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NOTE

From: General Secretariat of the Council
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Subject: Proposal for a DIRECTIVE OF THE EUROPEAN PARLIAMENT AND OF THE COUNCIL amending Directive 2009/18/EC establishing the fundamental principles governing the investigation of accidents in the maritime transport sector

- Presidency compromise

In view of the Shipping Working Party meeting on 19 July 2023, delegations will find attached a revised Presidency compromise proposal.

New text compared to the initial Presidency compromise proposal (10346/23) is marked in **bold underline** (new text) and ~~strikethrough~~ (deleted text).

General scrutiny and language reservation: all delegations.

Parliamentary scrutiny reservation: DK, IT, SI, PL.

Proposal for a

DIRECTIVE OF THE EUROPEAN PARLIAMENT AND OF THE COUNCIL

**amending Directive 2009/18/EC establishing the fundamental principles governing the
investigation of accidents in the maritime transport sector**

(Text with EEA relevance)

THE EUROPEAN PARLIAMENT AND THE COUNCIL OF THE EUROPEAN UNION,

Having regard to the Treaty on the Functioning of the European Union, and in particular Article 100(2) thereof,

Having regard to the proposal from the European Commission,

After transmission of the draft legislative act to the national parliaments,

Having regard to the opinion of the European Economic and Social Committee¹,

Having regard to the opinion of the Committee of the Regions²,

Acting in accordance with the ordinary legislative procedure,

Whereas:

¹ OJ C , , p. .

² OJ C , , p. .

- (1) Directive 2009/18/EC of the European Parliament and of the Council³ establishes the fundamental principles governing the investigation of accidents in the maritime transport sector and provides for a system of safety investigations. Maritime accidents falling within the scope of that Directive are investigated by independent investigative bodies established in the Member States to improve maritime safety, as well as to protect the marine environment, by learning from past accidents to prevent their reoccurrence in the future.
- (2) Since the entry into force of Directive 2009/18/EC, there have been changes in the international regulatory environment and technological developments. Those changes and developments as well as the experience gained in the implementation of Directive 2009/18/EC should be taken into account.
- (3) Directive 2009/18/EC refers to a number legal texts adopted by the International Maritime Organization (IMO) which have been abrogated, amended or revised since its entry into force. The ‘IMO Code for the Investigation of Marine Casualties and Incidents’ (IMO Resolution A.849(20) of 27 November 1997) which has been revoked by the ‘Code of the International Standards and Recommended practices for a Safety Investigation into a Marine Casualty or Marine Incident (Casualty Investigation Code)’ (Resolution MSC 255(84) of 16 May 2008) with Resolution A.1075(28) Guidelines to Assist Investigators in the Implementation of the Casualty Investigation Code MSC.255(84)).
- (4) The IMO Casualty Investigation Code introduces new definitions, such as the definition of ‘marine safety investigation Authority’, while others concepts are deleted, such as ‘serious casualty’. Those changes should be incorporated into Directive 2009/18/EC.
- (5) Directive 2009/18/EC also refers to IMO Circular MSC/MEPC. 3/Circ.3 of 2008 which was superseded by Circular MSC-MEPC. 3/circ.4/rev.1 Reports on Marine Casualties and Incidents Revised Harmonized Reporting Procedures of 18 November 2014.

³ OJ L 131, 28.5.2009, p. 114

- (6) The IMO Guidelines to Assist Investigators in the Implementation of the Casualty Investigation Code (A.1075(28)) adopted on 4 December 2013 provide practical advice for the systematic investigation of marine casualties and incidents and allow the development of effective analysis and preventive action. Those guidelines should be included in Directive 2009/18/EC.
- (7) Fishing vessels less than 15 metres in length are at present excluded from the scope of Directive 2009/18/EC, therefore the conduct of maritime accident investigations involving such fishing vessels is non-systematic and non-harmonised. Such vessels are more prone to capsizing and members of the crew falling overboard is relatively common. Therefore, there is a need to protect those fishing vessels, their crew and the environment by introducing a preliminary assessment of very serious marine casualties involving fishing vessels less than 15 metres long to determine whether the authorities should open a safety investigation taking into account, inter alia, the evidence available as well as the potential for the findings of the safety investigation to lead to the prevention of future casualties and incidents.
- (8) Some definitions provided in Directive 2009/18/EC are not clear. The definition of the length of a fishing vessel should be set out especially when there is a distinction on the approach and the obligations of the marine safety investigation authorities based on the length of the fishing vessel.
- (9) The IMO Casualty Code refers an even or a sequence of events which has occurred ‘directly in connection with the operations of a ship’. This concept is the subject of significant divergence and should be clarified. That divergence impacts on the actions of the accident investigation authorities particularly as regards accident in ports, the possibilities of joint investigations and the gathering of accident and investigation data.

- (10) The IMO Casualty Code provides that when a very serious marine casualty occurs the marine authority is obliged to carry out an investigation. However, there is no guidance on the time within which a death has to take place following the accident so that the death gives rise to a very serious marine casualty and therefore be investigated. Therefore Directive 2009/18/EC should provide such guidance.
- (11) The available staff, as well as the operational resources of the Member States' marine safety investigation authorities vary distinctly, resulting in ineffective and inconsistent reporting on and investigation of marine casualties. Therefore, the Commission, with the assistance of the European Maritime Safety Agency (EMSA) should provide highly specialised analytical support during an individual investigation (soft skills), as well as analytical tools and equipment (hardware).
- (12) In light of what has been stated, EMSA should organise trainings on specific techniques and on new developments and technologies which can be relevant for accident investigation in the future. Such training should focus, among others, on renewable and low carbon fuels, which are particularly relevant in view of the "Fit for 55 package", and automation, as well as on the General Data Protection Regulation (GDPR) rules.
- ~~(13) In order to improve the quality of accident investigations, it is advisable that Member States develop, implement and maintain a quality management system (QMS) for marine safety investigation authorities within a reasonable timeframe and in accordance with applicable international quality standards and, where possible, duly certified.~~
- ~~(13a) In order to reduce administrative burdens and facilitate work, investigative bodies may decide that a safety investigation, which does not relate to a very serious marine casualty and the findings of which cannot lead to the prevention of future casualties and incidents, result in the publication of a simplified report~~

- (14) In order to ensure uniform conditions for the implementation of the provisions of this Directive regarding the list of IMO texts in its scope, implementing powers should be conferred on the Commission. Those powers should be exercised in accordance with Regulation (EU) No 182/2011 of the European Parliament and of the Council (⁴).
- (15) In view of the full monitoring cycle of visits to Member States by EMSA to monitor the implementation of this Directive, the Commission should evaluate the implementation of this Directive no later than [*ten years after its date of entry into force referred to in Article 23*] and report to the European Parliament and the Council thereon. Member States should cooperate with the Commission to gather all the information necessary for the evaluation.
- (16) In accordance with the principle of proportionality, it is necessary and appropriate for the achievement of the basic objective of improving the maritime safety and the protection of the marine environment, to lay down rules on the investigation of accidents in the maritime transport. This Directive does not go beyond what is necessary in order to achieve the objectives pursued in accordance with Article 5(4) of the Treaty on European Union.
- (17) Directive 2009/18/EC should therefore be amended accordingly,

HAVE ADOPTED THIS DIRECTIVE:

⁴ Regulation (EU) No 182/2011 of the European Parliament and of the Council of 16 February 2011 laying down the rules and general principles concerning mechanisms for control by the Member States of the Commission's exercise of implementing powers (OJ L 55, 28.2.2011, p. 13).

Article 1

Amendments to Directive 2009/18/EC

Directive 2009/18/EC is amended as follows:

(0) The following new recital (26 bis) is inserted:

‘This directive should not prevent Member States from setting up national rules to investigate marine casualties or incidents that involve any ship type carrying 12 passengers or less.’

(1) In Article 1, paragraph 2 is replaced by the following:

‘2. **The purpose of** ~~investigations pursuant to this Directive shall not have the aim of determining~~ **be to determine** liability or apportioning blame. ~~Member States shall provide the means so that no fault or liability is inferred from the findings of the safety~~ **these** investigations. **Member States shall** ~~to ensure that the marine safety investigation Authorities~~ **iesy** (hereinafter referred to as the ‘**investigation authorities**’) ~~is~~ **are not prevented or restricted from to** fully reporting the causes of a marine casualty or incident.’

(2) Article 2 (2) is amended as follows

(a) point (b) is replaced by the following:

‘(b) ships not propelled by mechanical means, wooden ships of primitive build, pleasure yachts and pleasure craft not engaged in trade, unless they are or will be crewed and carrying more than 12 passengers for commercial purposes.’

(b) Point (d) is deleted

(3) Article 3 is replaced by the following:

‘Article 3

Definitions

For the purposes of this Directive:

1. ‘IMO Casualty Investigation Code’ shall mean the Code of the international standards and recommended practices for a safety investigation into marine casualty or marine incident annexed to Resolution MSC.255(84) of the IMO Maritime Safety Committee, in its up-to-date version;
2. ‘IMO Guidelines to assist investigators in the implementation of the Casualty Investigation Code’ shall mean the guidelines adopted in the IMO Assembly by Resolution A.1075(28) on 4 December 2013, in its latest up-to-date version;
3. the following terms shall be understood in accordance with the definitions contained in the IMO Casualty Investigation Code:
 - (a) ‘marine casualty’;
 - (b) ‘very serious marine casualty’;
 - (c) ‘marine incident’;
 - (d) ‘marine safety investigation’;
 - (e) ‘marine safety investigation Authority’;
 - (f) ‘marine safety investigating State’;
 - (g) ‘substantially interested State’;
 - (h) ‘serious injury’;

4. 'IMO guidelines on the fair treatment of seafarers in the event of a maritime accident' shall mean the guidelines as annexed to Resolution LEG.3(91) of the IMO Legal Committee of 27 April 2006 and as approved by the Governing Body of the International Labour Organisation in its 296th session of 12 to 16 June 2006;
5. the terms 'ro-ro ferry' and 'high-speed passenger craft' shall be understood in accordance with the definitions contained in Article 2 of Directive (EU) 2017/2110⁵;
6. 'Voyage data recorder' (hereinafter referred to as 'VDR') **and simplified voyage data recorder (hereinafter referred to as 'S-VDR')** shall be understood in accordance with the definition contained in Resolution MSC.333(90) **and MSC 163(78)** of the IMO Maritime Safety Committee in ~~its~~ **their** up-to-date versions, **as supplemented by the relevant IMO performance standards depending on the date of installation on-board, without prejudice to Union legislation;**
7. 'safety recommendation' shall mean any proposal made, including for the purposes of registration and control, by:
 - (a) the investigation authority of the State conducting, or leading, the safety investigation on the basis of information derived from that investigation; or where appropriate,
 - (b) the Commission, acting on the basis of an abstract data analysis and the results of safety investigations carried out;
8. 'length of a fishing vessel' shall be understood in accordance with the definition contained in Article 2 of Regulation (EU) 2017/1130⁶;

⁵ Directive (EU) 2017/2110 of the European Parliament and of the Council of 15 November 2017 on a system of inspections for the safe operation of ro-ro passenger ships and high-speed passenger craft in regular service and amending Directive 2009/16/EC and repealing Council Directive 1999/35/EC (OJ L 315, 30.11.2017, p. 61).

⁶ Regulation (EU) 2017/1130 of the European Parliament and of the Council of 14 June 2017 defining characteristics for fishing vessels (OJ L 169, 30.6.2017, p.1)

9. ‘fatal injury’ means an injury which is sustained by a person in an accident and which results in his or her death within 15 days of the date of the accident, if the related information is available.’

(4) Article 4 is amended as follows:

(a) in paragraph 1, point (a) is replaced by the following:

‘(a) independent of criminal or other parallel investigations held to determine liability or to apportion blame and that investigation authorities are able to report on the results of a marine safety investigation without direction or interference from any persons, organisations or parties who may be affected by its outcome.’

(b) in paragraph 2, point (b) is replaced by the following:

‘(b) coordination of the activities of their respective investigation authorities to the extent necessary to attain the objective of this Directive.’

~~(e) the following new paragraph 3 is inserted:~~

~~‘3. — Data collected by the accident investigation authorities such as witness statements, findings and expert reports, which is in the possession of the maritime safety investigation authorities may not be used by any other authority not involved in the investigation, unless authorised by a court. Member States shall ensure that strict guarantees of confidentiality are established for the access to witness statements, findings and expert reports and can not be used for purposes other than those arising from the accident investigation itself;~~

(5) Article 5 is replaced by the following:

Article 5

Obligation to investigate

1. Each Member State shall ensure that a safety investigation is carried out by the investigation authority referred to in Article 8 after very serious marine casualties:
 - (a) involving a ship flying its flag, irrespective of the location of the casualty;
 - (b) occurring within its territorial sea and internal waters as defined in UNCLOS, irrespective of the flag of the ship or ships involved in the casualty; or
 - (c) involving a substantial interest of the Member State, irrespective of the location of the casualty and of the flag of the ship or ships involved.
2. In the case of a fishing vessel of less than 15 metres in length, the investigation authority shall carry out a preliminary assessment of the very serious marine casualty to determine whether or not to conduct a safety investigation.

Where the investigation authority decides not to undertake a safety investigation of a very serious marine casualty involving a fishing vessel of less than 15 metres the reasons for that decision shall be recorded and notified in accordance with Article 17(3).

3. In the decisions referred to in paragraph 2, the investigation authority shall take into account the evidence available as well as the potential for the findings of the safety investigation to lead to the prevention of future casualties and incidents. In the case of any other marine casualty or incident, the investigation authority shall decide whether or not to undertake a safety investigation.

4. The scope and practical arrangements for the conduct of safety investigations shall be determined by the investigation authority of the lead investigating Member State in cooperation with the equivalent authorities of the other substantially interested States, in such manner as appears to it most conducive to achieving the objective of this Directive, and with a view to preventing future casualties and incidents.
5. When carrying out safety investigations, the investigation authority shall follow the IMO Guidelines to assist investigators in the implementation of the Casualty Investigation Code. Investigators may depart from these guidelines where this can be justified as necessary, in their professional judgement to achieve the aims of the investigation. The Commission may adapt the guidelines for the purposes of this Directive, taking into account any relevant lessons drawn from safety investigations, in accordance with the procedure referred to in Article 19 and after consulting the investigating authorities in connection with the permanent cooperation framework defined in Article 10.
6. When deciding if a marine casualty or incident occurring alongside, moored or in dock, involving shore or port workers, occurred “directly in connection with the operations of a ship” and therefore is subject to a safety investigation, Member States shall, in accordance on their national law, give particular consideration to the involvement and relevance of the ship’s structure, equipment, procedures, crew and ship management to the activity being undertaken.
7. A safety investigation shall be started without delay after the marine casualty or incident occurs and, in any event, no later than two months after its occurrence.
8. If in the course of a marine safety investigation it becomes known that an offence is committed under Articles 3, 3bis, 3ter or 3quarter of the Convention for the Suppression of Unlawful Acts Against the Safety of Maritime Navigation, 1988, the investigation authority shall immediately inform the maritime security authorities of the Member State or Member States and of any third country concerned.’

- (6) Article 6 is replaced by the following:

‘Article 6

Obligation to notify

A Member State shall require, in the framework of its legal system, that its investigation authority be notified without delay, by the responsible authorities and/or by the parties involved or both, of the occurrence of all casualties and incidents falling within the scope of this Directive.’

- (7) Article 7 is amended as follows:

- (a) in paragraph 1, the third subparagraph is replaced by the following:

‘The conduct of parallel safety investigations into the same marine casualty or incident shall be strictly limited to exceptional cases. In such cases, Member States shall notify the Commission of the reasons for conducting such parallel investigations. Member States conducting parallel safety investigations shall cooperate with each other. In particular, the investigation authorities involved shall exchange any pertinent information gathered in the course of their respective investigations, in particular in order to reach, as far as possible, shared conclusions.’

- (b) the following paragraph 1a is inserted:

‘1a. During the conduct of the marine safety investigation, substantially interested Member States ~~should~~**shall** assist to the extent practical, the marine safety investigating Member State(s) with access to relevant information for the marine safety investigation. The investigator or investigators carrying out a marine safety investigation ~~should~~**may, in accordance with their national law,** also be granted access to **information held by** Government surveyors, coastguard officers, ship traffic service operators, pilots and other marine personnel of the substantially interested State.’

(8) Article 8 is replaced by the following:

Article 8

Marine safety investigation Authorities

1. Member States shall ensure that marine safety investigations are conducted under the responsibility of an impartial, independent and permanent marine safety investigation Authority, endowed with the necessary powers **with sufficient means and financial resources**, and by suitably qualified investigators, competent in matters relating to marine casualties and incidents to undertake their obligations pursuant to this directive. ~~When the investigation authority, for exceptional and duly justified circumstances, understands that the ongoing investigation activities cannot be carried out successfully with the existing means, they may request the competent body to provide the necessary additional means and resources.~~

Neither the appropriate appointment of investigators with necessary specialist skills to form part of a marine safety investigation on a temporary basis, nor the use of consultants to provide expert advice on any aspect of a marine safety investigation are precluded.

In order to carry out a safety investigation in an unbiased manner, the investigation authority shall be independent in its organisation, legal structure and decision-making of any party whose interests could conflict with the task entrusted to it.

Landlocked Member States which have neither ships nor vessels flying their flag will identify an independent focal point to cooperate in the investigation pursuant to Article 5(1)(c).

2. The investigation authority shall ensure that individual investigators have a working knowledge of, and practical experience in, those subject areas pertaining to their normal investigative duties. Additionally, the investigation authority shall ensure ready access to appropriate expertise, as necessary.

3. The activities entrusted to the investigation authority may be extended to the gathering and analysis of data relating to maritime safety, in particular for prevention purposes, insofar as these activities do not affect its independence or entail responsibility in regulatory, administrative or standardisation matters.

4. Member States, acting in the framework of their respective legal systems, shall ensure that the investigators of its investigation authority, or of any other investigation authority to which it has delegated the task of marine safety investigation, where appropriate in collaboration with the authorities responsible for the judicial inquiry, be provided with any information pertinent to the conduct of the marine safety investigation and therefore be authorised to:

- (a) have access to any relevant area or casualty site as well as to any ship, wreck or structure including cargo, equipment or debris;
- (b) ensure immediate listing of evidence and controlled search for and removal of wreckage, debris or other components or substances for examination or analysis;
- (c) require examination or analysis of the items referred to in point (b), and have free access to the results of such examinations or analysis;
- (d) have free access to, copy and have use of any relevant information and recorded data, including VDR **or S-VDR** data, pertaining to a ship, vessel traffic service recordings, voyage, cargo, crew or any other person, object, condition or circumstance;
- (e) have free access to the results of examinations of the bodies of victims or of tests made on samples taken from the bodies of victims;
- (f) require and have free access to the results of examinations of, or tests made on samples taken from, people involved in the operation of a ship or any other relevant person;

- (g) interview witnesses in the absence of any person whose interests could be considered as hampering the safety investigation;
 - (h) obtain survey records and relevant information held by the flag State, the owners, classification societies or any other relevant party, whenever those parties or their representatives are established in the Member State;
 - (i) call for the assistance of the relevant authorities in the respective States, including flag-State and port-State surveyors, coastguard officers, vessel traffic service operators, search and rescue teams, pilots or other port or maritime personnel;
5. The investigation authority shall be enabled to respond immediately on being notified at any time of a casualty, and to obtain sufficient resources to carry out its functions independently. Its investigators shall be afforded status giving them the necessary guarantees of independence.
6. The investigation authority may combine its tasks under this Directive with the work of investigating occurrences other than marine casualties on condition that such investigations do not endanger its independence.
- 7. By [3 years after the date of transposition] each Member State may develop, implement and maintain a quality management system for its investigation authority.**

(9) Article 9 is amended as follows:

(a) the introductory paragraph and point (a) are replaced by the following:

‘1. Without prejudice to Directive 95/46/EC, Member States, acting in the framework of their legal systems, shall ensure that the following records shall not be made available or used for purposes other than the safety investigation, unless the competent authority in that Member State determines that there is an overriding public interest in the disclosure of:’

‘(a) all witness evidence and other statements, accounts and notes taken or received by the investigation authority in the course of the safety investigation;’

(b) The following new paragraph 2 is inserted:

~~Where permitted by the national legislation of the Member State preparing the maritime safety investigation report, the draft and final report or the safety investigation report, should be prevented from being admissible evidence in proceedings related to the marine casualty or marine incident that may lead to disciplinary measures, criminal conviction or the determination of civil liability.~~

Member States shall ensure that strict guarantees of confidentiality are established for the access to witness statements, findings and expert reports and that they can not be used for purposes other than those arising from the accident investigation itself. Data collected by the accident investigation authorities such as witness statements, findings and expert reports, which is in their possession may not be used by any other authority not involved in the investigation, unless the administration of justice or the authority competent to decide on the disclosure of records according to national law concludes that the benefits of the disclosure of such data outweigh the adverse domestic and international impact that such action may have on that or any future safety investigation. Member States may decide to limit the cases in which such a decision of disclosure may be taken, while respecting the legal acts of the Union.

(10) Article 10 is amended as follows:

(a) paragraph 1 is replaced by the following:

‘1. Member States shall, in close cooperation with the Commission, establish a permanent cooperation framework enabling their respective investigation authorities to cooperate among themselves to the extent necessary to attain the objective of this Directive.’

(b) paragraph 3 is amended as follows:

(a) the introductory paragraph and point (a) are replaced by the following:

‘3. Within the permanent cooperation framework, the investigation authorities in the Member States shall agree, in particular, upon the best modalities of cooperation in order to:’

‘(a) Enable investigation authorities to share installations, facilities and equipment for the technical investigation of wreckage and ship’s equipment and other objects relevant to the safety investigations, including the extraction and evaluation of information from VDRs **or S-VDRs** and other electronic devices.’

(b) Points (h) and (i) are replaced by the following:

‘(h) promote cooperation with the investigation authorities of third countries and with the international maritime accidents investigation organisations in the fields covered by this Directive;

(i) provide investigation authorities conducting safety investigations with any pertinent information.’

(11) Article 12 is amended as follows:

(a) Paragraph 3 is replaced by the following:

‘3. The cooperation of a Member State in a safety investigation conducted by a substantially interested third country shall be without prejudice to the conduct and reporting requirements of safety investigations under this Directive. Where a substantially interested third country is leading a safety investigation involving one or more Member States, Member States may decide not to carry out a parallel safety investigation, provided that the safety investigation led by the third country is conducted in accordance with the IMO Code for the Investigation of Marine Casualties and Incidents. In such cases the provisions of Article 14 shall not be applicable to a security investigation authorities of the Member States.’

(12) In Article 13, point (a) is replaced by the following:

‘(a) save all information from charts, log books, electronic and magnetic recording and video tapes, including information from VDRs or S-VDRs and other electronic devices relating to the period preceding, during and after an accident;’

~~(12)~~**13**) Article 14 is replaced by the following:

Article 14

Accident reports

1. Safety investigations carried out under this Directive shall result in a published report presented in a format defined by the competent investigation authority and in accordance with the relevant sections of Annex I.

Investigative authorities may decide that a safety investigation which does not concern a very serious marine casualty or, as the case may be, a marine casualty and the findings of which do not have the potential to lead to the prevention of future casualties and incidents shall result in a concise report to be published.

2. Investigation authorities shall make every effort to make the report referred to in paragraph 1, including its conclusions and any possible recommendations, available to the public, and especially to the maritime sector, within 12 months of the date of the casualty. If, in the case of a very serious casualty, it is not possible to produce the final report within that time, an interim report shall be published within 12 months of the date of the casualty.

3. The investigation authority of the lead investigating Member State shall send a copy of the final or interim report to the Commission. The investigating authority shall take into account the possible technical observations of the Commission on final reports not affecting the substance of the findings for improving the quality of the report in the way most conducive to achieving the objective of this Directive.’

~~(13)~~**14**) Article 15 is amended as follows:

(a) paragraph 1 is replaced by the following:

‘1. Member States shall ensure that safety recommendations made by the investigation authorities are duly taken into account by the addressees and, where appropriate, are given an adequate follow-up in accordance with Union and international law.’

(b) paragraph 2 is replaced by the following:

‘2. Where appropriate, an investigation authority or the Commission shall make safety recommendations on the basis of an abstract data analysis and of the overall results of safety investigations carried out.’

~~(14)~~**15**) in Article 16, first paragraph is replaced by the following:

‘Without prejudice to its right to give an early alert, the investigation authority of a Member State shall, at any stage of a safety investigation, if it takes the view that urgent action is needed at Union level to prevent the risk of new casualties, inform the Commission without delay of the need to give an early alert.’

(1516) Article 17 is amended as follows:

(a) The following new paragraph 2a is inserted:

‘2a. Member States shall notify ~~to~~in EMCIP all marine casualties and incidents in accordance with the format in Annex II. In the case of fishing vessels of less than 15 metres in length only the reporting of very serious marine casualties is required. ~~In the case of such~~ **When very serious** marine casualties ~~that~~ **involving fishing vessels of less than 15 metres** are not investigated, the reasons for not doing so must be reported.’

(b) paragraph 3 is replaced by the following:

‘3. The investigation authorities of the Member States shall notify all very serious marine casualties to EMCIP. The Member States may decide upon and nominate the competent national authority or authorities to report on all other marine casualties and incidents. When the Commission is aware of a marine casualty or incident, it shall inform the competent national authority.’

(1617) the following new Article 17a is inserted:

‘Article 17a

Training and operational support

1. Upon ~~express~~ **specific** request of the investigation authorities of the Member States, the Commission shall facilitate the development of capacities as well as the sharing of knowledge within and between the investigation authorities through the provision of training on new legal and technological developments, specific techniques and tools and technologies relating to ships, their equipment and operations.

2. Upon request of the investigation authorities of the Member States, and assuming that no conflict of interest arises, the Commission shall provide operational support to these Member States in the conduct of their safety investigations. Such support may include the provision of specialised analytical tools, expertise or equipment.’

(1718) Article 19 is replaced by the following:

‘Article 19

Committee procedure

1. The Commission shall be assisted by the Committee on Safe Seas and the Prevention of Pollution from Ships (COSS) established by Regulation (EC) No 2099/2002 of the European Parliament and of the Council. That Committee shall be a committee within the meaning of Regulation (EU) No 182/2011.

2. Where reference is made to this paragraph, Article 5 of Regulation (EU) No 182/2011 shall apply.’

(1819) ~~in Article 20² the fourth paragraph is replaced by the following~~ **is amended as follows:**

(a) the second paragraph is replaced by the following:

‘Those measures, designed to amend non-essential elements of this Directive, inter alia, by supplementing it, shall be adopted in accordance with the regulatory procedure with scrutiny referred to in Article 19(2).’

(b) the fourth paragraph is replaced by the following:

‘Amendments to the IMO Casualty Investigation Code may be excluded from the scope of this Directive pursuant to Article 5 of Regulation (EC) No 2099/2002.’

² The entire Article 20 – Amending powers is under scrutiny by CLS.

(1920) Article 23 is replaced by the following:

Article 23

Implementation review

The Commission shall by [*OP: Please insert a date: ten years from the date of entry into force of this amending Directive*] submit a report to the European Parliament and the Council on the implementation of, and compliance with, this Directive.'

(2021) in Article 24, the following paragraph 3 is added:

'3. Commission Regulation (EU) No 1286/2011 is repealed.'

Article 2

Transposition

1. Member States shall adopt and publish the laws, regulations and administrative provisions necessary to comply with this Directive no later than 2 years after the entry into force of this directive.

When Member States adopt those provisions, they shall contain a reference to this Directive or be accompanied by such reference on the occasion of their official publication. Member States shall determine how such reference is to be made.

2. Member States shall communicate to the Commission the text of the main provisions of national law which they adopt in the field covered by this Directive.

Article 3

Entry into force

This Directive shall enter into force on the twentieth day following that of its publication in the *Official Journal of the European Union*.

Article 4

Addressees

This Directive is addressed to the Member States.

Done at Brussels,

For the European Parliament
The President

For the Council
The President