



Council of the
European Union

Brussels, 18 January 2024
(OR. en)

**Interinstitutional File:
2023/0164(COD)**

16966/1/23
REV 1

LIMITE

TRANS 613
MAR 175
IA 370
CODEC 2544
OMI 100
PECHE 618

NOTE

From:	General Secretariat of the Council
To:	Delegations
No. Cion doc.:	10115/23
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 – 4 column document

In view of the Shipping Working Party on 22 January 2024, delegations will find in Annex I a non-paper by the Presidency reflecting the outcome of the technical meetings with the European Parliament representatives on 11 and 17 January 2024. After a brief summary of the main discussion points, the Presidency proposes a way forward, and asks delegations for guidance on these issues.

In the revised four-column document (Annex II), cells with green highlight indicate that the EP agreed the Council approach.

INTRODUCTION

1. Technical exchanges between the Council and the European Parliament (EP) took place on 11 and 17 January. Both institutions presented the respective changes made to the initial Commission proposal, as well as the reasoning behind these changes.

MAIN OUTCOMES

2. The Parliament agreed to mark in green the cells with identical wording (category A in document 16966/23): 1, 3, 4, 5, 6, 7, 8, 9, 10, 12, 16, 27, 28, 29, 30, 31, 33, 36, 37, 38, 39, 40, 43, 44, 45, 46, 47, 48, 49, 50, 51, 55, 56, 57, 58, 60, 61, 62, 63, 64, 65, 66, 67, 69, 70, 71, 74, 80, 81, 82, 83, 84, 85, 87, 89, 90, 91, 93, 99, 101, 103, 104, 106, 107, 113, 114, 116, 117, 120, 123, 124, 125, 129, 130, 132, 134, 136, 139, 142, 143, 146, 147, 148, 149, 152, 153, 154, 158, 160, 161, 162, 163, 164, 165, 166, 167, 168, 169, 170.
3. The Parliament also agreed to the Council text which included only minor editorial and technical changes (categories A and B in document 16966/23): 2, 11, 13, 14, 15, 17a, 18, 19, 20, 22a, 26, 32, 34, 35, 41, 42, 52, 53, 54, 68, 75, 88a, 92, 94, 96, 97, 100, 102, 105, 108, 109, 115, 118, 119, 121, 122, 122d-e, 128, 133, 135, 138, 140, 141, 157.
4. The discussions then focused on the following topics:
 - Line 79 - deletion of ‘is suspected’ and addition of ‘taking into account national law’: the European Parliament is concerned about the deletion, as the text would now be different from the wording in the IMO Casualty Investigation Code; moreover, according to their reading of the text, the obligation to inform maritime security authorities is operational only if the accident investigation body determines that an offence has been committed or suspects that an offence has been committed. Consequently, if they do not even suspect that an offence has been committed, then the obligation does not exist. The wording also gives a certain flexibility, as in some legal systems the final determination of whether or not

a specific action (or omission) constitutes an offence is done by a Court – until then, there is only a ‘suspicion’ that an offence has been committed.

The EP also suggested to move to the end of the sentence the part on ‘taking into account national law’. This way, it would be clear that national law could not cancel the obligation to ‘immediately inform’ but would only set out the modalities of such a notification process.

- Line 151 – the conformity check – The EP shares the opinion of the Commission (COM) that such a provision would be useful and necessary to ensure that a potential reduction in the level of ambition of international rules would not automatically apply in the EU. As such a provision was already included in other pieces of maritime legislation, the EP does not consider this to be politically problematic. In view of the interest shown by the public with respect to the circumstances and causes of certain maritime accidents, it would be difficult to accept a potential reduction in the quality of the investigations conducted in the Union as being determined by a ‘downward alignment’ to international rules. Such a ‘conformity check clause’ should therefore be maintained.
- Line 59 - ‘30/15 days’ and the addition of ‘if the information is available’ – the EP finds it very difficult to accept that the inherent differences between transport modes (more specifically between aviation and maritime transport) are so significant that they would justify a different legal regime in respect to these limits. Moreover, they consider that the Council addition (‘if the information is available’) offers sufficient safeguards to national investigation bodies and ensures that there is no excessive administrative burden. It could therefore accept this addition, but strongly insists on having a similar time limit as in other transport modes: 30 days.
- Lines 72, 73, 78, 78a and 127 – In its final report (text in the 2nd column of the 4 column document) the EP has proposed to introduce a time limit for the preliminary assessment (1 month), shorten the deadline for starting investigations and introduce supplementary obligations for accident investigation bodies to present yearly interim reports (as long as the investigation is not completed). The Presidency argued that these proposals concern elements of the current directive that did not seem to raise difficulties in implementation,

according to the data gathered by the Commission. However, the EP considers that, in the event of complex and difficult investigations, which cannot be finalised within one year, it would be important for the general public (and particularly victims or their relatives) to have access to such interim reports; this would also help accident investigation authorities to present and explain the progress that is achieved (and which is not visible in the absence of such interim reports).

- Lines 23, 110, 110a - quality management systems – the EP insists on maintaining the COM proposal on this point and sees it as being linked to similar provisions concerning QMS in the flag and port State proposals. During the discussions, COM suggested, as a possible way forward, to replace requirements concerning certification of QMS with a system by which Member States’ national investigations bodies would be supported in the implementation of QMS by guidance provided at European level through the *permanent cooperation framework*.
- Lines 24a, 128a, 140b, 150a and 151a-h - delegated acts – the EP and Council texts are largely similar on substance, with one difference: the EP also proposes that COM can use the DA procedure to amend the definitions (Article 3), and not only the annexes. However, this is limited to updating definitions ‘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’. We do note that the definitions in Article 3, points (3) and (4) make static references to IMO instruments that may change in the future.
- Lines 24 and 76 – adaptation of the IMO guidelines – the EP introduced here a clear mandate for COM to adapt the *IMO guidelines to assist investigators in the implementation of the Casualty Investigation Code* via implementing acts. It also showed reservations to the CONS approach to change the mandate for COM from the possibility to ‘*adapt the (IMO) guidelines*’ mentioned above and simply ask COM to put forward recommendations for the implementation of these guidelines. The EP considers that this is creating a risk that accident investigation bodies in the Union would have a substantially different approach in the implementation of the guidelines.

- Line 159 – transposition – at this stage, the EP insisted on keeping the 1-year transposition period proposed by COM, despite the extensive argumentation provided by the Presidency on the significant workload that is incumbent on MS authorities to transpose in parallel no less than four directives which touch on several pieces of national legislation.

CONCLUSION AND WAY FORWARD

5. Following these discussions, the Presidency identified possible compromises that could be explored on the main points above and would like to invite delegations to indicate whether they can provide flexibility as regards the following:
 - a) Line 79 – reinstating ‘is suspected’ and moving the wording ‘taking into account national law’ to the end of the sentence.
 - b) Line 151 – reinstating the conformity check clause
 - c) Line 59 – reinstating the 30 days time-limit, while keeping the addition: ‘if the information is available’
 - d) Lines 72, 73, 78, 78a and 127 – agreeing to a 2 month deadline for the preliminary assessment in line 72 (which would in any case be operational, since the deadline to start the investigation is 2 months – so, the preliminary assessment cannot take more than 2 months anyway), and changing the wording in line 127 to replace ‘within 12 months’ with ‘every 12 months’, therefore extending the obligation to provide interim reports not only after one year, but on a yearly basis (if the investigations takes that long – which, in any case, would be rather exceptional). All the other changes proposed by the EP in lines 73, 78, 78a would then be rejected.
 - e) Lines 23, 110, 110a – agreeing to an obligation for MS to implement quality management systems, but without the requirement that such QMS would have to be certified. This would limit the administrative burden for MS.
 - f) Line 159 – transposition – could Member States accept a 3 years transposition deadline (which would then be similar for all directives in this package)?

PUBLIC

**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)
2023/0164(COD)**

	Commission Proposal	EP Mandate	Council Mandate	PCY suggestions/comments
Formula				
1	2023/0164 (COD)	2023/0164 (COD)	2023/0164 (COD)	A - identical
Proposal Title				
2	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)	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)	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 and repealing Commission Regulation (EU) No 1286/2011 (Text with EEA relevance)	B <i>In line with row 157.</i> Ok Cons text.
Formula				

	Commission Proposal	EP Mandate	Council Mandate	PCY suggestions/comments
3	THE EUROPEAN PARLIAMENT AND THE COUNCIL OF THE EUROPEAN UNION,	THE EUROPEAN PARLIAMENT AND THE COUNCIL OF THE EUROPEAN UNION,	THE EUROPEAN PARLIAMENT AND THE COUNCIL OF THE EUROPEAN UNION,	<i>A - identical</i>
Citation 1				
4	Having regard to the Treaty on the Functioning of the European Union, and in particular Article 100(2) thereof,	Having regard to the Treaty on the Functioning of the European Union, and in particular Article 100(2) thereof,	Having regard to the Treaty on the Functioning of the European Union, and in particular Article 100(2) thereof,	<i>A - identical</i>
Citation 2				
5	Having regard to the proposal from the European Commission,	Having regard to the proposal from the European Commission,	Having regard to the proposal from the European Commission,	<i>A - identical</i>
Citation 3				
6	After transmission of the draft legislative act to the national parliaments,	After transmission of the draft legislative act to the national parliaments,	After transmission of the draft legislative act to the national parliaments,	<i>A - identical</i>
Citation 4				
7	Having regard to the opinion of the European Economic and Social Committee ¹ , <small>1. OJ C , , p. .</small>	Having regard to the opinion of the European Economic and Social Committee ¹ , <small>1. OJ C , , p. .</small>	Having regard to the opinion of the European Economic and Social Committee ¹ , <small>1. OJ C , , p. .</small>	<i>A - identical</i>

	Commission Proposal	EP Mandate	Council Mandate	PCY suggestions/comments
Citation 5				
8	Having regard to the opinion of the Committee of the Regions ¹ , <u>1. OJ C , , p. .</u>	Having regard to the opinion of the Committee of the Regions ¹ , <u>1. OJ C , , p. .</u>	Having regard to the opinion of the Committee of the Regions ¹ , <u>1. OJ C , , p. .</u>	After consulting the Committee of the Regions,
Citation 6				
9	Acting in accordance with the ordinary legislative procedure,	Acting in accordance with the ordinary legislative procedure,	Acting in accordance with the ordinary legislative procedure,	<i>A - identical</i>
Formula				
10	Whereas:	Whereas:	Whereas:	<i>A - identical</i>
Recital 1				
11	(1) Directive 2009/18/EC of the European Parliament and of the Council ¹ 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	(1) Directive 2009/18/EC of the European Parliament and of the Council ¹ 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	(1) Directive 2009/18/EC of the European Parliament and of the Council ¹ 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	B Ok Cons text.

	Commission Proposal	EP Mandate	Council Mandate	PCY suggestions/comments
	<p>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.</p> <p>1. OJ L 131, 28.5.2009, p. 114</p>	<p>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.</p> <p>1. OJ L 131, 28.5.2009, p. 114</p>	<p>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 in order to learn from the past with a view to preventing future casualties and incidents.</p> <p>1. [1] OJ L 131, 28.5.2009, p. 114</p>	
Recital 2				
12	<p>(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.</p>	<p>(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.</p>	<p>(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.</p>	<i>A - identical</i>
Recital 2a				
AM 1				
12a		<p><u><i>(2a) In this regard, the Union, in line with its international commitments related to climate change, should continue</i></u></p>		<p>In this regard, the Union, in line with its commitments related to climate change protecting the marine environment, should</p>

	Commission Proposal	EP Mandate	Council Mandate	PCY suggestions/comments
		<u><i>exerting its leadership in a sector regulated both at European and international level.</i></u>		continue exerting its leadership in a sector regulated both at European and international level.
Recital 3				
13	(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)).	(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)).	(3) Directive 2009/18/EC refers to a number of legal texts adopted by the International Maritime Organization (IMO) which have been abrogated, amended or revised since its entry into force. For instance, that Directive refers to 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)).	A Ok Cons text.

	Commission Proposal	EP Mandate	Council Mandate	PCY suggestions/comments
Recital 4				
14	(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.	(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.	(4) The IMO Casualty Investigation Code introduces new definitions, such as the definition of ‘marine safety investigation Authority’, while others other concepts are deleted, such as ‘serious casualty’. Those changes should be incorporated into Directive 2009/18/EC.	A Ok Cons text.
Recital 5				
15	(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.	(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.	(5) Directive 2009/18/EC also refers to the 2008 IMO Circular MSC/MEPC. 3/Circ.3 of 2008 MSC-MEPC.Circ.3 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.	A Ok Cons text.
Recital 6				
16	(6) The IMO Guidelines to Assist Investigators in the Implementation of the Casualty	(6) The IMO Guidelines to Assist Investigators in the Implementation of the Casualty	(6) The IMO Guidelines to Assist Investigators in the Implementation of the Casualty	A – identical

	Commission Proposal	EP Mandate	Council Mandate	PCY suggestions/comments
	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.	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.	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.	
Recital 7				
AM 2				
17	(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	(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	(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 neither systematic nor harmonised . Such vessels are more prone to capsizing and it is relatively common for members of the crew falling overboard is relatively common to fall overboard . 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	C 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 neither systematic nor harmonised . Such vessels are more prone to capsizing and it is relatively common for members of the crew falling overboard is relatively common to fall overboard . 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

	Commission Proposal	EP Mandate	Council Mandate	PCY suggestions/comments
	open a safety investigation.	open a safety investigation, <u>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.</u>	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.	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. <i>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.</i>
Recital 7a				
17a			(7a) 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 or engaging in other commercial purposes.	C Ok Cons text.
Recital 8				
18	(8) Some definitions provided in Directive 2009/18/EC are not clear. The definition of the	(8) Some definitions provided in Directive 2009/18/EC are not clear. The definition of the	(8) Some definitions provided in Directive 2009/18/EC are not clear. The definition of the	A Ok Cons text.

	Commission Proposal	EP Mandate	Council Mandate	PCY suggestions/comments
	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.	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.	length of a fishing vessel should be set out especially specified, particularly 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.	
Recital 9				
19	(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.	(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.	(9) The IMO Casualty Investigation Code refers to an event 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 for joint investigations and the gathering of accident and investigation data.	A Ok Cons text.
Recital 10				
20	(10) The IMO Casualty Code provides that when a very	(10) The IMO Casualty Code provides that when a very	(10) The IMO Casualty Investigation Code states Code	A Ok Cons text.

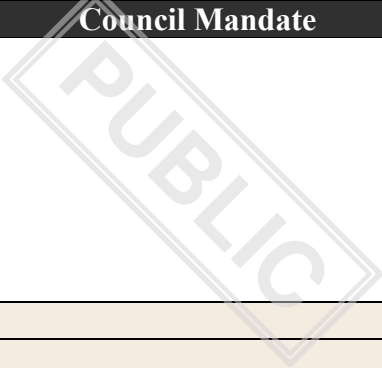
	Commission Proposal	EP Mandate	Council Mandate	PCY suggestions/comments
	<p>serious marine casualty occurs the marine authority is obliged to carry out an investigation. However, there is no guidance on the time within which a death has to take place following the accident so that the death gives rise to a very serious marine casualty and therefore be investigated. Therefore Directive 2009/18/EC should provide such guidance.</p>	<p>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.</p>	<p>provides that when a very serious marine casualty occurs, a the marine authority is obliged to carry out an investigation safety investigation shall be conducted. However, there is no guidance on the time within which a death has to take place following the accident so that for the death gives to give rise to a very serious marine casualty and therefore be investigated requiring investigation. Therefore Directive 2009/18/EC should provide such guidance.</p>	
Recital 10a				
AM 3				
20a		<p><u><i>(10a) 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.</i></u></p>		C

	Commission Proposal	EP Mandate	Council Mandate	PCY suggestions/comments
Recital 10b				
AM 4				
20b		<u><i>(10b) 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.</i></u>		C
Recital 10c				
AM 5				
20c		<u><i>(10c) 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.</i></u>		C

	Commission Proposal	EP Mandate	Council Mandate	PCY suggestions/comments
	Recital 11			
	AM 6			
21	<p>(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).</p>	<p>(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). <u><i>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</i></u></p>	<p>(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 for individual investigation investigations (soft skills), as well as analytical tools and equipment (hardware).</p>	C

	Commission Proposal	EP Mandate	Council Mandate	PCY suggestions/comments
		<u>needs for female workers.</u>		
Recital 12				
AM 7				
22	<p>(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.</p>	<p>(12) In light of what has been stated, EMSA should organise trainings<u>regular training sessions and certification programmes</u> on specific techniques and on new developments and technologies which can be relevant for accident investigation<u>investigations</u> in the future. <u>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.</u> Such training should focus, among others, on renewable and low carbon fuels, which are particularly relevant in view of the “Fit for 55 package”, <u>automation and autonomous shipping</u>and automation, as well as on the General Data Protection Regulation (GDPR) rules. <u>This will contribute to the collection of more complete data on accidents and injuries</u></p>	<p>(12) In light of what has been stated, EMSA should organise trainings<u>training</u> on specific techniques and on new developments and technologies which can<u>that could</u> be relevant for accident investigation in the future. Such training should focus, among others<u>other things</u>, on renewable and low carbon fuels, which are particularly relevant in view<u>the light</u> of the “Fit for 55 package”, and automation, as well as on the General Data Protection Regulation (GDPR) rules.</p>	C

	Commission Proposal	EP Mandate	Council Mandate	PCY suggestions/comments
		<u><i>aboard those vessels and to improving the health and safety of the seafarers and fishermen working on them.</i></u>		
Recital 12a				
22a			(12a) The independence of the marine safety investigations must be ensured under all circumstances and all those involved in these investigations, including companies, institutions or agencies either public or private, should be free from any conflict of interest.	C Ok Cons text.
Recital 13				
23	(13) To improve the quality of accident investigations, the Member States should develop a quality management system (QMS) for the marine safety investigation authorities.	(13) To improve the quality of accident investigations, the Member States should develop a quality management system (QMS) for the marine safety investigation authorities.	(13) To improve the quality of accident investigations, the Member States should develop a quality management system (QMS) for the marine safety investigation authorities. deleted	C
Recital 13a				
AM 8				
23a		<u><i>(13a) The Commission and EMSA should explore the</i></u>		C

	Commission Proposal	EP Mandate	Council Mandate	PCY suggestions/comments
		<p><u>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.</u></p>		
Recital 14				
AM 9				
24	<p>(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 ⁽¹⁾.</p> <p>¹. 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).</p>	<p>(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 <u>adaptation of the IMO Guidelines to assist investigators in the implementation of the Casualty Investigation Code</u>, 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 ⁽¹⁾.</p> <p>¹. 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,</p>	<p>(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 ⁽¹⁾.</p> <p>¹. 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).</p>	C

	Commission Proposal	EP Mandate	Council Mandate	PCY suggestions/comments
		28.2.2011, p. 13).		
Recital 14a				
AM 10				
24a		<p><u><i>(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</i></u></p>	<p>(14a) In order to adapt the Annexes to the evolution of international maritime law related to the investigation of accidents in the maritime transport sector, and to facilitate the knowledge gathering, sharing and reporting, 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 Article 14(4), and Article 17(5) of this Directive. It is of particular importance that the Commission carries 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*. Notably, the Permanent Cooperation Framework established by this</p>	C

	Commission Proposal	EP Mandate	Council Mandate	PCY suggestions/comments
		<u>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.</u>	Directive should be involved in these consultations. 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.	
Recital 15				
AM 11				
25	<p>(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.</p>	<p>(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<u>five</u> years after its date of entry into force referred to in Article 23)]and, report to the European Parliament and the Council, <u>and, if necessary, propose further measures in the light of the recommendations set out therein</u>thereon. Member States</p>	<p>(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 entry into force, as referred to in Article 23<u>ten years after its entry into force, as referred to in Article 23</u>] and report to the European Parliament and the Council thereon. Member States should cooperate with the Commission to gather all the</p>	C

	Commission Proposal	EP Mandate	Council Mandate	PCY suggestions/comments
		should <u>closely</u> cooperate with the Commission to gather all the information necessary for the evaluation.	information necessary for the evaluation.	
Recital 16				
26	(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.	(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.	(16) In accordance with the principle of proportionality, it is necessary and appropriate for the achievement of the basic objective of improving the Since the objectives of this Directive, namely to lay down rules on the investigation of accidents in the maritime transport sector in order to improve maritime safety and the protection of protect 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 cannot be sufficiently achieved by the Member States, but can rather, by reason of the scale and effects of the action, be better achieved at Union level, the Union may adopt measures, in accordance with the principle of subsidiarity as set out in	C Ok Cons text.

	Commission Proposal	EP Mandate	Council Mandate	PCY suggestions/comments
			Article 5(4)5 of the Treaty on European Union. In accordance with the principle of proportionality as set out in that Article, this Directive does not go beyond what is necessary in order to achieve those objectives.	
Recital 17				
27	(17) Directive 2009/18/EC should therefore be amended accordingly,	(17) Directive 2009/18/EC should therefore be amended accordingly,	(17) Directive 2009/18/EC should therefore be amended accordingly,	A – identical
Formula				
28	HAVE ADOPTED THIS DIRECTIVE:	HAVE ADOPTED THIS DIRECTIVE:	HAVE ADOPTED THIS DIRECTIVE:	A – identical
Article 1				
29	Article 1 Amendments to Directive 2009/18/EC	Article 1 Amendments to Directive 2009/18/EC	Article 1 Amendments to Directive 2009/18/EC	A – identical
Article 1, first paragraph				
30	Directive 2009/18/EC is amended as follows:	Directive 2009/18/EC is amended as follows:	Directive 2009/18/EC is amended as follows:	A – identical

	Commission Proposal	EP Mandate	Council Mandate	PCY suggestions/comments
Article 1, first paragraph, point (1)				
31	(1) In Article 1, paragraph 2 is replaced by the following:	(1) In Article 1, paragraph 2 is replaced by the following:	(1) In Article 1, paragraph 2 is replaced by the following:	A – identical
Article 1, first paragraph, point (1), amending provision, numbered paragraph (2)				
32	2. Investigations pursuant to this Directive shall not have the aim of determining liability or apportioning blame. However, Member States shall ensure that the marine safety investigation Authority (hereinafter referred to as the ‘investigation authority’) does not refrain from fully reporting the causes of a marine casualty or incident because fault or liability may be inferred from the findings.	2. Investigations pursuant to this Directive shall not have the aim of determining liability or apportioning blame. However, Member States shall ensure that the marine safety investigation Authority (hereinafter referred to as the ‘investigation authority’) does not refrain from fully reporting the causes of a marine casualty or incident because fault or liability may be inferred from the findings.	2. The purpose of investigations pursuant to this Directive shall not have the aim of determining be to determine liability or apportion blame, so no fault or liability or apportioning blame. However, shall be inferred from the findings of these investigations. Member States shall ensure that the marine safety investigation Authority Authorities (hereinafter referred to as the ‘investigation authority ’) does not refrain authorities’) are not prevented or restricted from fully reporting the causes of a marine casualty or incident because fault or liability may be inferred from the findings.	C Ok Cons text.
Article 1, first paragraph, point (2)				
33				

	Commission Proposal	EP Mandate	Council Mandate	PCY suggestions/comments
	(2) Article 2 (2) is amended as follows	(2) Article 2 (2) is amended as follows	(2) Article 2 (2) is amended as follows	A – identical
Article 1, first paragraph, point (2)(a)				
34	(a) point (b) is replaced by the following:	(a) point (b) is replaced by the following:	(a) point (b) is replaced by the following: (deleted)	C Ok Cons text.
Article 1, first paragraph, point (2)(a), amending provision, numbered paragraph (b)				
35	(b) ships not propelled by mechanical means, wooden ships of primitive build, pleasure yachts and pleasure craft unless they are used for commercial purposes.	(b) ships not propelled by mechanical means, wooden ships of primitive build, pleasure yachts and pleasure craft unless they are used for commercial purposes.	(b) ships not propelled by mechanical means, wooden ships of primitive build, pleasure yachts and pleasure craft unless they are used for commercial purposes. (deleted)	C Ok Cons text.
Article 1, first paragraph, point (2)(b)				
36	(b) Point (d) is deleted	(b) Point (d) is deleted	(b) Point (d) is deleted	A – identical
Article 1, first paragraph, point (3)				
37	(3) Article 3 is replaced by the following:	(3) Article 3 is replaced by the following:	(3) Article 3 is replaced by the following:	A – identical
Article 1, first paragraph, point (3), amending provision, first paragraph				
38				

	Commission Proposal	EP Mandate	Council Mandate	PCY suggestions/comments
	Article 3	Article 3	Article 3	A – identical
Article 1, first paragraph, point (3), amending provision, second paragraph				
39	Definitions	Definitions	Definitions	A – identical
Article 1, first paragraph, point (3), amending provision, third paragraph				
40	For the purposes of this Directive:	For the purposes of this Directive:	For the purposes of this Directive:	A – identical
Article 1, first paragraph, point (3), amending provision, third paragraph, point (1)				
41	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;	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;	1. ‘IMO Casualty Investigation Code’ shall mean the Code of the International Standards and Recommended Practices for a Safety Investigation into a Marine Casualty or Marine Incident annexed in Annex to Resolution MSC.255(84) of the IMO Maritime Safety Committee, in its up-to-date version;	A Ok Cons text.
Article 1, first paragraph, point (3), amending provision, third paragraph, point (2)				
42	2. ‘IMO Guidelines to assist investigators in the	2. ‘IMO Guidelines to assist investigators in the	2. ‘IMO Guidelines to Assist Investigators in the	B Ok Cons text.

	Commission Proposal	EP Mandate	Council Mandate	PCY suggestions/comments
	implementation of the Casualty Investigation Code' shall mean the guidelines adopted in the IMO Assembly by Resolution A.1075(28) on 4 December 2013;	implementation of the Casualty Investigation Code' shall mean the guidelines adopted in the IMO Assembly by Resolution A.1075(28) on 4 December 2013;	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 their up-to-date version;	
Article 1, first paragraph, point (3), amending provision, third paragraph, point (3)				
43	3. the following terms shall be understood in accordance with the definitions contained in the IMO Casualty Investigation Code:	3. the following terms shall be understood in accordance with the definitions contained in the IMO Casualty Investigation Code:	3. the following terms shall be understood in accordance with the definitions contained in the IMO Casualty Investigation Code:	A – identical
Article 1, first paragraph, point (3), amending provision, third paragraph, point (3)(a)				
44	(a) 'marine casualty';	(a) 'marine casualty';	(a) 'marine casualty';	A – identical
Article 1, first paragraph, point (3), amending provision, third paragraph, point (3)(b)				
45	(b) 'very serious marine casualty';	(b) 'very serious marine casualty';	(b) 'very serious marine casualty';	A – identical
Article 1, first paragraph, point (3), amending provision, third paragraph, point (3)(c)				
46	(c) 'marine incident';	(c) 'marine incident';	(c) 'marine incident';	A – identical
Article 1, first paragraph, point (3), amending provision, third paragraph, point (3)(d)				

	Commission Proposal	EP Mandate	Council Mandate	PCY suggestions/comments
47	(d) ‘marine safety investigation’;	(d) ‘marine safety investigation’;	(d) ‘marine safety investigation’;	A – identical
Article 1, first paragraph, point (3), amending provision, third paragraph, point (3)(e)				
48	(e) ‘marine safety investigation Authority’;	(e) ‘marine safety investigation Authority’;	(e) ‘marine safety investigation Authority’;	A – identical
Article 1, first paragraph, point (3), amending provision, third paragraph, point (3)(f)				
49	(f) ‘marine safety investigating State’;	(f) ‘marine safety investigating State’;	(f) ‘marine safety investigating State’;	A – identical
Article 1, first paragraph, point (3), amending provision, third paragraph, point (3)(g)				
50	(g) ‘substantially interested State’;	(g) ‘substantially interested State’;	(g) ‘substantially interested State’;	A – identical
Article 1, first paragraph, point (3), amending provision, third paragraph, point (3)(h)				
51	(h) ‘serious injury’;	(h) ‘serious injury’;	(h) ‘serious injury’;	A – identical
Article 1, first paragraph, point (3), amending provision, third paragraph, point (4)				
52	4. ‘IMO guidelines on the fair treatment of seafarers in the event of a maritime accident’ shall mean the guidelines as annexed to Resolution	4. ‘IMO guidelines on the fair treatment of seafarers in the event of a maritime accident’ shall mean the guidelines as annexed to Resolution	4. ‘IMO Guidelines on the Fair Treatment of Seafarers in the Event of a Maritime Accident’ shall mean the guidelines as annexed Annex to Resolution	A Ok Cons text.

	Commission Proposal	EP Mandate	Council Mandate	PCY suggestions/comments
	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;	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;	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 at its 296th session of 12 to 16 June 2006;	
Article 1, first paragraph, point (3), amending provision, third paragraph, point (5)				
53	<p>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) 2017/2110¹;</p> <p>1. 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).</p>	<p>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) 2017/2110¹;</p> <p>1. 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).</p>	<p>5. the terms ‘ro-ro ferrypassenger ship’ and ‘high-speed passenger craft’ shall be understood in accordance with the definitions contained in Article 2 of Directive (EU) 2017/2110¹;</p> <p>1. 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).</p>	B Ok Cons text.
Article 1, first paragraph, point (3), amending provision, third paragraph, point (6)				
54	<p>6. ‘Voyage data recorder’ (hereinafter referred to as ‘VDR’) shall be understood in accordance with the definition contained in Resolution MSC.333(90) of the IMO</p>	<p>6. ‘Voyage data recorder’ (hereinafter referred to as ‘VDR’) shall be understood in accordance with the definition contained in Resolution MSC.333(90) of the IMO</p>	<p>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</p>	B Ok Cons text.

	Commission Proposal	EP Mandate	Council Mandate	PCY suggestions/comments
	Maritime Safety Committee in its up-to-date version;	Maritime Safety Committee in its up-to-date version;	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 version versions , as supplemented by the relevant IMO performance standards depending on the date of installation on-board, without prejudice to Union legislation;	
Article 1, first paragraph, point (3), amending provision, third paragraph, point (7)				
55	7. 'safety recommendation' shall mean any proposal made, including for the purposes of registration and control, by:	7. 'safety recommendation' shall mean any proposal made, including for the purposes of registration and control, by:	7. 'safety recommendation' shall mean any proposal made, including for the purposes of registration and control, by:	A – identical
Article 1, first paragraph, point (3), amending provision, third paragraph, point (7)(a)				
56	(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,	(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,	(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,	A – identical
Article 1, first paragraph, point (3), amending provision, third paragraph, point (7)(b)				
57	(b) the Commission, acting on the basis of an abstract data	(b) the Commission, acting on the basis of an abstract data	(b) the Commission, acting on the basis of an abstract data	A – identical

	Commission Proposal	EP Mandate	Council Mandate	PCY suggestions/comments
	analysis and the results of safety investigations carried out;	analysis and the results of safety investigations carried out;	analysis and the results of safety investigations carried out;	
Article 1, first paragraph, point (3), amending provision, third paragraph, point (8)				
58	<p>8. ‘length of a fishing vessel’ shall be understood in accordance with the definition contained in Article 2 of Regulation (EU) 2017/1130¹;</p> <p>1. 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)</p>	<p>8. ‘length of a fishing vessel’ shall be understood in accordance with the definition contained in Article 2 of Regulation (EU) 2017/1130¹;</p> <p>1. 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)</p>	<p>8. ‘length of a fishing vessel’ shall be understood in accordance with the definition contained in Article 2 of Regulation (EU) 2017/1130¹;</p> <p>1. 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)</p>	A – identical
Article 1, first paragraph, point (3), amending provision, third paragraph, point (9)				
59	<p>9. ‘fatal injury’ means an injury which is sustained by a person in an accident and which results in his or her death within 30 days of the date of the accident.</p>	<p>9. ‘fatal injury’ means an injury which is sustained by a person in an accident and which results in his or her death within 30 days of the date of the accident.</p>	<p>9. ‘fatal injury’ means an injury which is sustained by a person in an accident, and which results in his or her death within 3015 days of the date of the accident, if the related information is available.</p>	C EP can accept the addition “ if the related information is available ” if the deadline of 30 days is maintained.
Article 1, first paragraph, point (4)				
60	(4) Article 4 is amended as follows:	(4) Article 4 is amended as follows:	(4) Article 4 is amended as follows:	A – identical

	Commission Proposal	EP Mandate	Council Mandate	PCY suggestions/comments
Article 1, first paragraph, point (4)(a)				
61	(a) in paragraph 1, point (a) is replaced by the following:	(a) in paragraph 1, point (a) is replaced by the following:	(a) in paragraph 1, point (a) is replaced by the following:	A – identical
Article 1, first paragraph, point (4)(a), amending provision, numbered paragraph (a)				
62	(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.	(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.	(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.	A – identical
Article 1, first paragraph, point (4)(b)				
63	(b) in paragraph 2, point (b) is replaced by the following:	(b) in paragraph 2, point (b) is replaced by the following:	(b) in paragraph 2, point (b) is replaced by the following:	A – identical
Article 1, first paragraph, point (4)(b), amending provision, numbered paragraph (b)				
64	(b) coordination of the activities of their respective investigation authorities to the extent	(b) coordination of the activities of their respective investigation authorities to the extent	(b) coordination of the activities of their respective investigation authorities to the extent	A – identical

	Commission Proposal	EP Mandate	Council Mandate	PCY suggestions/comments
	necessary to attain the objective of this Directive.	necessary to attain the objective of this Directive.	necessary to attain the objective of this Directive.	
Article 1, first paragraph, point (5)				
65	(5) Article 5 is replaced by the following:	(5) Article 5 is replaced by the following:	(5) Article 5 is replaced by the following:	A – identical
Article 1, first paragraph, point (5), amending provision, first paragraph				
66	Article 5	Article 5	Article 5	A – identical
Article 1, first paragraph, point (5), amending provision, second paragraph				
67	Obligation to investigate	Obligation to investigate	Obligation to investigate	A – identical
Article 1, first paragraph, point (5), amending provision, numbered paragraph (1)				
68	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:	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:	1. Each Member State shall ensure that a safety investigation is carried out by the investigation authority referred to in Article 8 after a very serious marine casualties casualty:	A Ok Cons text.
Article 1, first paragraph, point (5), amending provision, numbered paragraph (1), point (a)				
69				

	Commission Proposal	EP Mandate	Council Mandate	PCY suggestions/comments
	(a) involving a ship flying its flag, irrespective of the location of the casualty;	(a) involving a ship flying its flag, irrespective of the location of the casualty;	(a) involving a ship flying its flag, irrespective of the location of the casualty;	A – identical
Article 1, first paragraph, point (5), amending provision, numbered paragraph (1), point (b)				
70	(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	(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	(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	A – identical
Article 1, first paragraph, point (5), amending provision, numbered paragraph (1), point (c)				
71	(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.	(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.	(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.	A – identical
Article 1, first paragraph, point (5), amending provision, numbered paragraph (2), first subparagraph				
AM 12				
72	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.	2. In the case of a fishing vessel of less than 15 metres in length, the investigation authority shall <u>without delay and no later than one month after its occurrence</u> , carry out a preliminary assessment of the very serious marine casualty to determine	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.	C

	Commission Proposal	EP Mandate	Council Mandate	PCY suggestions/comments
		whether or not to conduct a safety investigation.		
Article 1, first paragraph, point (5), amending provision, numbered paragraph (2), second subparagraph				
AM 13				
73	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).	Where the investigation authority decides not to undertake a safety investigation of a very serious marine casualty <u>casualties</u> 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) <u>without delay and no later than one month after its occurrence</u> .	In cases 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).	C
Article 1, first paragraph, point (5), amending provision, numbered paragraph (3)				
74	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	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	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	A – identical

	Commission Proposal	EP Mandate	Council Mandate	PCY suggestions/comments
	undertake a safety investigation.	undertake a safety investigation.	undertake a safety investigation.	
Article 1, first paragraph, point (5), amending provision, numbered paragraph (4)				
75	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.	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.	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 the manner as appears to in which it believes most conducive to achieving the objective of this Directive, and with a view to preventing future casualties and incidents.	A Ok Cons text.
Article 1, first paragraph, point (5), amending provision, numbered paragraph (5)				
AM 14				
76	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	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	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	C Link with line

	Commission Proposal	EP Mandate	Council Mandate	PCY suggestions/comments
	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.	achieve the aims of the investigation. The Commission may <u>adopt implementing acts to</u> adapt the guidelines for the purposes of this Directive, taking into account any relevant lessons drawn from safety investigations. <u>Those implementing acts shall be adopted</u> in accordance with the <u>examination</u> procedure referred to in Article 19.	professional judgement, to achieve the aims of the investigation. The Commission may adapt the guidelines adopt recommendations for the purposes of this Directive implementation of these guidelines , taking into account any relevant lessons drawn from safety investigations, and after consulting the investigating authorities in connection in accordance with the procedure referred to permanent cooperation framework defined in Article 19 10 .	
Article 1, first paragraph, point (5), amending provision, numbered paragraph (6)				
AM 15				
77	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 of the ship’s structure, equipment, procedures, crew and ship management to the activity	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 <u>to the activity being undertaken, including for all kind of cargo,</u> of the ship’s	6. When deciding if whether 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 is is therefore is is subject to a safety investigation, particular consideration Member States shall, in accordance with their national law, give particular consideration be given to the involvement and	C Ok Cons text, <i>if the following text in yellow is added to Annex I – Section 2. 3:</i> “2.3. Marine casualty or incident information Type of marine casualty or incident, Date and time, Position and location of the marine casualty or incident, External and internal environment,

	Commission Proposal	EP Mandate	Council Mandate	PCY suggestions/comments
	being undertaken.	structure, <u>the general condition of the vessel, its seaworthiness, its safety compliance, its equipment, its procedures, crew and ship management to the activity being undertaken the working conditions of its crew and the ship management.</u>	relevance of the ship's structure, equipment, procedures, crew and ship management in and to the activity being undertaken.	<i>Ship operation and voyage segment, Place on board, For accidents and incidents involving shore or port workers the cargo being carried, Human factors data, Consequences (for people, ship, cargo, environment, other)."</i>
Article 1, first paragraph, point (5), amending provision, numbered paragraph (7)				
AM 16				
78	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.	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 <u>one month</u> after its occurrence.	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.	C
Article 1, first paragraph, point (5), amending provision, numbered paragraph (7a)				
AM 17				
78a		<u>7a. 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</u>		C

	Commission Proposal	EP Mandate	Council Mandate	PCY suggestions/comments
		<u>date of the marine casualty or incident, detailing the progress of the investigation and any safety issues raised.</u>		
Article 1, first paragraph, point (5), amending provision, numbered paragraph (8)				
79	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.	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.	8. If in the course of a marine safety investigation it becomes known or is suspected that an offence is has been committed under Articles 3, 3bis, 3ter or 3quarter of the Convention for the Suppression of Unlawful Acts Against the Safety of Maritime Navigation, 1988, in its up-to-date version , the investigation authority, taking into account national law , shall immediately inform the maritime security authorities of the Member State or Member States and of any third country concerned are informed .	C
Article 1, first paragraph, point (6)				
80	(6) Article 6 is replaced by the following:	(6) Article 6 is replaced by the following:	(6) Article 6 is replaced by the following:	A – identical
Article 1, first paragraph, point (6), amending provision, first paragraph				

	Commission Proposal	EP Mandate	Council Mandate	PCY suggestions/comments
81	Article 6	Article 6	Article 6	A – identical
Article 1, first paragraph, point (6), amending provision, second paragraph				
82	Obligation to notify	Obligation to notify	Obligation to notify	A – identical
Article 1, first paragraph, point (6), amending provision, third paragraph				
83	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.	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.	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.	A – identical
Article 1, first paragraph, point (7)				
84	(7) Article 7 is amended as follows:	(7) Article 7 is amended as follows:	(7) Article 7 is amended as follows:	A – identical
Article 1, first paragraph, point (7)(a)				
85	(a) in paragraph 1, the third subparagraph is replaced by the	(a) in paragraph 1, the third subparagraph is replaced by the	(a) in paragraph 1, the third subparagraph is replaced by the	A – identical

	Commission Proposal	EP Mandate	Council Mandate	PCY suggestions/comments
	following:	following:	following:	
Article 1, first paragraph, point (7)(a), amending provision, first paragraph				
AM 18				
86	<p>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.</p>	<p>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 <i>pertinent</i> information gathered in the course of their respective investigations <u>in a timely manner</u>, in particular in order to reach, as far as possible, shared conclusions.</p>	<p>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.</p>	<p>C 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 <u>in a timely manner</u>, in particular in order to reach, as far as possible, shared conclusions.</p>
Article 1, first paragraph, point (7)(b)				
87	(b) the following paragraph 1a is inserted:	(b) the following paragraph 1a is inserted:	(b) the following paragraph 1a is inserted:	A – identical

	Commission Proposal	EP Mandate	Council Mandate	PCY suggestions/comments
Article 1, first paragraph, point (7)(b), amending provision, numbered paragraph (1a)				
88	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 relevant 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.	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 relevant 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.	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 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, in accordance with its national law .	C 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 may should 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, in accordance with its national law .
Article 1, first paragraph, point (7)(b), amending provision, numbered paragraph (1aa)				
88a			(c) paragraph 4 is replaced by the following:	C Ok Cons text.
Article 1, first paragraph, point (7)(b), amending provision, numbered paragraph (1ab)				
88b			4. When a ro-ro passenger ship or high-speed passenger	C 4. When a ro-ro passenger ship or high-speed passenger craft is

	Commission Proposal	EP Mandate	Council Mandate	PCY suggestions/comments
			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 ro-ro passenger ship. 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.	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 ro-ro passenger ship or high-speed passenger 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.
Article 1, first paragraph, point (8)				
89	(8) Article 8 is replaced by the following:	(8) Article 8 is replaced by the following:	(8) Article 8 is replaced by the following:	<i>A – identical</i>
Article 1, first paragraph, point (8), amending provision, first paragraph				
90	Article 8	Article 8	Article 8	<i>A – identical</i>
Article 1, first paragraph, point (8), amending provision, second paragraph				

	Commission Proposal	EP Mandate	Council Mandate	PCY suggestions/comments
91	Marine safety investigation Authorities	Marine safety investigation Authorities	Marine safety investigation Authorities	A – identical
Article 1, first paragraph, point (8), amending provision, numbered paragraph (1), first subparagraph				
92	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.	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.	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, and 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 comply with their obligations pursuant to this Directive.	C Ok Cons text.
Article 1, first paragraph, point (8), amending provision, numbered paragraph (1), second subparagraph				
93	Neither the appropriate appointment of investigators with necessary specialist skills to form part of a marine safety investigation on a temporary	Neither the appropriate appointment of investigators with necessary specialist skills to form part of a marine safety investigation on a temporary	Neither the appropriate appointment of investigators with necessary specialist skills to form part of a marine safety investigation on a temporary	A – identical

	Commission Proposal	EP Mandate	Council Mandate	PCY suggestions/comments
	basis, nor the use of consultants to provide expert advice on any aspect of a marine safety investigation are precluded.	basis, nor the use of consultants to provide expert advice on any aspect of a marine safety investigation are precluded.	basis, nor the use of consultants to provide expert advice on any aspect of a marine safety investigation are precluded.	
Article 1, first paragraph, point (8), amending provision, numbered paragraph (1), third subparagraph				
AM 19				
94	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.	In order to carry out a safety investigation in an unbiased manner <u>and in order to avoid any conflict of interests</u> , 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.	In order to carry out a safety investigation in an unbiased manner, the marine safety 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.	C Ok Cons text.
Article 1, first paragraph, point (8), amending provision, numbered paragraph (1), fourth subparagraph				
95	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).	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).	Landlocked Member States which have neither ships nor vessels flying their flag will that fall under the scope of this Directive shall identify an independent focal point to cooperate in the safety investigation pursuant to Article 5(1)(c).	C Tbd next technical meeting – no major concerns for the EP
Article 1, first paragraph, point (8), amending provision, numbered paragraph (2)				

	Commission Proposal	EP Mandate	Council Mandate	PCY suggestions/comments
96	<p>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.</p>	<p>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.</p>	<p>2. The marine safety 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 marine safety investigation Authority shall ensure ready access to appropriate expertise, as necessary.</p>	<p>A Ok Cons text.</p>
Article 1, first paragraph, point (8), amending provision, numbered paragraph (3)				
AM 20				
97	<p>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.</p>	<p>3. The activities entrusted to the investigation authority may<u>shall</u> be extended to <u>include</u> the gathering and analysis, <u>and processing</u>, 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.</p>	<p>3. The activities entrusted to the marine safety 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.</p>	<p>C Ok Cons text.</p>
Article 1, first paragraph, point (8), amending provision, numbered paragraph (4)				
AM 21				

	Commission Proposal	EP Mandate	Council Mandate	PCY suggestions/comments
98	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:	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 <u>and technological means</u> pertinent to the conduct of the marine safety investigation and therefore be authorised to:	4. Member States, acting in the framework of their respective legal systems, shall ensure that the investigators of its marine safety investigation Authority, or of any other marine safety 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:	C 4. Member States, acting in the framework of their respective legal systems, shall ensure that the investigators of its marine safety investigation Authority, or of any other marine safety 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 <u>and technological means</u> pertinent to the conduct of the marine safety investigation and therefore be authorised to:
Article 1, first paragraph, point (8), amending provision, numbered paragraph (4), point (a)				
99	(a) have access to any relevant area or casualty site as well as to any ship, wreck or structure including cargo, equipment or debris;	(a) have access to any relevant area or casualty site as well as to any ship, wreck or structure including cargo, equipment or debris;	(a) have access to any relevant area or casualty site as well as to any ship, wreck or structure including cargo, equipment or debris;	A – identical
Article 1, first paragraph, point (8), amending provision, numbered paragraph (4), point (b)				
100	(b) ensure immediate listing of evidence and controlled search for and removal of wreckage,	(b) ensure immediate listing of evidence and controlled search for and removal of wreckage,	(b) ensure the immediate listing of evidence and controlled search for and removal of	A Ok Cons text.

	Commission Proposal	EP Mandate	Council Mandate	PCY suggestions/comments
	debris or other components or substances for examination or analysis;	debris or other components or substances for examination or analysis;	wreckage, debris or other components or substances for examination or analysis;	
Article 1, first paragraph, point (8), amending provision, numbered paragraph (4), point (c)				
101	(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;	(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;	(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;	A – identical
Article 1, first paragraph, point (8), amending provision, numbered paragraph (4), point (d)				
102	(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;	(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;	(d) have free access to, and be able 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;	B Ok Cons text.
Article 1, first paragraph, point (8), amending provision, numbered paragraph (4), point (e)				
103	(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;	(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;	(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;	A – identical

	Commission Proposal	EP Mandate	Council Mandate	PCY suggestions/comments
Article 1, first paragraph, point (8), amending provision, numbered paragraph (4), point (f)				
104	(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;	(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;	(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;	A – identical
Article 1, first paragraph, point (8), amending provision, numbered paragraph (4), point (g)				
105	(g) interview witnesses in the absence of any person whose interests could be considered as hampering the safety investigation;	(g) interview witnesses in the absence of any person whose interests could be considered as hampering the safety investigation;	(g) interview witnesses in the absence of any person whose interests could be considered as hampering detrimental to the safety investigation;	A Ok Cons text.
Article 1, first paragraph, point (8), amending provision, numbered paragraph (4), point (h)				
106	(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;	(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;	(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;	A – identical
Article 1, first paragraph, point (8), amending provision, numbered paragraph (4), point (i)				
107	(i) call for the assistance of the relevant authorities in the	(i) call for the assistance of the relevant authorities in the	(i) call for the assistance of the relevant authorities in the	A – identical

	Commission Proposal	EP Mandate	Council Mandate	PCY suggestions/comments
	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;	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;	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;	
Article 1, first paragraph, point (8), amending provision, numbered paragraph (5)				
108	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.	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.	5. The marine safety 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 marine safety investigators shall be afforded status giving them the necessary guarantees of independence.	A Ok Cons text.
Article 1, first paragraph, point (8), amending provision, numbered paragraph (6)				
109	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.	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.	6. The marine safety 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.	A Ok Cons text.

	Commission Proposal	EP Mandate	Council Mandate	PCY suggestions/comments
Article 1, first paragraph, point (8), amending provision, numbered paragraph (7)				
110	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.	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.	7. By [date of transposition] Each Member State shall shall may 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 marine safety investigation Authority .	C
Article 1, first paragraph, point (8), amending provision, numbered paragraph (7a)				
AM 22				
110a		<u><i>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.;</i> 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.</u>		C

	Commission Proposal	EP Mandate	Council Mandate	PCY suggestions/comments
Article 1, first paragraph, point (9)				
111	(9) in Article 9 point (a) is replaced by the following:	(9) in Article 9 point (a) is replaced by the following:	(9) in Article 9 point (a) is replaced by the following:	C
Article 1, first paragraph, point (9a), amending provision, numbered paragraph (a)				
112	(a) all witness evidence and other statements, accounts and notes taken or received by the investigation authority in the course of the safety investigation;	(a) all witness evidence and other statements, accounts and notes taken or received by the investigation authority in the course of the safety investigation;	(a) all witness evidence and other statements, accounts and notes taken or received by the investigation authority in the course of the safety investigation; (deleted)	C
Article 1, first paragraph, point (9a), amending provision, numbered paragraph (aa)				
112a			Article 9 Confidentiality	C
Article 1, first paragraph, point (9a), amending provision, numbered paragraph (ab)				
112b			1. Without prejudice to Regulation (EU) 2016/679, Member States, acting in the framework of their legal systems, shall ensure that the following records shall not be made available for purposes other than the marine safety investigation, unless the	C

	Commission Proposal	EP Mandate	Council Mandate	PCY suggestions/comments
			competent authority in that Member State determines that there is an overriding public interest in its disclosure, including the cases where it is concluded that the benefits of the disclosure outweigh the adverse domestic and international impact that such action may have on that or any future safety investigation:	
Article 1, first paragraph, point (9a), amending provision, numbered paragraph (ac)				
112c			a) all statements taken from persons by the marine safety investigation Authority in the course of the marine safety investigation;	C
Article 1, first paragraph, point (9a), amending provision, numbered paragraph (ad)				
112d			b) records revealing the identity of persons who have given evidence in the context of the marine safety investigation;	C
Article 1, first paragraph, point (9a), amending provision, numbered paragraph (ae)				
112e			c) information collected by the marine safety investigation	C

	Commission Proposal	EP Mandate	Council Mandate	PCY suggestions/comments
			Authority, which is of a particularly sensitive and personal nature, including information concerning the health of individuals;	
Article 1, first paragraph, point (9a), amending provision, numbered paragraph (af)				
112f			d) material subsequently produced during the course of the marine safety investigation such as notes, drafts, opinions written by the marine safety investigators, opinions expressed in the analysis of information;	C
Article 1, first paragraph, point (9a), amending provision, numbered paragraph (ag)				
112g			e) information and evidence provided by marine safety investigators from other Member States or third countries in accordance with the international standards and recommended practices, where so requested by their marine safety investigation Authority;	C
Article 1, first paragraph, point (9a), amending provision, numbered paragraph (ah)				
112h				C

	Commission Proposal	EP Mandate	Council Mandate	PCY suggestions/comments
			f) draft of interim, concise or final reports;	
Article 1, first paragraph, point (9a), amending provision, numbered paragraph (ai)				
112i			g) all communications between persons having been involved in the operation of the ship;	C
Article 1, first paragraph, point (9a), amending provision, numbered paragraph (aj)				
112j			h) written or electronic recordings and transcriptions of recordings from vessel traffic service, including their reports and results made for internal purposes	C
Article 1, first paragraph, point (9a), amending provision, numbered paragraph (ak)				
112k			2. Voyage data recorder and simplified data voyage recorder recordings from a marine safety investigation shall not be made available or used for purposes other than those of either the marine safety investigation or ship safety, except when such records are anonymised or disclosed under secure	C

	Commission Proposal	EP Mandate	Council Mandate	PCY suggestions/comments
			procedures.	
Article 1, first paragraph, point (9a), amending provision, numbered paragraph (al)				
112l			3. For the purposes referred to in paragraph 1, only data that is strictly necessary may be disclosed.	C
Article 1, first paragraph, point (9a), amending provision, numbered paragraph (am)				
112m			4. Member States may decide to limit the cases in which such a decision of disclosure may be taken, while respecting Union law.	C
Article 1, first paragraph, point (10)				
113	(10) Article 10 is amended as follows:	(10) Article 10 is amended as follows:	(10) Article 10 is amended as follows:	A – identical
Article 1, first paragraph, point (10)(a)				
114	(a) paragraph 1 is replaced by the following:	(a) paragraph 1 is replaced by the following:	(a) paragraph 1 is replaced by the following:	A – identical
Article 1, first paragraph, point (10)(a), amending provision, numbered paragraph (1)				
115				

	Commission Proposal	EP Mandate	Council Mandate	PCY suggestions/comments
	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.	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.	1. Member States shall, in close cooperation with the Commission, establish a permanent cooperation framework enabling their respective marine safety investigation authorities to cooperate among themselves with each other to the extent necessary to attain the objective of this Directive.	A Ok Cons text.
Article 1, first paragraph, point (10)(b)				
116	(b) paragraph 3 is amended as follows:	(b) paragraph 3 is amended as follows:	(b) paragraph 3 is amended as follows:	A – <i>identical</i>
Article 1, first paragraph, point (10)(b)(a)				
117	(a) the introductory paragraph and point (a) are replaced by the following:	(a) the introductory paragraph and point (a) are replaced by the following:	(a) the introductory paragraph and point (a) are replaced by the following:	A – <i>identical</i>
Article 1, first paragraph, point (10)(b)(a), amending provision, numbered paragraph (3)				
118	3. Within the permanent cooperation framework, the investigation authorities in the Member States shall agree, in	3. Within the permanent cooperation framework, the investigation authorities in the Member States shall agree, in	3. Within the permanent cooperation framework, the marine safety investigation authorities in the Member States	B Ok Cons text.

	Commission Proposal	EP Mandate	Council Mandate	PCY suggestions/comments
	particular, upon the best modalities of cooperation in order to:	particular, upon the best modalities of cooperation in order to:	shall agree, in particular, upon the best modalities of cooperation in order to:	
Article 1, first paragraph, point (10)(b)(a), amending provision, numbered paragraph (a)				
119	(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 and other electronic devices.	(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 and other electronic devices.	(a) Enable marine safety 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 Ok Cons text.
Article 1, first paragraph, point (10)(b)(b)				
120	(b) Points (h) and (i) are replaced by the following:	(b) Points (h) and (i) are replaced by the following:	(b) Points (h) and (i) are replaced by the following:	A – <i>identical</i>
Article 1, first paragraph, point (10)(b)(b), amending provision, numbered paragraph (h)				
121	(h) promote cooperation with the investigation authorities of	(h) promote cooperation with the investigation authorities of	(h) promote cooperation with the marine safety investigation	A Ok Cons text.

	Commission Proposal	EP Mandate	Council Mandate	PCY suggestions/comments
	third countries and with the international maritime accidents investigation organisations in the fields covered by this Directive;	third countries and with the international maritime accidents investigation organisations in the fields covered by this Directive;	authorities of third countries and with the international maritime accidents investigation organisations in the fields covered by this Directive;	
Article 1, first paragraph, point (10)(b)(b), amending provision, numbered paragraph (i)				
122	(i) provide investigation authorities conducting safety investigations with any pertinent information.	(i) provide investigation authorities conducting safety investigations with any pertinent information.	(i) provide marine safety investigation authorities conducting marine safety investigations with any pertinent information.	A Ok Cons text.
Article 1, first paragraph, point (10a)				
122a			(10a) Article 12 is amended as follows:	C
Article 1, first paragraph, point (10b)				
122b			(a) Paragraph 3 is replaced by the following:	C
Article 1, first paragraph, point (10c)				
122c			3. The cooperation of a Member State in a marine safety investigation conducted by a substantially interested	C <i>Tbd next technical meeting – no major concerns for the EP</i>

	Commission Proposal	EP Mandate	Council Mandate	PCY suggestions/comments
			<p>third country shall be without prejudice to the conduct and reporting requirements of marine safety investigations under this Directive. Where a substantially interested third country is leading a marine safety investigation involving one or more Member States, Member States may decide not to carry out a parallel marine safety investigation, provided that the marine 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 marine safety investigation authorities of the Member States.</p>	
Article 1, first paragraph, point (10d)				
122d			(10b) In Article 13, point (a) is replaced by the following:	B Ok Cons text.
Article 1, first paragraph, point (10e)				
122e			(a) save all information from charts, logbooks, electronic	B Ok Cons text.

	Commission Proposal	EP Mandate	Council Mandate	PCY suggestions/comments
			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;	
Article 1, first paragraph, point (11)				
123	(11) Article 14 is replaced by the following:	(11) Article 14 is replaced by the following:	(11) Article 14 is replaced by the following:	A – identical
Article 1, first paragraph, point (11), amending provision, first paragraph				
124	Article 14	Article 14	Article 14	A – identical
Article 1, first paragraph, point (11), amending provision, second paragraph				
125	Accident reports	Accident reports	Accident reports	A – identical
Article 1, first paragraph, point (11), amending provision, numbered paragraph (1)				
AM 23				
126	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	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	1. Safety investigations carried out under this Directive shall result in a published accident report presented in a format defined by the competent marine safety investigation	C Ok Cons text, if the following text in yellow is added to Annex I – Section 2. 1: “2.1. Ship particulars Flag/register,

	Commission Proposal	EP Mandate	Council Mandate	PCY suggestions/comments
	the relevant sections of Annex I.	the relevant sections of Annex I. <u>When the report concerns a fishing vessel, it shall also contain information on the type of fisheries it conducted at the time of the accident.</u>	authority and in accordance with the relevant sections of Annex I.	Identification, Main characteristics, Ownership and management, Construction details, Minimum safe manning, Authorised cargo, In relation to fishing vessels the type of fisheries being carried out at the time of the accident.”
Article 1, first paragraph, point (11), amending provision, numbered paragraph (1a)				
126a			Marine safety investigation authorities may decide that a marine safety investigation shall result in a concise report to be published in the case that:	C <i>Tbd next technical meeting – no major concerns for the EP</i>
Article 1, first paragraph, point (11), amending provision, numbered paragraph (1b)				
126b			a) the safety investigation does not concern a very serious marine casualty; or	C <i>Tbd next technical meeting – no major concerns for the EP</i>
Article 1, first paragraph, point (11), amending provision, numbered paragraph (1c)				
126c			b) the marine casualty and the findings of which do not have the potential to lead to the prevention of future casualties and incidents.	C <i>Tbd next technical meeting – no major concerns for the EP</i>

	Commission Proposal	EP Mandate	Council Mandate	PCY suggestions/comments
Article 1, first paragraph, point (11), amending provision, numbered paragraph (2)				
AM 24				
127	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 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.	2. Investigation authorities shall make every effort to make the report referred to in paragraph 1, including its conclusions and any possible recommendations, available, <u>where possible, to the victims of accidents and their close relatives</u> , to the public, and especially to the maritime <u>and fishing</u> sector, within 12 months of the date of the casualty. If 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.	2. Marine safety investigation authorities shall make every effort to make the accident 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 accident report within that time, an interim accident report shall be published within 12 months of the date of the casualty.	C
Article 1, first paragraph, point (11), amending provision, numbered paragraph (3)				
128	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	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	3. The marine safety investigation Authority of the lead investigating Member State shall send a copy of the final or interim report to the Commission. The marine safety investigating authority shall take into account the possible technical observations of the Commission on final reports not	A Ok Cons text.

	Commission Proposal	EP Mandate	Council Mandate	PCY suggestions/comments
	improving the quality of the report in the way most conducive to achieving the objective of this Directive.	improving the quality of the report in the way most conducive to achieving the objective of this Directive.	affecting the substance of the findings for improving the quality of the accident report in the way most conducive to achieving the objective of this Directive.	
Article 1, first paragraph, point (11), amending provision, numbered paragraph (3a)				
128a			4. The Commission is empowered to adopt delegated acts, in accordance with Article 20, in order to amend or supplement the parts related to the factual information, narrative and analysis of Annex I.	C
Article 1, first paragraph, point (12)				
129	(12) Article 15 is amended as follows:	(12) Article 15 is amended as follows:	(12) Article 15 is amended as follows:	A – identical
Article 1, first paragraph, point (12)(a)				
130	(a) paragraph 1 is replaced by the following:	(a) paragraph 1 is replaced by the following:	(a) paragraph 1 is replaced by the following:	A – identical
Article 1, first paragraph, point (12)(a), amending provision, numbered paragraph (1)				
AM 25				

	Commission Proposal	EP Mandate	Council Mandate	PCY suggestions/comments
131	<p>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.</p>	<p>1. Member States shall ensure that safety recommendations made by the investigation authorities are duly taken into account by the addressees, <u>in particular with a view to preventing future accidents</u>, and, where appropriate, are given an adequate follow-up in accordance with Union and international law.</p>	<p>1. Member States shall ensure that safety recommendations made by the marine safety 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.’</p>	<p>C</p> <p>1. Member States shall ensure that safety recommendations made by the marine safety investigation authorities are duly taken into account by the addressees, <u>in particular with a view to preventing future accidents</u>, and, where appropriate, are given an adequate follow-up in accordance with Union and international law.</p>
Article 1, first paragraph, point (12)(b)				
132	<p>(b) paragraph 2 is replaced by the following:</p>	<p>(b) paragraph 2 is replaced by the following:</p>	<p>(b) paragraph 2 is replaced by the following:</p>	A – identical
Article 1, first paragraph, point (12)(b), amending provision, numbered paragraph (2)				
133	<p>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.</p>	<p>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.</p>	<p>2. Where appropriate, aneither a marine safety investigation Authority or the Commission shall make safety recommendations on the basis of an abstract data analysis and of the overall results of marine safety investigations carried out.’</p>	<p>A</p> <p>Ok Cons text.</p>

	Commission Proposal	EP Mandate	Council Mandate	PCY suggestions/comments
Article 1, first paragraph, point (13)				
134	(13) in Article 16, first paragraph is replaced by the following:	(13) in Article 16, first paragraph is replaced by the following:	(13) in Article 16, first paragraph is replaced by the following:	A – identical
Article 1, first paragraph, point (13), amending provision, first paragraph				
135	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.	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.	Without prejudice to its right to give an early alert, the marine safety investigation Authority of a Member State shall, at any stage of a marine 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.	B Ok Cons text.
Article 1, first paragraph, point (14)				
136	(14) Article 17 is amended as follows:	(14) Article 17 is amended as follows:	(14) Article 17 is amended as follows:	A – identical
Article 1, first paragraph, point (14)(a)				
137	(a) The following new	(a) The following new	(a) the following new paragraph	C

	Commission Proposal	EP Mandate	Council Mandate	PCY suggestions/comments
	paragraph 2a is inserted:	paragraph 2a is inserted:	2a-is inserted:	
Article 1, first paragraph, point (14)(a), amending provision, numbered paragraph (2a)				
138	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.	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.	2a. Member States shall notify the Commission on in EMCIP all marine casualties and incidents in accordance with the format in Annex II and, when a marine safety investigation is carried out, provide with data resulting from marine safety investigations in accordance with the EMCIP database scheme. In the case of fishing vessels of less than 15 metres in length only the reporting of very serious marine casualties is required. When very serious marine casualties involving fishing vessels of less than 15 metres are not investigated, the reasons for not doing so must be reported.	C
Article 1, first paragraph, point (14)(b)				
139	(b) paragraph 3 is replaced by the following:	(b) paragraph 3 is replaced by the following:	(b) paragraph 3 is replaced by the following:	A – identical
Article 1, first paragraph, point (14)(b), amending provision, numbered paragraph (3)				

	Commission Proposal	EP Mandate	Council Mandate	PCY suggestions/comments
140	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.	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.	3. The marine safety 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 inform the competent national authorities.	C
Article 1, first paragraph, point (14)(b), amending provision, numbered paragraph (3a)				
140a			(c) the following paragraph is inserted:	C
Article 1, first paragraph, point (14)(b), amending provision, numbered paragraph (3b)				
140b			5. The Commission is empowered to adopt delegated acts in accordance with Article 20 to amend or supplement Annex II, concerning the information to be provided therein in order to take into account the modifications by	C

	Commission Proposal	EP Mandate	Council Mandate	PCY suggestions/comments
			the IMO to the IMO Casualty Investigation Code or to the related IMO Guidelines.	
Article 1, first paragraph, point (15)				
141	(15) the following new Article 17a is inserted:	(15) the following new Article 17a is inserted:	(15) the following new Article 17a is inserted:	A Ok Cons text.
Article 1, first paragraph, point (15), amending provision, first paragraph				
142	Article 17a	Article 17a	Article 17a	A – identical
Article 1, first paragraph, point (15), amending provision, second paragraph				
143	Training and operational support	Training and operational support	Training and operational support	A – identical
Article 1, first paragraph, point (15), amending provision, numbered paragraph (1)				
AM 26				
144	1. 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	1. The Commission <u>and the European Maritime Safety Agency (EMSA)</u> shall facilitate the development of capacities as well as the sharing of knowledge within and between the investigation authorities through the provision of <u>regular sessions and certifications</u> on	1. Upon specific request of the marine safety 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 marine safety investigation authorities through	C

	Commission Proposal	EP Mandate	Council Mandate	PCY suggestions/comments
	technologies relating to ships, their equipment and operations.	new legal and technological developments, specific techniques and tools and technologies relating to ships, their equipment and operations.	the provision of training on new legal and technological developments, specific techniques and tools and technologies relating to ships, their equipment and operations.	
Article 1, first paragraph, point (15), amending provision, numbered paragraph (2)				
AM 27				
145	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 include the provision of specialised analytical tools or equipment, as well as expertise.	2. Upon request of the investigation authorities of the Member States, and assuming that no conflict of interest arises, the Commission <u>and EMSA</u> shall provide operational <u>and technological</u> 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.	2. Upon request of the marine safety 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 marine safety investigations. Such support may include the provision of specialised analytical tools or equipment, as well as specific expertise not commonly needed by marine safety investigation authorities, as long as their independence is ensured.	C
Article 1, first paragraph, point (15), amending provision, numbered paragraph (2a)				
AM 28				
145a		<u>2a. The Commission shall provide EMSA with the</u>		C

	Commission Proposal	EP Mandate	Council Mandate	PCY suggestions/comments
		<u><i>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.</i></u>		
Article 1, first paragraph, point (16)				
146	(16) Article 19 is replaced by the following:	(16) Article 19 is replaced by the following:	(16) Article 19 is replaced by the following:	A – identical
Article 1, first paragraph, point (16), amending provision, first paragraph				
147	Article 19 Committee procedure	Article 19 Committee procedure	Article 19 Committee procedure	A – identical
Article 1, first paragraph, point (16), amending provision, numbered paragraph (1)				
148	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	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	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	A – identical

	Commission Proposal	EP Mandate	Council Mandate	PCY suggestions/comments
	of Regulation (EU) No 182/2011.	of Regulation (EU) No 182/2011.	of Regulation (EU) No 182/2011.	
Article 1, first paragraph, point (16), amending provision, numbered paragraph (2)				
149	2. Where reference is made to this paragraph, Article 5 of Regulation (EU) No 182/2011 shall apply.	2. Where reference is made to this paragraph, Article 5 of Regulation (EU) No 182/2011 shall apply.	2. Where reference is made to this paragraph, Article 5 of Regulation (EU) No 182/2011 shall apply.	A – identical
Article 1, first paragraph, point (17)				
AM 29				
150	(17) in Article 20 the fourth paragraph is replaced by the following:	(17) in Article 20 the fourth paragraph is replaced by the following:	(17) in Article 20 the fourth paragraph is replaced by the following:	C
Article 1, first paragraph, point (17a)				
AM 30				
150a		<u>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</u>		C

	Commission Proposal	EP Mandate	Council Mandate	PCY suggestions/comments
		<i><u>which have entered into force, subject to observance of the limits of this Directive.</u></i>		
Article 1, first paragraph, point (17), amending provision, first paragraph				
151	‘ 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. ’	‘ 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. ’	‘ 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. deleted ’	C
Article 1, first paragraph, point (17a), amending provision, first paragraph a				
AM 33				
151a		<i><u>(17a) the following Article 20a is inserted:</u></i>		C
Article 1, first paragraph, point (17), amending provision, first paragraph a				
151b		<i><u>Article 20a</u></i> <i><u>Exercise of the delegation</u></i>	<i>Article 20</i> Exercise of the delegation	C
Article 1, first paragraph, point (17), amending provision, third paragraph				
151c		<i><u>1. The power to adopt delegated acts is conferred on the Commission subject to the</u></i>	1. The power to adopt delegated acts is conferred on the Commission subject to the	C

	Commission Proposal	EP Mandate	Council Mandate	PCY suggestions/comments
		<u>conditions laid down in this Article.</u>	conditions laid down in this Article.	
Article 1, first paragraph, point (17), amending provision, fourth paragraph				
151d		<u>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].</u>	2. The power to adopt delegated acts referred to in Article 14(4), and Article 17(5) shall be conferred on the Commission for an indeterminate period of time from [date of entry into force of the basic legislative act].	C
Article 1, first paragraph, point (17), amending provision, fifth paragraph				
151e		<u>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.</u>	3. The delegation of power referred to in Article 14(4), and Article 17(5) 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.	C

	Commission Proposal	EP Mandate	Council Mandate	PCY suggestions/comments
Article 1, first paragraph, point (17), amending provision, sixth paragraph				
151f		<u>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.</u>	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 of 13 April 2016 on Better Law-Making.	C
Article 1, first paragraph, point (17), amending provision, seventh paragraph				
151g		<u>5. As soon as it adopts a delegated act, the Commission shall notify it simultaneously to the European Parliament and to the Council.</u>	5. As soon as it adopts a delegated act, the Commission shall notify it simultaneously to the European Parliament and to the Council.	C
Article 1, first paragraph, point (17), amending provision, eighth paragraph				
151h		<u>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</u>	6. A delegated act adopted pursuant to Article 14(4), and Article 17(5) 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	C

	Commission Proposal	EP Mandate	Council Mandate	PCY suggestions/comments
		<u>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.'</u>	Parliament and to 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 1, first paragraph, point (18)				
152	(18) Article 23 is replaced by the following:	(18) Article 23 is replaced by the following:	(18) Article 23 is replaced by the following:	A – identical
Article 1, first paragraph, point (18), amending provision, first paragraph				
153	Article 23	Article 23	Article 23	A – identical
Article 1, first paragraph, point (18), amending provision, second paragraph				
154	Implementation review	Implementation review	Implementation review	A – identical
Article 1, first paragraph, point (18), amending provision, third paragraph				
AM 34				
155	The Commission shall by [OP: Please insert a date: ten years	The Commission shall by [OP: Please insert a date: ten five years	The Commission shall by <i>[OP: Please insert a date: ten years</i>	C

	Commission Proposal	EP Mandate	Council Mandate	PCY suggestions/comments
	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.	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, <u>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</u> this Directive.	from the date of entry into force of this amending Directive] 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.	
Article 1, first paragraph, point (19)				
156	(19) in Article 24, the following paragraph 3 is added:	(19) in Article 24, the following paragraph 3 is added:	(19) in Article 24, the following paragraph 3 is added:	C
Article 1, first paragraph, point (19), amending provision, numbered paragraph (3)				
157	3. Commission Regulation (EU) No 1286/2011 is repealed.	3. Commission Regulation (EU) No 1286/2011 is repealed.	3. Commission Regulation (EU) No 1286/2011 is repealed with effect from the expiry of the transposition period of this Directive as defined in Article 2(1) of the Directive ... [insert the reference to the modifying Directive].	B Ok Cons text.

	Commission Proposal	EP Mandate	Council Mandate	PCY suggestions/comments
Article 1, first paragraph, point (19a)				
AM 35				
157a		<u>(19a) In Annex II, point 30 a is added:</u>		C
Article 1, first paragraph, point (19b)				
157b		<u>(30a) Container lost at sea</u>		C
Article 2				
158	Article 2 Transposition	Article 2 Transposition	Article 2 Transposition	A – identical
Article 2(1), first subparagraph				
159	1. Member States shall adopt and publish, by [OP: Please insert a date: one year from the date of entry into force of this amending Directive] the laws, regulations and administrative provisions necessary to comply with this Directive.	1. Member States shall adopt and publish, by [OP: Please insert a date: one year from the date of entry into force of this amending Directive] the laws, regulations and administrative provisions necessary to comply with this Directive.	1. Member States shall adopt and publish, by [OP: Please insert a date: one year from the date of entry into force of this amending- the laws, regulations and administrative provisions necessary to comply with this Directive] the laws, regulations and administrative provisions necessary to comply with no later than 4 years after the	C

	Commission Proposal	EP Mandate	Council Mandate	PCY suggestions/comments
			entry into force of this Directive.	
Article 2(1), second subparagraph				
160	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.	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.	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.	A – identical
Article 2(2)				
161	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.	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.	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.	A – identical
Article 3				
162	Article 3 Entry into force	Article 3 Entry into force	Article 3 Entry into force	A – identical
Article 3, first paragraph				
163				

	Commission Proposal	EP Mandate	Council Mandate	PCY suggestions/comments
	This Directive shall enter into force on the twentieth day following that of its publication in the Official Journal of the European Union.	This Directive shall enter into force on the twentieth day following that of its publication in the Official Journal of the European Union.	This Directive shall enter into force on the twentieth day following that of its publication in the Official Journal of the European Union.	<i>A – identical</i>
Article 4				
164	Article 4 Addressees	Article 4 Addressees	Article 4 Addressees	<i>A – identical</i>
Article 4, first paragraph				
165	This Directive is addressed to the Member States.	This Directive is addressed to the Member States.	This Directive is addressed to the Member States.	<i>A – identical</i>
Formula				
166	Done at Brussels,	Done at Brussels,	Done at Brussels,	<i>A – identical</i>
Formula				
167	For the European Parliament	For the European Parliament	For the European Parliament	<i>A – identical</i>
Formula				
168	The President	The President	The President	<i>A – identical</i>
Formula				

	Commission Proposal	EP Mandate	Council Mandate	PCY suggestions/comments
169	For the Council	For the Council	For the Council	<i>A – identical</i>
Formula				
170	The President	The President	The President	<i>A – identical</i>