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General Secretariat

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MEETING DOCUMENT

From:	General Secretariat of the Council
To:	Working Party on Shipping
N° Cion doc.:	10115/23 + ADD 1-3
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 Latvia

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

**Latvia's written comments on the Proposal for a Directive amending
Directive 2009/18/EC establishing the fundamental principles governing
the investigation of accidents in the maritime transport sector
(doc. 10346/1/23 REV 1)**

Article 8

LV drafting proposal:

Article 8

Marine safety investigation Authorities

~~7. — By [3 years after the date of transposition] each Member State may develop, implement and maintain a quality management system for its investigation authority.~~

Justification:

Latvia opposes the introduction of QMS in the text of the Directive, as Latvia has serious doubts regarding the need to establish the QMS for the Marine safety investigation Authority. In our situation, the investigation of marine casualties and incidents is carried out by an institution within the system of public administration. The Latvian legislation on the public administration authorities in general does not include provisions for compulsory establishment and implementation of QMS. Such requirement for an external third-party service is seen as highly untypical for the public administration nationally. In our opinion it would create additional administrative burden for the Marine safety investigation Authority and may have a negative impact on the direct functions entrusted to this institution given its very compact structure.

We acknowledge that the text proposed in para 7 of Article 8 in document 10346/1/23 REV1 allows each Member State to decide whether to develop, implement and maintain a quality management system for its investigation authority, which would provide an acceptable flexibility. Yet, in accordance with the information provided in the Impact Assessment those Member States which have decided to develop quality management system for their investigation authorities have been able to do that even without specific legislative norms of the Directive. Therefore, it is still not clear why such authorisation need to be included in the Directive. We also have doubts to mention any deadline in the proposed sentence, as it is considerably limiting the available flexibility in time.

For these reasons in our opinion the idea contained in para 7 providing information that “*each Member State may develop, implement and maintain a quality management system for its investigation authority*” would be appropriate only in the form of a general recital, as a compromise, if considered indeed essential.