



Council of the European Union
General Secretariat

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

Brussels, 24 January 2024

WK 1051/2024 INIT

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CONTRIBUTION

From:	General Secretariat of the Council
To:	Working Party on Shipping
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 - Comments by Cyprus.

Delegations will find attached comments by Cyprus on the above proposal.

Comments by Cyprus on Proposal for a Directive amending Directive 2009/18/EK establishing the fundamental principles governing the investigation of accidents in the maritime transport sector (4 column document ST 16966/1/23/REV 1, dated 18.1.2024)

Specific Comments

Cyprus notes with appreciation the Presidency's continuous efforts.

Further to the SWP discussions on the 22 Jan. and as regards the Presidency's proposals on :

a) Line 79 – reinstating 'is suspected' and moving the wording 'taking into account national law' to the end of the sentence.

Cyprus, can support the Presidency.

b) Line 151 – reinstating the conformity check clause.

Cyprus strongly supports the General Approach (GA) text and opposes the reinstatement of the conformity check clause. We do not consider that an alignment to IMO international rules can be “downward” and drive to a potential reduction in the quality of the investigation in the Union.

c) Line 59 – reinstating the 30 days time-limit, while keeping the addition: 'if the information is available'.

CY can support the Presidency proposal to reinstate the 30 days' time-limit, in the definition “fatal accident” 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.

Cyprus, considers the Presidency's proposals in lines 72, 73, 78 and 78 a, acceptable. However, Cyprus, sees no added value and therefore cannot support line 127, extending the obligation to provide interim reports every year.

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.

- Cyprus, in principle supports the GA text in Line 110: “Each Member State may develop, implement and maintain a quality management system for its investigation authority. “
- Cyprus can also be flexible for the QMS to be certified; in case it is supported by other MS's.
- Cyprus, agrees that Lines 23 and 110 as proposed by EP are rejected.

f) Line 159 – transposition – could Member States accept a 3 years transposition deadline (which would then be similar for all directives in this package)?

Cyprus strongly supports maintaining the GA text with a 4 year transposition.