag State and the coastal State, **shall notify** each other and other substantially interested States as soon as is reasonably practicable.
- **Notification shall** not be delayed due to the lack of complete information.

Part III, Recommended Practices, Chapter 20, Notification to parties involved and commencement of an investigation

The master, the owner and the ship's agent should be informed asap:

- The casualty/incident under investigation;
- Time and place where will commence;
- The name and contact details of the investigation Authority;
- The legislation under which the investigation is to be conducted;
- The rights and obligations of the parties; and
- The rights and obligations of the investigating States.

Part II, Mandatory standards

Chapter 7, Flag State's agreement with another Substantially interested State to conduct a marine safety investigation

Chapter 10, Co-operation

Part III, Recommended practices

Chapter 16, Principles of investigation

Chapter 18, Factors that should be taken into account when seeking agreement under chapter 7 of (mandatory) Part II

Chapter 21, Co-ordinating an investigation

Chapter 25, Draft and final report

Importance of the investigation and submit report to IMO

Subgroup A

1. Why investigate accidents?
2. Why investigate and submit reports to IMO?



Why investigate accidents?

To establish what happened and why it happened so that the causal factors are fully understood and action can be taken to:

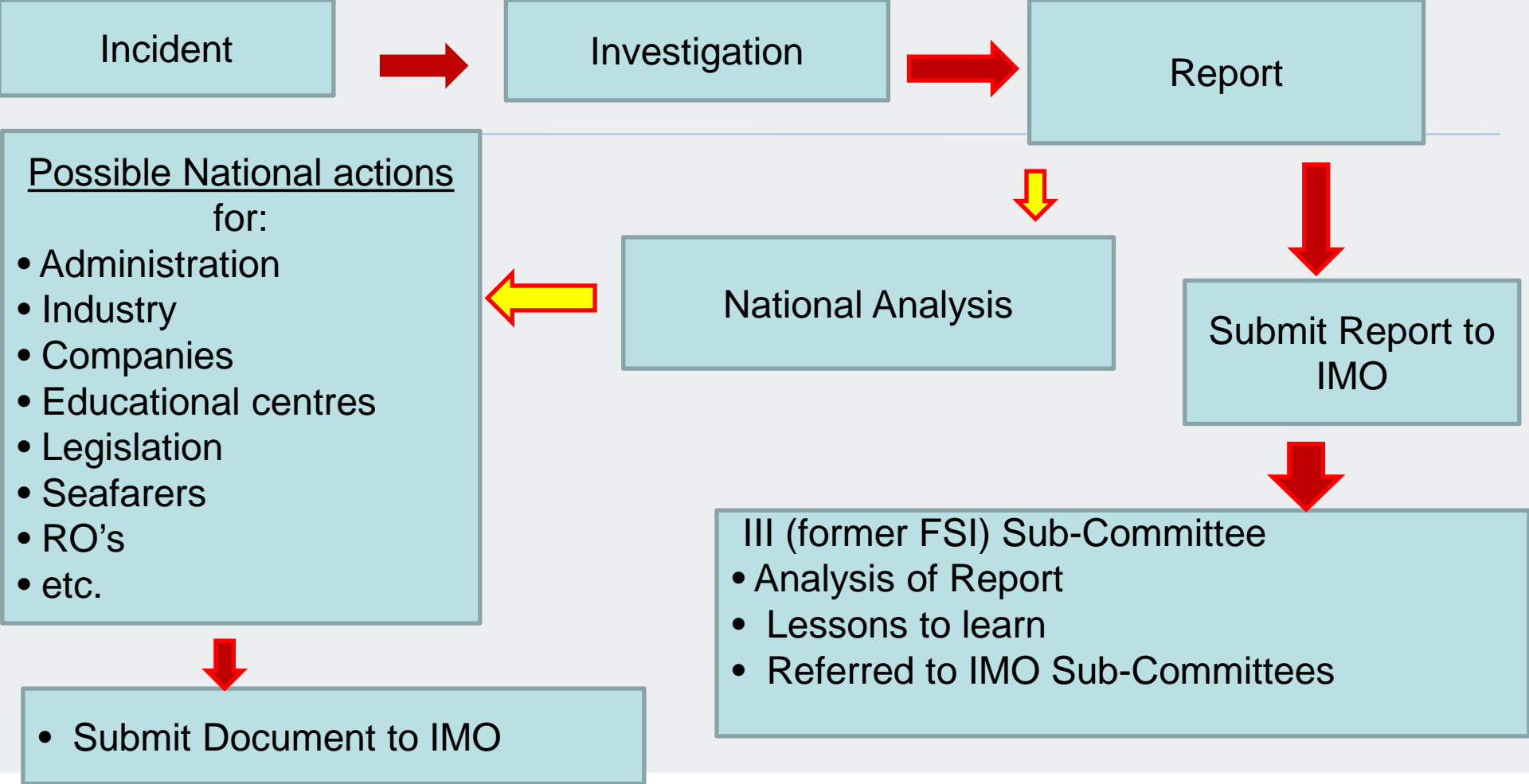
- prevent such an accident happening again; and
- ensure standards of safety and competence are maintained

Why investigate and submit reports to IMO?

- 1 To **fulfil international responsibilities** (UNCLOS, IMO instruments)
- 2 To be **analysed** in accordance with the terms of reference of the III Sub Committee
- 3 From the analyses carried out, each analyst submits a draft of any **lessons to be learned for presentation to seafarers.**
- 4 The III also examines the analysis of investigation reports to determine if there are **potential safety issues in way of trends or recurring contributing factors.**
- 5 To **refer safety issues** to the relevant IMO sub-committee.

Why investigate and submit reports to IMO? (cont.)

- 6 To **draft safety recommendations**, when appropriate.
- 7 To **follow up** of all casualties
- 8 To **provide technical co-operation assistance** to Countries regarding marine accidents and incidents
- 9 **Collecting data** on incident and lives lost
- 10 To contribute to IMO: **feeding process** of knowledge base information collected through casualty investigation to serve Formal Safety Assessment (FSA) and Goal-Based Standards in the rule-making process



Expected content of a Marine Safety Investigation Report

Part I, General provisions, Chapter 2, Definitions, 2.12

- .1 **a summary** outlining basic facts;
- .2 **the identity** of the flag State, owners, operators, etc;
- .3 relevant **details of the ship**, description of the crew, work routine, etc;
- .4 a **narrative** detailing the circumstances of the marine casualty or incident;
- .5 **analysis and comment** on the causal factors including mechanical, human and organizational factors;
- .6 **a discussion** of the marine safety investigation's findings, including the identification of safety issues, and the conclusions of the investigation:
and
- .7 where appropriate, **recommendations** to prevent future marine casualties and marine incidents

Capabilities and resources of flag States to perform a marine safety investigation

Casualty Investigation Code, Part I, General Provisions, Chapter 1, Purpose

The flag State shall cause an inquiry to be held, by or before a suitable qualified person or persons into certain marine casualties or marine incident of navigation on the high seas...”

Part II, Mandatory standards, Chapter 8, Powers of an investigation

States **shall** ensure that their national laws provide investigator(s) with the ability to:

- board a ship,
- interview the master and crew and any other person involved, and
- acquire evidential material for the purposes of a marine safety investigation

Capabilities and resources of flag States to perform a marine safety investigation

Part III, Recommended practices, Chapter 15, Administrative responsibilities

States **should** ensure that marine safety investigating Authorities have available sufficient material and financial resources and suitable qualified personnel to undertake marine safety investigations

Investigator **should** be appointed on the basis of the skills outlined in **resolution A.966(25) for investigators.” (revoked by resolution A.1045(27), which was revoked by res.A.1070(28) - IMO Instruments Implementation Code (III Code))**

Common areas

- 7 “...development of policies, legislation, associated rules and regulations and administrative procedure ... by the State “ on “investigations required to be reported to the Organization; and reporting to the Organization...”

Initial actions

- 8.3 “...the State **should** have: ... the availability of sufficient personnel with maritime expertise to discharge all the responsibilities of the State”;

Res A.1070(28) III Code

Flag State

- 16.4 “Flag States **should** establish ...resources to ensure the conduct of investigations into casualties”
- 23.1 “...flag State **should** develop and implement a control and monitoring programme ...to: provide for prompt and thorough casualty investigation...”
- 24.2 “... the flag State **should**: provide an appropriate number of **qualified personnel** for performing investigations ...”
- 24.3 “... the flag State **should**: provide a sufficient number of **qualified ... personnel** to investigate incidents ...”
- 23.5 “... the flag State **should**: ensure the training ... of flag State ... investigators.”

Flag State investigation

- 38 Investigations **should** be conducted:
- by impartial and objective investigators,
 - **qualified investigators**, competent in matters related to the casualty.
 - **should** provide **qualified investigators** for this purpose, irrespective of the location of the casualty or incident.”



- 39 • **Flag State is recommended** to ensure that individual investigators have **working knowledge and practical experience in those subject areas pertaining to their normal duties.**
- **To assist individual investigators, the flag State is recommended** to ensure ready access to expertise in the following areas, as necessary:
 - .1 navigation and the Collision Regulations;
 - .2 flag State regulations on certificates of competency;
 - .3 causes of marine pollution;
 - .4 interviewing techniques;
 - .5 evidence gathering; and
 - .6 evaluation of the effects of the human element.

Latest measures to improve safety on board passenger ships

MSC 92, June 2013

- Revision of SOLAS chapter II-1 subdivision and damage stability to include consideration to limit the down-flooding points on the bulkhead deck.
- The CG on Casualty Analysis and the III Sub-Committee to consider the **Costa Concordia** accident investigation report.
- Mandatory application of evacuation analysis to non ro-ro passenger ships, under consideration.

Latest measures to improve safety on board passenger ships

- Recently adopted MSC.1/Circ.1446/Rev.2, on interim measures, covering the following matters:
 - Lifejackets on board passenger ships (more are required)
 - Emergency instructions for passengers (videos & inf. cards)
 - Common elements of musters and emergency instructions
 - Passenger muster policy (process for preparing/revising Muster List)
 - Access of personnel to the navigating bridge and avoiding distractions (new)

Latest measures to improve safety on board passenger ships

- Recently adopted MSC.1/Circ.1446/Rev.2, on interim measures, covering the following matters (cont):
 - Harmonization of bridge navigational procedures (new)
 - Voyage planning (deviations should follow res.A.893(21))
 - Recording the nationality of persons on board
 - Lifeboat loading for training purposes
 - Securing heavy objects (new)
 - Inclinometer data for the VDR (new)



Thank you very much for your
kind attention.



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