

VOTING LIST

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

TRAN/9/12170 - 2023/0164(COD)

Rapporteur: Nagtegaal

PR: 753.003 v01-00, AM: 754.740 v01-00

Concerned text	AM n°	Tabled by	Remarks	Rapp.	Vote
<u>Scope and obligation to investigate</u>					
Article 2	CA 1	EPP, S&D, Renew, Greens ECR, The Left	Covering AM 4, 39 If adopted, AM 4, 39, PECH 3 fall (Go to CA 2)	+	
Article 5	CA 2	EPP, S&D, Renew, Greens ECR, The Left	Covering AM 5-8 and 40-50 If adopted, AM 5-8 and 40-50, PECH 5-10 fall (Go to PECH 4/2)	+	
Article 1 – paragraph 1 – point 2 – point a // Directive 2009/18/EC – Article 2 – paragraph 2 – point b	PECH 3				
Article 1 – paragraph 1 – point 2 – point a // Directive 2009/18/EC – Article 2 – paragraph 2 – point b	39	Oetjen			
Article 1 – paragraph 1 – point 2 – point b // Directive 2009/18/EC – Article 2 – paragraph 2 – point d	4	Nagtegaal	Deletion		

Concerned text	AM n°	Tabled by	Remarks	Rapp.	Vote
Article 1 – paragraph 1 – point 5 // Directive 2009/18/EC – Article 5 – paragraph 2 – subparagraph 1	5	Nagtegaal	Vote en bloc		
Article 1 – paragraph 1 – point 5 // Directive 2009/18/EC – Article 5 – paragraph 2 – subparagraph 2	6	Nagtegaal			
Article 1 – paragraph 1 – point 5 // Directive 2009/18/EC – Article 5 – paragraph 2 – subparagraph 1	40	Tax, Vind, Van Brempt	Falls if AM 5 adopted		
Article 1 – paragraph 1 – point 5 // Directive 2009/18/EC – Article 5 – paragraph 2 – subparagraph 2	41	Tax, Van Brempt, Vind, Muñoz	Falls if AM 6 adopted		
	42	Delli	Falls if AM 6 or 41 adopted		
Article 1 – paragraph 1 – point 5 // Directive 2009/18/CE – Article 5 – paragraph 5	43	Karleskind			
Article 1 – paragraph 1 – point 5 // Directive 2009/18/EC – Article 5 – paragraph 6	44	Delli			
	45	Karleskind	Falls if AM 44 adopted		
Article 1 – paragraph 1 – point 5 // Directive 2009/18/EC – Article 5 – paragraph 6 a (new)	47	Tax, Van Brempt, Vind			
Article 1 – paragraph 1 – point 5 // Directive 2009/18/EC – Article 5 – paragraph 6	7	Nagtegaal	Falls, if AM 47 adopted		
	46	Tax, Van Brempt, Vind, Muñoz			

Concerned text	AM n°	Tabled by	Remarks	Rapp.	Vote
Article 1 – paragraph 1 – point 5 // Directive 2009/18/EC – Article 5 – paragraph 7	48	Tax, Van Brempt, Vind	Identical		
Article 1 – paragraph 1 – point 5 // Directive 2009/18/EC – Article 5 – paragraph 7	49	Adamowicz, Marinescu, Vozemberg-Vrionidi			
Article 1 – paragraph 1 – point 5 // Directive 2009/18/EC – Article 5 – paragraph 7	8	Nagtegaal			
Article 1 – paragraph 1 – point 5 // Directive 2009/18/EC – Article 5 – paragraph 7 a (new)	50	Adamowicz, Marinescu, Vozemberg-Vrionidi			
Article 1 – paragraph 1 – point 5 // Directive 2009/18/EC – Article 5 – paragraph 1 – introductory part	PECH 5				
Article 1 – paragraph 1 – point 5 // Directive 2009/18/EC – Article 5 – paragraph 1 – point a	PECH 6				
Article 1 – paragraph 1 – point 5 // Directive 2009/18/EC – Article 5 – paragraph 1 – point b	PECH 7				
Article 1 – paragraph 1 – point 5 // Directive 2009/18/EC – Article 5 – paragraph 1 – point c	PECH 8				
Article 1 – paragraph 1 – point 5 // Directive 2009/18/EC – Article 5 – paragraph 2 – subparagraph 1	PECH 9				

Concerned text	AM n°	Tabled by	Remarks	Rapp.	Vote
Article 1 – paragraph 1 – point 5 // Directive 2009/18/EC – Article 5 – paragraph 2 – subparagraph 2	PECH 10				
Article 1 – paragraph 1 – point 3 // Directive 2009/18/EC - Article 3 – paragraph 1 – point 9 a (new)	PECH 4		Vote en bloc (next vote on CA 3)	-	
Recital 8	PECH 2			-	
Leading of, and participation in, safety investigations					
Article 7	CA 3	EPP, S&D, Renew, Greens ECR, The Left	Covering AM 9, 10 If adopted, AM 9, 10 fall (Go to CA 4)	+	
Article 1 – paragraph 1 – point 7 – point a // Directive 2009/18/EC – Article 7 – paragraph 1 – subparagraph 3	9	Nagtegaal			
Article 1 – paragraph 1 – point 7 – point b // Directive 2009/18/EC – Article 7 – paragraph 1a	10	Nagtegaal			
Marine safety investigation authorities					
Article 8	CA 4	EPP, S&D, Renew, Greens ECR, The Left	Covering AM 11-14, 51, 52 If adopted, AM 11-14, 51, 52, PECH 11, 12 fall (Go to PECH 13)	+	
Article 1 – paragraph 1 – point 8 // Directive 2009/18/EC – Article 8 – paragraph 1 – subparagraph 3	11	Nagtegaal			
Article 1 – paragraph 1 – point 8 // Directive	12	Nagtegaal			
	51	Adamowicz, Marinescu, Vozemberg-Vrionidi	Falls if AM 12 adopted		

Concerned text	AM n°	Tabled by	Remarks	Rapp.	Vote
2009/18/EC – Article 8 – paragraph 3					
Article 1 – paragraph 1 – point 8 // Directive 2009/18/EC – Article 8 – paragraph 4	13	Nagtegaal			
Article 1 – paragraph 1 – point 8 // Directive 2009/18/EC – Article 8 – paragraph 4 – point i a (new)	14	Nagtegaal			
Article 1 – paragraph 1 – point 8 // Directive 2009/18/EC – Article 8 – paragraph 7 a (new)	52	Delli	Falls if AM 14 adopted		
Article 1 – paragraph 1 – point 8 // Directive 2009/18/EC – Article 8 – paragraph 4 – introductory part	PECH 11				
Article 1 – paragraph 1 – point 8 // Directive 2009/18/EC – Article 8 – paragraph 6 a (new)	PECH 12				
Article 1 – paragraph 1 – point 11 // Directive 2009/18/EC - Article 14 – paragraph 1	PECH 13		(next vote PECH 14)	+	
Article 1 – paragraph 1 – point 11 // Directive 2009/18/EC - Article 14 – paragraph 2	PECH 14		(next vote PECH 15)	+	
Article 1 – paragraph 1 – point 12 – point a // Directive 2009/18/EC - Article 15 – paragraph 1	PECH 15		(next vote PECH 16)	+	
Article 1 – paragraph 1 – point 12 – point a //	PECH 16		(next vote CA 5)	-	

Concerned text	AM n°	Tabled by	Remarks	Rapp.	Vote
Directive 2009/18/EC - Article 15 – paragraph					
<u>European database for marine casualties / Training and operational support</u>					
Articles 17 and 17a	CA 5	EPP, S&D, Renew, Greens ECR, The Left	Covering AM 15-17, 53, 54 If adopted, AM 15-17, 53, 54, PECH 17, 18 fall (Go to CA 6)	+	
Article 1 – paragraph 1 – point 15 // Directive 2009/18/EC – Article 17a – paragraph 2 a (new)	17	Nagtegaal			
Article 1 – paragraph 1 – point 15 // Directive 2009/18/EC – new Article 17a – paragraph 2 a (new)	54	Delli	Falls if AM 17 adopted		
Article 1 – paragraph 1 – point 14 – point b a (new) // Directive 2009/18/EC – Article 17 – paragraph 3a (new)	53	Delli			
Article 1 – paragraph 1 – point 15 // Directive 2009/18/EC – Article 17a – paragraph 1	15	Nagtegaal			
Article 1 – paragraph 1 – point 15 // Directive 2009/18/EC – Article 17a – paragraph 2	16	Nagtegaal			
Article 1 – paragraph 1 – point 14 – point -a (new) // Directive 2009/18/EC - Article 17 – paragraph 1	PECH 17				
Article 1 – paragraph 1 – point 14 – point -a (new) // Directive	PECH 18				

Concerned text	AM n°	Tabled by	Remarks	Rapp.	Vote
2009/18/EC - Article 17 – paragraph 3					
<u>Amending powers / Exercise of delegation / Review and implementation</u>					
Articles 20, 20a, 23	CA 6	EPP, S&D, Renew, Greens ECR, The Left	Covering AM 18-22, 55, 56 If adopted, AM 18-22, 55, 56, PECH 19 fall (Go to CA 8)	+	
Article 1 – paragraph 1 – point 17 – introductory part	18	Nagtegaal	Vote en bloc		
Article 1 – paragraph 1 – point 17 // Directive 2009/18/EC – Article 20 – paragraph 1	19	Nagtegaal			
Article 1 – paragraph 1 – point 17 // Directive 2009/18/EC – Article 20 – paragraph 2	20	Nagtegaal			
Article 1 – paragraph 1 – point 17 // Directive 2009/18/EC – Article 20 – paragraph 3	21	Nagtegaal			
Article 1 – paragraph 1 – point 17 a (new) // Directive 2009/18/EC – Article 20 a (new)	22	Nagtegaal			
Article 1 – paragraph 1 – point 17 // Directive 2009/18/EC – Article 20 – paragraph 5 a (new)	55	Delli	Falls if AM 18 adopted		
Article 1 – paragraph 1 – point 18 // Directive 2009/18/EC – Article 23 – paragraph 1 – subparagraph 1	56	Adamowicz, Marinescu, Vozemberg-Vrionidi	Falls if AM 55 adopted		
Article 1 – paragraph 1 – point 18 // Directive	PECH 19				

Concerned text	AM n°	Tabled by	Remarks	Rapp.	Vote
2009/18/EC - Article 23 – paragraph 1					
Marine casualties or incident notification data					
Annex II	CA 8	EPP, S&D, Renew, Greens ECR, The Left	Covering AM 57-59 If adopted, AM 57-59 fall (Go to AM 60/61/62)	+	
Article 1 – paragraph 1 – point 19 a (new) // Directive 2009/18/EC – Annex II – point 30 a (new)	57	Delli	Identical		
	58	Tax			
	59	Karleskind, Oetjen			
Article 1 – paragraph 1 – point 19 a (new) // Directive 2009/18/EC – Annex II – point 30 b (new)	60	Delli	Identical (next vote CA 7)	-	
	61	Tax			
	62	Karleskind, Oetjen			
Recitals					
Recitals 2, 2a, 7, 10a, 10b, 11, 12, 13a, 14, 14a, 15, 16a	CA 7	EPP, S&D, Renew, Greens ECR, The Left	Covering AM 1-3, 23-38 If adopted, AM 1-3, 23-38, PECH 1 fall (Go to Final Vote)	+	
Recital 2	23	Tax, Vind, Van Brempt, Muñoz			
Recital 7	1	Nagtegaal	No vote (adopted/rejected together with AM 4/5/6)		
Recital 7	24	Adamowicz, Marinescu, Vozemberg-Vrionidi	Falls if AM 1 adopted		
Recital 7	25	Delli	Falls if AM 1 adopted		
Recital 7	26	Tax, Vind, Van Brempt, Muñoz			
Recital 7	PECH 1				
Recital 10 a (new)	27	Delli			
Recital 10 b (new)	28	Delli			

Concerned text	AM n°	Tabled by	Remarks	Rapp.	Vote
Recital 11	29	Tax, Vind, Van Brempt, Muñoz, Cutajar			
Recital 11	30	Adamowicz, Marinescu, Vozemberg-Vrionidi			
Recital 11	31	Monteiro de Aguiar			
Recital 12	32	Tax, Van Brempt, Vind, Muñoz			
	2	Nagtegaal	Falls if AM 32 adopted		
	33	Monteiro de Aguiar	Falls if AM 32 or 2 adopted		
	35	Delli	Falls if AM 32 or 2 adopted		
	34	Adamowicz, Marinescu, Vozemberg-Vrionidi	Falls if AM 32 or 2 adopted		
Recital 13 a (new)	36	Tax, Vind, Van Brempt, Muñoz			
Recital 14 a (new)	3	Nagtegaal	No vote (adopted/rejected together with AM 18-22)		
Recital 15	37	Adamowicz, Marinescu, Vozemberg-Vrionidi	No vote (adopted/rejected together with AM 56)		
Recital 16 a (new)	38	Karleskind			
Final vote – Draft as amended (Roll-call vote)					
Vote on mandate – Inter-institutional negotiations (Roll-call vote; Required majority: 25)					



2023/0164(COD)

27.11.2023

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Compromise Amendments

final version

on the proposal for a directive of the European Parliament and of the Council 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**

(COM(2023)0270 – C9-0189/2023 – 2023/0164(COD))

Committee on Transport and Tourism

Rapporteur: Caroline Nagtegaal

Compromise amendment 1

Concerned text: Article 2

Supported by: EPP, S&D, RE, Greens, ECR, The Left

Replacing: AMs 4, 39

Article 2 ***Scope = COM proposal***

1. This Directive shall apply to marine casualties and incidents that:
 - (a) involve ships flying the flag of one of the Member States;
 - (b) occur within Member States' territorial sea and internal waters as defined in UNCLOS; or
 - (c) involve other substantial interests of the Member States.
2. This Directive shall not apply to marine casualties and incidents involving only:
 - (a) ships of war and troop ships and other ships owned or operated by a Member State and used only on government non-commercial service;
 - (b) ships not propelled by mechanical means, wooden ships of primitive build, pleasure yachts and pleasure craft unless they are used for commercial purposes;
 - (c) inland waterway vessels operating in inland waterways;
 - (e) fixed offshore drilling units.

Compromise amendment 2

Concerned text: Article 5

Supported by: EPP, S&D, RE, Greens, ECR, The Left

Replacing: AMs 5-8 and 40-50

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 ***without delay and no later than one month after its occurrence***, 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 very serious marine casualties 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) ***without delay and no later than one month after its occurrence***.

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 ***adopt implementing acts to adapt*** the guidelines for the purposes of this Directive, taking into account any relevant lessons drawn from safety investigations. ***Those implementing acts shall be adopted*** in accordance with the ***examination*** procedure referred to in Article 19.

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, particular consideration shall be given to the involvement and relevance **to the activity being undertaken, including for all kind of cargo**, of the ship’s structure, **the general condition of the vessel, its seaworthiness, its safety compliance, its equipment, its procedures, the working conditions of its crew and the ship management**.

7. A safety investigation shall be started without delay after the marine casualty or incident occurs and, in any event, no later than **one month** after its occurrence.

7 a. The investigation authority shall make every effort to conclude an investigation within 12 months of the date of the marine casualty or incident. If the investigation cannot be concluded within 12 months, and until it is concluded, the investigation authority shall publish a report at least every year on the anniversary of the date of the marine casualty or incident, detailing the progress of the investigation and any safety issues raised.

8. If in the course of a marine safety investigation it becomes known or is suspected 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 are informed.

Compromise amendment 3

Concerned text: Article 7

Supported by: EPP, S&D, RE, Greens, ECR, The Left

Replacing: AMs 9, 10

Article 7

Leading of, and participation in, safety investigations

1. In principle, each marine casualty or incident shall be subject to only one investigation carried out by a Member State or a lead investigating Member State with the participation of any other substantially interested Member State.

In cases of safety investigations involving two or more Member States, the Member States concerned shall therefore cooperate with a view to rapidly agreeing which of them is to be the lead investigating Member State. They shall make every effort to agree on the procedures to investigate. In the framework of this agreement, other substantially interested States shall have equal rights and access to witnesses and evidence as the Member State conducting the safety investigation. They shall also have the right to see their point of view taken into consideration by the lead investigating Member State.

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 information gathered in the course of their respective investigations ***in a timely manner***, in particular in order to reach, as far as possible, shared conclusions.

Member States shall abstain from any measure which could unduly preclude, suspend or delay the conduct of a safety investigation falling within the scope of this Directive.

1a. During the conduct of the marine safety investigation, substantially interested States should assist to the extent practical, the marine safety investigating Member State(s) with access to information for the marine safety investigation. The investigator or investigators carrying out a marine safety investigation should also be granted access to Government surveyors, coastguard officers, ship traffic service operators, pilots and other marine personnel of the substantially interested State.

2. Notwithstanding paragraph 1, each Member State shall remain responsible for the safety investigation and coordination with other substantially interested Member States until such time as it is mutually agreed which of them is to be the lead investigating State.

3. Without prejudice to its obligations under this Directive and international law, a Member State may, on a case-by-case basis, delegate by mutual agreement to another Member State the task of leading a safety investigation or specific tasks for the conduct of such an investigation.

4. When a ro-ro ferry or high-speed passenger craft is involved in a marine casualty or incident, the safety investigation procedure shall be launched by the Member State in whose territorial sea or internal waters as defined in UNCLOS the accident or incident occurs or, if occurring in other waters, by the last Member State visited by that ferry or craft. That State shall remain responsible for the safety investigation and coordination with other substantially interested Member States until it is mutually agreed which of them is to be the lead investigating State.

Agence Europe

Compromise amendment 4

Concerned text: Article 8

Supported by: EPP, S&D, RE, Greens, ECR, The Left

Replacing: AMs 11-14, 51, 52

Article 8 ***Marine safety investigation authorities***

1. Member States shall ensure that marine safety investigations are conducted under the responsibility of an impartial, 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 marine safety investigations into marine casualties and marine incidents.

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 ***and in order to avoid any conflict of interests***, 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 ***shall*** be extended to ***include*** the gathering and analysis, ***and processing***, 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 ***and technological means*** 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 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 [date of transposition] each Member State shall develop, implement and maintain a quality management system for its investigation authority. Such quality management system shall be certified in accordance with the applicable international quality standards.

7a At the request of the responsible national authorities, the Commission and the European Maritime Safety Agency (EMSA) shall assist the responsible national authorities, in accordance with Article 17a(2.; Furthermore, both the Commission and EMSA shall assist accident investigation authorities in the implementation of harmonised EU wide quality management systems and their systematic application.

Compromise amendment 5

Concerned text: Articles 17, 17a

Supported by: EPP, S&D, RE, Greens, ECR, The Left

Replacing: AMs 15-17, 53, 54

Article 17 European database for marine casualties

1. Data on marine casualties and incidents shall be stored and analysed by means of a European electronic database to be set up by the Commission, which shall be known as the European Marine Casualty Information Platform (EMCIP).
2. Member States shall notify the Commission of the entitled authorities that will have access to the database.
 - 2a. Member States shall notify the Commission on 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
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 also report thereon to EMCIP.
4. The Commission and the Member States shall develop the database scheme and a method for the notification of data within the appropriate timescale.

Article 17a Training and operational support

1. The Commission **and the European Maritime Safety Agency (EMSA)** shall facilitate the development of capacities as well as the sharing of knowledge within and between the investigation authorities through the provision of **regular training sessions and certifications** 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 **and EMSA** shall provide operational **and technological** support to these Member States in the conduct of their safety investigations. Such support include the provision of specialised analytical tools or equipment, as well as expertise.
 - 2a. **The Commission shall provide EMSA with the necessary and sufficient means to organise dedicated training to investigation authorities on the use of investigative technologies, equipment and on new technologies related to safety aspects of digitalisation and sustainable developments in maritime transport.**

Compromise amendment 6

Concerned text: Articles 20, 20a (new), 23

Supported by: EPP, S&D, RE, Greens, ECR, The Left

Replacing: AMs 18-22, 55, 56

Article 20 Amending powers

The Commission ***shall adopt delegated acts in accordance with Article 20a to amend non-essential elements of this Directive by updating the definitions and Annexes in order to align them with changes to the relevant IMO instruments, as well as to update the references made to the relevant IMO instruments*** which have entered into force, subject to observance of the limits of this Directive.

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.

Article 20a Exercise of the delegation

- 1. The power to adopt delegated acts is conferred on the Commission subject to the conditions laid down in this Article.***
- 2. The power to adopt delegated acts referred to in Article 20 shall be conferred on the Commission for an indeterminate period of time from [date of entry into force].***
- 3. The delegation of power referred to in Article 20 may be revoked at any time by the European Parliament or by the Council. A decision to revoke shall put an end to the delegation of the power specified in that decision. It shall take effect the day following the publication of the decision in the Official Journal of the European Union or at a later date specified therein. It shall not affect the validity of any delegated acts already in force.***
- 4. Before adopting a delegated act, the Commission shall consult experts designated by each Member State in accordance with the principles laid down in the Interinstitutional Agreement on Better Law Making of 13 April 2016.***
- 5. As soon as it adopts a delegated act, the Commission shall notify it simultaneously to the European Parliament and to the Council.***
- 6. A delegated act adopted pursuant to Article 20 shall enter into force only if no objection has been expressed either by the European Parliament or by the Council within a period of two months of notification of that act to the European Parliament and the Council or if, before the expiry of that period, the European***

Parliament and the Council have both informed the Commission that they will not object. That period shall be extended by two months at the initiative of the European Parliament or of the Council.

Article 23
Review and implementation

The Commission shall by [OP: Please insert a date: ***five*** ~~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, ***and, if necessary, propose further measures in the light of the recommendations set out therein, taking into consideration the possibility for mandatory accident investigation for fishing vessels below 15 meters to be included in the scope of this Directive,***

Compromise amendment 7

Concerned text: Recitals 2, 7, 10a (new), 10b (new), 10c (new), 11, 12, 13a (new) 14, 14a (new), 15

Supported by: EPP, S&D, RE, Greens, ECR, The Left

Replacing: AMs 1-3, 23-38

(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.

(2a) In this regard, the Union, in line with its international commitments related to climate change, should continue exerting its leadership in a sector regulated both at European and international level.

(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 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, ***without creating additional obligations for national authorities to start such a safety investigation. This measure is expected to have a significant positive impact on the number of lives saved at sea and injuries avoided, protecting in particular the lives and health of European fishers.***

(10 a) It is important to highlight that, whilst seafarers, fishers and port workers play a critical role in the management and implementation of safe operations, lessons learned from accidents involving them still have to be implemented. The transparency of accident investigation process should therefore be further developed in collaboration with the industry and social partners.

(10 b) In addition to the measures provided for by this Directive, further initiatives should be considered in order to deal with working conditions and fatigue since incidents including seafarers, fishers and port workers can lead to maritime accidents and loss of lives.

(10 c) Consideration should be given to the working and living conditions of the crew in case of accidents, whether the accident is related to human factors. Whenever necessary, investigators should check whether the crew's working conditions, in particular working and rest times, might have been the cause of the accident in question, in line with the relevant IMO and ILO legislation.

(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). **Furthermore, cooperation and mutual assistance between Member States in safety investigations should continue to be encouraged and supported, particularly in view of new maritime safety challenges and the need to report compliance with environmental, social, public health and labour law standards, safety on board ships calling at EU ports for both seafarers and dockworkers, with a special focus on the needs for female workers.**

(12) In light of what has been stated, EMSA should organise **regular training sessions and certification programmes** on specific techniques and on new developments and technologies which can be relevant for accident **investigations** in the future. **New technology can play a role in the decarbonisation of the industry but the way vessels and crews interact with technology can also be a factor in new unknown types of incidents.** Such training should focus, among others, on renewable and low carbon fuels, which are particularly relevant in view of the "Fit for 55 package", automation **and autonomous shipping**, as well as on the General Data Protection Regulation (GDPR) rules. **This will contribute to the collection of more complete data on accidents and injuries aboard those vessels and to improving the health and safety of the seafarers and fishermen working on them.**

(13 a new) The Commission and EMSA should explore the possibility and cost-benefit of developing and operating advanced track and trace systems for containers, with the goal to locate and limit container loss at sea.

14. In order to ensure uniform conditions for the implementation of the provisions of this Directive regarding **the adaptation of the IMO Guidelines to assist investigators in the implementation of the Casualty Investigation Code**, 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 ⁽²⁴⁾.

(14a) In order to ensure that this Directive continues to be up-to-date, the power to adopt acts in accordance with Article 290 of the Treaty on the Functioning of the European Union should be delegated to the Commission in respect of amending non-essential elements of this Directive by updating the definitions and Annexes in order to align them with changes to the relevant IMO instruments, as well as to update the references made to the relevant IMO instruments. It is of particular importance that the Commission carry out appropriate consultations during its preparatory work, including at expert level, and that those consultations be conducted in accordance with the principles laid down in the Interinstitutional Agreement of 13 April 2016 on Better Law-Making*. In particular, to ensure equal participation in the preparation of delegated acts, the European Parliament and the Council receive all documents at the same time as Member States' experts, and their experts systematically have access to meetings of Commission expert groups dealing with the preparation of delegated acts.

(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 [**five** years after its date of entry into force referred to in Article 23)], report to the European Parliament and the Council, **and, if necessary, propose further measures in the light of the recommendations set out therein.** Member States should **closely** cooperate with the Commission to gather all the information necessary for the evaluation.

Compromise amendment 8

Concerned text: Annex II point 30 a (new)

Supported by: EPP, S&D, RE, Greens, ECR, The Left

Replacing: AMs 57-59

In Annex II, point 30 a is added:

30a. Container lost at sea